The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:


I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI, Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

DECISION TO PROSECUTE GUANTANAMO BAY TERRORISTS IN NEW YORK CITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Mr. Speaker, I previously came to the well of the House to voice my disappointment in the then recently announced decision to prosecute certain Gitmo detainees, Gitmo terrorists, in New York City.

NOTICE

If the 111th Congress, 1st Session, adjourns sine die on or before December 23, 2009, a final issue of the Congressional Record for the 111th Congress, 1st Session, will be published on Thursday, December 31, 2009, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2009, and will be delivered on Monday, January 4, 2010.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators’ statements should also be formatted according to the instructions at http://webster/secretary/cong_record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Record@Sec.Senate.gov”.

Members of the House of Representatives’ statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, Chairman.
I return today, Mr. Speaker, to reiterate my concern and disappointment about this ill-advised decision, which, in my opinion, will cause our prosecutorial ship of state to sail directly into the tide of procedural reefs, rocks and shoals. When ships steam near reefs, rocks, collisions and/or groundings become imminent, if not inevitable.

The commanding officer of this ship, President Obama, and his executive officer for this issue, the Attorney General, will bring this ship about, terminate the course now pursued and formulate a better course that will serve good purposes. The present decision, in my opinion, serves no good purpose and is seriously flawed.

My disappointment regarding this matter, Mr. Speaker, is shared by thousands and thousands of New Yorkers specifically and Americans generally. New Yorkers should not be forced to endure 9/11 yet again.

What about the costs that will be inevitably incurred to conduct these prosecutions? Thousands upon thousands of dollars will be spent, thousands upon thousands of dollars we simply do not have.

Mr. Speaker, furthermore, many of us fear that the decision to prosecute in New York City has the trappings of converting the courtroom into a three-ring circus to the detriment of America, public relations-wise. I have earnestly tried to detect something positive about this decision, and I have come up empty time and time again.

I fear President Obama and Attorney General Holder are so rigidly inflexible in defending their decision. This aside, I respectfully urge them to reconsider and reexamine the decision, hopefully reject it and subsequently embrace a policy that is more sound and that will attract more support from the American people.

This is a terrible decision, Mr. Speaker, and I hope it can be rectified.

GLOBAL WARMING

The SPEAKER pro tempore The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this morning, listeners to NPR Marketplace heard the insurance industry dealing with problems of global warming. Extreme weather events, actually, is why they were concerned. That term global warming actually means drought, flood, heat waves, intense storms, breaking seasonal patterns. In my region of the Pacific northwest, it means long, slow trends, like the increase in spring temperatures over the last 70 years, that lead to a significant decline in the snowpack that we rely upon for drinking water and hydropower.

As our professional delegation heads to Copenhagen this week to join with parliamentarians from around the world, we will be able to be involved with a critical discussion on how we are going to meet those challenges. Our delegation is going to be somewhat unique because, while other groups of parliamentarians in other countries are of different parties and disagree on the best solution to deal with climate change and its events, ours, with the possible exception of Saudi Arabia, will be the only one where there are some people who actually question the science and the need for action.

This is unfortunate, because the facts are clear. Even regarding the recent dust up over stolen e-mails of some of the climate scientists, it doesn’t change the scientific consensus that we are involved in a period of significant global warming and that human activity is the cause. Despite some dispute over whether this year is the fourth, fifth or sixth warmest in history, there is no question but that the current decade will be the hottest since we began recording weather.

Even with the consensus on science, there still is a great deal of real controversy in Copenhagen about how we are going to move forward.

I think it’s very important for us to highlight the changing dynamic that is taking shape, because there is a consensus for taking action. The question is in implementation both of speed and scale.

There is good news that the United States no longer missing in action. As the world’s largest economy, the second largest emitter this year and still the leader in the history of the world in total emissions, it’s important that the United States finally joins with the rest of the developed world to deal with this question. It is encouraging that the Obama administration and the new Congress has been acting from the very beginning of this session of Congress with an $80 billion investment in clean energy.

After years of delay, the Obama administration acted on what we passed in the last Congress to increase the long overdue improvement in automobile fuel efficiency. The EPA has finally announced that it is going to follow the law dealing with carbon pollution, as the Bush administration was directed by the Supreme Court but refused to do.

We have had the historic passage of the Waxman-Markey legislation, for the first time in history putting Congress on record supporting comprehensive climate legislation. The administration will use the House bill as the basis for targeted reductions in greenhouse gases. We have emerging in the Senate a bipartisan framework with Senator Kerry, Senator Lieberman and Senator Graham providing the leadership in that area.

It’s exciting to see the pieces come together, Mr. Speaker. It is frustrating to change it at the end time is of the essence, but finally it’s clear that action is in everybody’s interest. The United States can no longer afford to waste more energy than anybody in the world. It’s exciting to see the European Union, China and India all acting, at least in their own way, moving in this direction. The dominoes are falling for new, clean, energy economies, managing forests to protect the planet and new sustainable agricultural practices.

All this will happen. The question is when. I am encouraged that in Copenhagen there is a process that the United States can help move us forward.

TIME FOR A NEW APPROACH TO RESTORE OUR ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, it is time for a new approach to bring our country back to where it was for most of the two centuries, the land of hope and opportunity.

Unfortunately, there is a growing fear about our Nation’s future among many in my congressional district, as well as throughout the Nation. The economic recession continues, according to many constituents with whom I speak every day.

My constituents tell me how they have personally felt the constant drumbeat of rising unemployment, the ballooning costs of college tuitions, the reality of months of unemployment and the continuing credit implosion that has hurt so many homeowners and small businesses. No doubt our Nation continues to struggle and people need help.

But the congressional majority and the administration have spent the last year on an agenda that grows big government, that escalates the deficit, that borrows billions from adversarial foreign governments. As a result of this unprecedented government spending spree, our national debt will reach uncharted levels, doubling over the next 5 years and tripling in just 10 years.

Not surprisingly, as our debt doubles and revenues plunge, creating jobs has taken a back seat to other issues. The $800 billion stimulus bill has failed to create or save the millions of jobs that it promised. Since it was passed, in fact, we have actually lost 3.3 million jobs. Not surprisingly, the unemployment rate remains at 10 percent nationally, and in my home State of Florida it has now reached 11 percent. The question now is can we still grow our economy, create jobs and help struggling families without further mortgaging our children’s future.

First, we should agree to block any Federal tax increases until unemployment drops below 5 percent. Americans of all political persuasions can agree that the government should never raise taxes during periods of high unemployment.

Second, we need to restore confidence in America’s economic future. Record
deficits and debt, combined with run-away spending, have shaken our confidence in our economic future. One proposal is to freeze domestic discretionary spending at last year’s level without raising taxes. Proponents state this would save U.S. taxpayers $53 billion immediately but, more importantly, it would send a signal that we are committed to lowering the deficit.

Third, we need to approve three promising free trade agreements with Colombia, Korea and Panama that have stalled under this administration. Recently the President stated that increasing U.S. exports by just 1 percent would create over 250,000 jobs. Sure enough, the independent Inter-American Trade Commission estimates that these three deals would boost U.S. exports by over 1 percent.

Well, I look forward to hearing from the constituents of my congressional district in South Florida about how we can bring back economic growth and ensure that America will once again be the land of opportunity that I knew that these three deals would boost U.S. exports by over 1 percent.

It’s time to get our economy back on track.

FISCAL RESPONSIBILITY AND USING TARP TO REDUCE THE DEFICIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, I am intrigued to hear my good friend from Florida talk about deficits as if the Republican Party, when it was in the majority and controlling the White House, had nothing to do with creating record deficits after inheriting record surpluses.

Mr. Speaker, as we continue on the path to economic recovery, and as we maintain on putting millions of Americans back to work, we must reduce long-term deficits, I agree. The actions we have taken to stabilize the economy and to spur economic and job growth will be for naught if our long-term economic health is imperiled by ever-rising budget deficits.

I stand here today in favor of a significant tool for deficit reduction, the dedication of unused TARP funds.

When first proposed by the previous administration, TARP was a $700 billion program designed to prevent the financial sector from collapse. In its own way it’s had measured success. The bank stress tests applied earlier this year indicated that the financial sector was, in fact, stabilizing. A number of banks, most recently the Bank of America and Citigroup, have, in fact, begun to pay back their TARP loan funds.

The unused TARP funds represent hundreds of billions of dollars potentially in deficit reduction. In fact, they represent what would be the largest single deficit reduction in American history. As we stand at an economic crossroad, I believe we must seize advantage of this prospect and dedicate a significant portion of those remaining TARP funds to deficit reduction.

This would build on the actions we already have undertaken to reduce the deficit. In March, Congress passed the concurrent resolution on the budget for fiscal year 2010 that lowers the budget deficit 1 percent from last year’s amount. This reduction would occur by 4 years. This summer the House of Representatives passed legislation to reinstitute one of the most significant deficit reduction tools in recent memory, statutory pay-as-you-go, or PAYGO, legislation. PAYGO requires all reductions in revenue or increases in entitlement spending to be offset with other spending cuts or alternative sources of funding, a mechanism the Republican Congress let expire in 2002.

Yearly deficits, unfortunately, are not a new phenomenon. In fact, starting with fiscal year 1970, we had 28 straight deficits. But Congress took action and enacted statutory PAYGO in 1990. Starting in fiscal year 1998, President Clinton presided over four straight budget surpluses. The last time we had that many surpluses in a row was in the 1920s. Sustained surpluses are the result of sound economic policy and fiscal responsibility, which, quite frankly, had been sorely lacking these last past 8 years. Mr. Speaker, make no mistake. As this Congress took office in January, we were handed a deficit that was $1 trillion. How is that possible? How could we go from four straight surplus years with projected future surpluses totaling $5.6 trillion to an inherited $1 trillion deficit this year? How could record surpluses become record deficits? Fiscal irresponsibility.

The current recession, which began in 2007 and cost Americans for $779 billion of the fiscal year 2009 deficit, was the result of a concerted effort to avoid reasonable oversight of the financial sector. The risky and destructive behavior engaged in by a number of financial institutions was long ignored and in some ways subtly encouraged by a culture of deregulation on the other side of the aisle. The ensuing recession threw millions of Americans out of work and exacerbated the deficit.

Fiscal irresponsibility was a hallmark of the Bush administration. Three of President Bush’s signature policies—his tax cuts, his prescription drug program, and his decision to start the Iraq War—resulted in further yearly debt of more than $670 billion. None of these policies were paid for. How could such gross fiscal irresponsibility occur by conservative Republicans?

It occurred in large part because President Bush and the Republican controlled Congress allowed statutory PAYGO to lapse in 2002, perhaps the most intellectually honest budgetary action they, in fact, took during that time period. And what should have come as no surprise to anyone, because of that action, or lack of action, budget deficits returned the very next year. By allowing PAYGO to die, the Republicans were no longer constrained in their spending habits. They coupled reckless behavior with reckless disregard for the consequences and now expect the American people to believe their newfound concern for deficits.

Where was that concern when we voted this year to reinstitute statutory PAYGO? Only 24 Republicans in this House of Representatives voted in favor of returning fiscal responsibility to the Congress.

Mr. Speaker, long-term financial stability depends on the continuation of our fiscal responsibilities. Long-term job growth depends upon a stable and growing economy. Long-term economic stability depends upon sustainable Federal budgets. Now, Mr. Speaker, is the time for the dedication of a significant portion of unused TARP funds to deficit reduction. The American people count on us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o’clock and 19 minutes a.m.), the House stood in recess until 10 a.m. today.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker (Ms. PELOSI) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of the law and the prophets, in the days of Isaias, the people expected all nations to stream toward the temple of the Lord. Many peoples shall come and say, ‘Come, let us climb the Lord’s mountain to the house of our God that we may be instructed in the right direction, and we may walk the paths of justice.’

In the days of Jesus, the people went out to hear the prophetic voice crying in the desert, ‘Prepare the way for the Lord. Listen to him.’

Why is it, Lord, that people in our day do not seek You or Your wisdom as they face the complicated issues of law and government? Do their problems or their enemies seem to them stronger and more powerful than You?

Perhaps they do not want to turn to You because they fear how You will answer their prayer, and then they will not be able to say, ‘Amen.’

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day’s proceedings and announces to the House her approval thereof.
Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPITO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 62. Joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1755. An act to direct the Department of Homeland Security to undertake a study on emergency communications.

The message also announced that pursuant to section 276a of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Vice Chairman of the United States-China Interparliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Missouri (Mr. Bond.)

The message also announced that pursuant to section 276a of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following individuals to the United States-China Economic Security Review Commission:


IS THIS REALLY THE BEST WE CAN DO?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. The word is that, with over 15 million Americans out of work and desperately in need of extended unemployment benefits, Congress will put unemployment compensation benefits into a bill which will give another $130 billion for war. Remember, our Democratic Party took control of Congress based on widespread opposition to the Iraq war. Unfortunately, we’re now telling the American people the only way they’ll get their unemployment compensation is to support another $130 billion to keep wars going.

What a cruel choice Congress is forcing on people out of work: Put your sons and daughters on the firing line, and we’ll pay you for being in the unemployment line. What a message to young Americans. No jobs for young people except to go to war. No chance for young people to go to college and have health care unless they learn to kill or be killed. Support this war, we tell the people, the war, which creates death, war which creates poverty, and war which creates unemployment, and we’ll pay you for being unemployed.

Is this really the best we can do?

MORE JOB CREATION ALTERNATIVES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, there are many jobs creation proposals that have been presented but have been ignored. Many will help promote jobs immediately, provide a 5 percent across-the-board tax cut, increase the child tax credit from $1,000 to $5,000, repeal the alternative minimum tax on individuals, permanently repeal required distributions on retirement accounts, increase by 50 percent the tax deduction on student loans and tax deduction on qualified higher education expenses, make unemployment benefits tax free so those individuals between jobs can focus on providing for their families, and, to encourage responsible buyers to enter the housing market and stabilize prices, offer a homebuyer’s tax credit of $15,000.

Both parties should consider positive alternatives that offer tax relief to small businesses and families to promote job creation.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Our prayers are with Wayne Dell and his family.

THE BEST SOCIAL PROGRAM IS A JOB

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, the best social program is a job. It provides individuals and families with the means to support themselves. It also provides dignity and confidence to know that they actually have a viable future. That’s why in eastern Connecticut there are many job training programs. A couple of weeks ago that the stimulus bill released money for the incumbent worker training program, a program which will provide 800 new jobs with funds directly sent to small- and medium-sized businesses, which is part of, again, the tried and true program that the stimulus bill expanded.

The president of Willimantic Savings Institute, Théo A. Brouillard, who’s going to have 200 new workers as a result of this program, said, The grants have assisted us in hiring of entry-level employees and enabled us to provide them with new skills needed to more readily advance their banking careers. The Norwich Bulletin, the largest newspaper in New London County, indicated that this is an excellent program, and this is what the stimulus package was intended to do.

Putting people to work is the best way to build a strong and vibrant economy. We need to build on the stimulus bill with these types of programs: first-time homebuyer tax credit, Cash For Clunkers, incumbent worker training programs. Steadily but surely we are turning this economy around, and we need a new jobs package to build on that success.

NANCY SHOBE’S RETIREMENT

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to honor Nancy Shobe on her 41 years of service to the constituents of Buckhannon, West Virginia, and to congratulate her on her upcoming retirement.

Nancy has served as the secretary to the mayor, computer systems manager, human resource manager, recorder, treasurer, and acting mayor during her 41 years of service to the city of Buckhannon. She’s served as president of the Municipal Clerks and Recorders Association and was selected as Clerk of the Year in 1999. She also received a Certificate of Highest Merit from West Virginia University’s Local Government Leadership Academy. And most recently, she was awarded the Quiet Strength Award for her outstanding leadership.

Nancy’s leadership was proven during the difficult times after the Sago Mine disaster. Being the closest incorporated city to the Sago Mine, the city of Buckhannon was able to provide grief counseling for the families of the Sago miners, largely due to her efforts.

She has proven herself to be a true leader and a dedicated public servant whose positive impact in our community will be felt for many years to come.

I join with the residents of Buckhannon, West Virginia, in commending Nancy Shobe for her outstanding leadership over the past 41 years, and I urge my colleagues to join me in honoring her.

A NEW DEAL FOR A NEW ECONOMY

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Every year, Congress-
minute and to revise and extend his remarks.)

Mr. HARE. The unemployed don’t want another benefits check. They want a job. And I’m proud to say that on Friday, I introduced H.R. 4290, the New Deal for a New Economy Act, which would tackle this problem by creating and helping retain millions of jobs. It will reach that goal by investing $60 billion per year over 3 years in TARP money.

First, it would invest heavily in the creation of public works and public interest jobs through the creation of the new economy grant program. The jobs could be filled by persons of all skill levels, specifically in the areas of public works projects on the State and local level, and public interest work with community-based nonprofit organizations.

Secondly, it would provide a direct line of funding to states and localities to help alleviate their financial woes. The President’s plan would protect and allow for the expansion of our current workforce and would be channeled directly to local governments through the popular grants programs for COPS hiring, for SAFER Grants for our firefighters, and for public works and economic development grant program. Further, my bill would provide much-needed funding to our Nation’s schools to protect our teachers and hire more to meet the needs of our children.

The third and final piece of this bill is one that is critical to restoring our Nation’s lands for future generations. It’s a direct line of funding to our national forests and national parks to address some of their many high-needs projects that have been neglected for decades.

Mr. Speaker, Wall Street got its bailout. It’s time for Main Street to get theirs. Again, I ask my colleagues to join me in supporting this bill.

TOO MANY PRIORITIES
(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, if we don’t heed Moody’s warning, our Nation’s AAA credit rating is likely to be downgraded due to unsustainable deficits by 2013. And what does this President and the majority do to answer this serious issue? Spend more money we don’t have at record levels.

The President and the majority party have no interest in reining in the budget deficit. Just this weekend, top White House advisers said that tackling the deficit was not a priority. This administration has a lot of priorities. A frequent criticism has been that it has too many priorities. Apparently everything is a priority except for deficit reduction. I guess this shouldn’t be a surprise, an administration that, in its first year in office, tripled the budget deficit to an all-time record high of $1.4 trillion.

The President just graded his job performance on the Oprah show as a B-plus. I can only imagine, and with fear, the kind of deficit the President would have run-up if he had given himself an A.

IRAN REFINED PETROLEUM SANCTIONS ACT
(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, despite its claims of pursuing only a peaceful nuclear program, Iran’s actions clearly show that it’s developing a nuclear bomb. You only need three elements to create a bomb: material, a delivery system, and a warhead. Iran has or almost has all three of these elements. According to the International Atomic Energy Agency, Tehran has developed 1 1/4 tons of low-enriched uranium, enough to make two bombs. As for a delivery system, we know Iran has missiles and in May, tested a new long-range missile that can reach Israel, our other allies, and our troops in the region.

Regarding a warhead, the IAEA has evidence that Iran is working on fitting a bomb inside a missile cone. And this week it was reported that Iran has a plan to test a neutron initiator, a component that is used only to trigger a nuclear bomb and has no possible civilian applications.

As we stand here debating, Iran is making a nuclear bomb. The Iran Reﬁned Petroleum Sanctions Act will send a signal to Tehran that we will not stand by silently while they develop a nuclear weapon and threaten the entire region.

MEDICARE SENIORS CANNOT AFFORD THE REID-PELOSI PLAN
(Mr. FLEIMING asked and was given permission to address the House for 1 minute.)

Mr. FLEIMING. Mr. Speaker, Democrats in the Senate are desperately looking for 60 votes for health care, so desperate that, in a new report released last week, the chief actuary of Medicare found the Reid-Pelosi bill would cause many physicians to stop treating seniors because of $465 billion in cuts to the Medicare program.

Unfortunately for Medicare beneficiaries, the CMS actuary also found that 20 percent of hospitals and nursing homes would go into the red within the next 10 years due to these cuts, seriously threatening the ability of seniors to rely on these institutions for their care.

As if that were not enough, the Reid bill would also cut payments to Medicare Advantage plans by roughly $120 billion, plans that 11 million seniors enjoy today. These cuts, according to the actuary, will result in 3.7 million seniors losing benefits under Medicare, causing many to pay more out of pocket each month for the drugs and services they lost. The Reid-Pelosi bill will make it harder for seniors to find treatment or afford care when they are sick.

HONORING ERIE HERO CLARA WARD
(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor one of my constituents, an extraordinary woman in Erie, Pennsylvania. Clara Ward, the founder of the Youth Development and Family Center in Erie, was the star of “Extreme Makeover: Home Edition” this week, where her dedication to children in need was rewarded with an amazing renovation to her home.

With the help of her daughter Cynthia and son Benny, Clara Ward offers her neighborhood’s children a safe haven from the streets. Every year, Clara gives 300 children presents for the holidays, and every day, she provides food to children who otherwise would go to bed hungry.

We all have so much to learn from Clara and her spirit of generosity. It is my hope that we carry this lesson through the holiday season and into the new year.

A BOX OF DOUGHNUTS
(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, requiring Americans to buy health insurance or pay a fine or even go to jail if the fine tax is unpaid is utterly without constitutional authority. Under the Constitution, a citizen has no affirmative duty to purchase a mandated congressional product. Citizens have the right to do nothing.

The bruisers of the Constitution claim people must buy car insurance. That analogy is flawed. First, States, not Congress, have authority under the 10th Amendment that is not given to Congress. Second, driving is a privilege, not a right, and to exercise that privilege, a driver must buy insurance. But no one is forced to drive a car. Third, car insurance is to protect a third party from the driver. No State requires a driver to buy insurance for themselves.

A better analogy would be, in the name of promoting commerce, forcing all people to buy a car whether they wanted to or not, whether they could afford it or not, or be punished. Congress, by force, requiring all people to buy a product, whether it’s health insurance or a car or even a box of doughnuts is unconstitutional and abuse of congressional authority.

And that’s just the way it is.

THE STIMULUS BILL
(Mr. HIMES asked and was given permission to address the House for 1 minute.)
Mr. HIMES. Mr. Speaker, we are looking at the last week perhaps of our session, and I think we can look back at some accomplishments. I think we can take some comfort in the fact that when this Congress sat in January, 11 months ago, Americans were losing their jobs at the worst rate in the history of our nation.

Because of the stimulus bill, that has slowed and almost stopped. The stimulus bill is rebuilding bridges in my district, rebuilding highways, and rebuilding community health clinics. But slowing the rate at which Americans lose their job is nobody’s idea of a Christmas present. We have hard work to do.

I had occasion in church this weekend to hear the words of Handel’s “Messiah,” “and the government shall be upon his shoulders.” That is prophetic, meaning in the future. Right now, the government is on our shoulders. And I hope that when we reconvene in January, we set aside the partisanship, the misinformation, and the anger to get back to the serious business of creating jobs for the American people.

THE DEBT CEILING AND DEFENSE SPENDING

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, in what has become a familiar move, House Democrats have decided to increase spending yet again. But sadly, they have opted to shut out debate on this matter by attaching a $300 billion increase in our Nation’s debt ceiling to the Defense appropriations bill. They know they will have serious trouble getting support to increase our Nation’s debt limit, so they are using our troops to carry them.

This is one of the reasons the American people are fed up with Congress. And as a Navy veteran, I can assure you that exploiting funding for our troops is both deplorable and demoralizing, and I will continue to oppose such actions.

We owe the American people, our children, our grandchildren, and the men and women risking their lives in defense of our freedom better than this. At Christmas, we should be hanging ornaments on a tree, not massive spending bills on the back of our troops.

THE WALL STREET REFORM BILL

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, last week, I was proud to stand up with many of my colleagues and hold Wall Street accountable for their reckless actions that led us into the biggest financial collapse in the last 50 years. For too long, Wall Street banks were allowed to put short-term profits ahead of long-term stability under the Bush administration and reaped record profits as a result of their risky and out-of-control behavior.

When the markets collapsed out from under them, this country’s hard-working citizens were forced to suffer. Thrice. The Wall Street reform bill we passed increases enforcement and makes necessary reforms to hold Wall Street accountable so that it can never again recklessly gamble with our financial health and safety.

The bill also creates a new Consumer Financial Protection Agency to prevent borrowers from taking loans that they can’t afford and holding risky lenders liable for their practices. The CFPA will also protect families and small businesses from irresponsible lending practices by ensuring that bank loans, mortgages, and credit cards are fair and easy to understand.

Finally, this bill makes it clear that Wall Street will no longer be receiving any sort of taxpayer-funded bailouts. The American people have pulled together and acted to help this great country. It is time for Wall Street to step up and do the same.

GET THE GOVERNMENT OFF OUR BACKS

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, the Democratic Member from Connecticut just said it’s prophetic that the government should be on our shoulders. Unfortunately, the government is on our backs, and it shouldn’t be. And no better example of that is this massive health care reform bill, a complete government takeover of health care, bureaucrats coming between doctors and patients.

People in this country have spoken loudly, but the Democratic majority is not listening.

In my 11th Congressional District of Georgia, Mr. Speaker, there are 95,000 people on Medicare, and 13,000 of them, 14 percent of the total, get their coverage under Medicare Advantage. That will be taken away from them as we strip $120 billion out of the Medicare Advantage program.

What that means, Mr. Speaker, is that those 13,000 people in my district will have to pay an additional $180 a month for the Medicare fee-for-service coverage they can find a doctor that will take them. They will have to buy a prescription drug plan at $30 a month and buy a supplemental Medigap plan to cover many of the things that are covered under Medicare Advantage without additional cost. That policy will cost them $150 a month. That’s why the American people are outraged over this plan.

Listen up, Members. Vote “no.”
members, communities receiving recovery funds across my district to bring more transparency and oversight into the process. I found significant progress has been made in bringing jobs to greater Arizona with 1,098 jobs created or saved in District One. Support to our State also prevented cuts in Arizona’s education and public safety funding.

However, delays were reported on more than 40 percent of projects, despite the hard work of local officials. Our rural communities are finding the bureaucracy to be an obstacle. I will continue working with local officials and Federal agencies to allow greater Arizona to take full advantage of the Recovery Act so they can create more jobs and get folks back to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUÉLLAR). The Chair will remind all Members not to traffic the well while another Member is under recognition.

THE NATIONAL DEBT

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, since 2007, our national debt has increased more than $2 trillion. This works out to be $39,000 for every man, woman, and child in America just to pay off our country’s debt. Now there is a push to increase our Nation’s debt ceiling to $13.9 trillion, despite warnings this increase will be harmful to the U.S. economy. At a time of double-digit unemployment and with more than 5 million jobs lost since the so-called stimulus package was passed by Congress, isn’t it time we institute fiscally sound policies?

Over the last 11 months, the American people have seen unprecedented spending from Washington, D.C. They are certainly not impressed. They know any economic recovery starts with tax relief for working families and small businesses and fiscal discipline from Washington.

TRANSPARENT HEALTH CARE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say that when Democrats gather, good things happen for the American people. Our health care bill is a bill that will bring down premiums, save lives, and create a magnificent reform comparable to saving lives when Medicare was passed in 1965. It is only those who are scared and apprehensive and not ready to go forward for the American people that won’t allow us to move forward on the health care reform.

Just as when we gather together behind closed doors, Democrats, again, are promoting transparent legislation and creating jobs for Americans. We stand with the small businesses in providing them more resources and credits because they are the backbone of America. We realize that job training, and specifically a bill that I am offering that says that if you’re unemployed and get unemployment compensation you’ll be in a scholarship program that will train you for the jobs of the future.

The health care bill will be providing jobs on top of jobs: health care jobs, nursing, doctors, and physician assistants. Americans need jobs, and Democrats are not afraid to take the risks that are necessary to provide for them.

As we pass the appropriations bill, we are creating jobs for America, and, therefore, I’m asking my colleagues to assist with the years of doom. We are moving this economy. We are helping health care. We are providing the opportunities for America. And I am glad to be a Democrat serving on behalf of the American people.

UNITED NATIONS SOVEREIGNTY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, what is the proper function of the United Nations? Is it a forum for countries to come together to promote peace, security, and human rights? Or is it an independent entity that determines and establishes the law and regulations to govern member states?

General Secretary Ban Ki-moon has made it clear in recent comments that the U.N. Climate Summit in Copenhagen will not be successful unless a firm deadline for a legally binding agreement is in place.

In Copenhagen, the U.N. is advocating for U.N. bureaucrats with the legal power to regulate the actions of member states. We should not let the health of our economy rest on the collective decisions of a group containing antagonistic and autocratic governments who do not have the American people’s interests at heart, let alone the interests of their own citizens.

Do we have a future with Iran and North Korea and other despotic governments setting the rules that govern how American businesses operate? I certainly do not.

100-YEAR ANNIVERSARY OF McALLEN MONITOR

(Mr. HINOJOSA of Texas and Congresswoman Henry Cuellar, rise to honor the McAllen Monitor newspaper in McAllen, Texas, on its 100-year anniversary. Since its first issue on December 11, 1909, the McAllen Monitor has been a round-the-clock operation.

It began as a weekly newspaper. Its reporters recorded the events when McAllen became incorporated in 1911. The Monitor was there to record the history of the Rio Grande Valley and its people. The names of the pioneering families leave a roadmap all across the Rio Grande Valley, smiling like the Cuéllars, the Garzas, the Lopezes, the Canales, the Guerras, the Lopezes, the Hinojasos, and the Bentsens.

Now a daily paper, the McAllen Monitor takes pride in telling the success stories of homegrown people who have become famous, from Narciso Martinez, el Huracan del Valle’s accordion sounds to Kris Kristofferson singing and acting; from Bobby Morrow’s Olympic Gold Medal to the distinguished political career of the late Senator Lloyd Bentsen.

The McAllen Monitor has covered the good and bad, the sad and the joyous news for 100 years. Congratulations to the McAllen Monitor on its 100-year anniversary.)

DEMOCRATS’ ABSURD AGENDA

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, some days ago, when we were discussing and debating and voting on the health care bill, I got a call in my office from one of my constituents. After we had spoken for some time, he said, I have a confession to make. He said, I voted for President Obama because I thought that he was bringing us together and that there was hope. But then he said these words, But I did not vote for this madness.

What did he mean? I guess maybe he was talking about a health care bill that’s going to cost more money, going to raise taxes, and not going to take care of all Americans. I guess he was talking about a cap-and-trade bill that will put a burden on every single American. I guess he was talking about a proposal that comes to us that says, Oh, we have a huge deficit and we’re going to work our way out by spending more. And I suppose he may have been here to hear one of my colleagues just a moment ago who said, When Democrats meet behind closed doors, they come out for transparency. It seems absurd, perhaps because it is.

JOBS AND THE ECONOMY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the 111th Congress has made historical progress
working with President Obama to take America in a new direction. We are working to turn our economy around and create good jobs, to make common-sense reforms to how Wall Street does business, to make quality health insurance affordable to every American, and to lay the groundwork for an economy that makes America more secure. These efforts are being tackled with fiscal discipline and accountability.

You just heard about the American Recovery and Reinvestment Act; and then February to the Worker, Homeownership, and Business Assistance Act, stimulating growth and creating jobs with up to 20 additional weeks of unemployment benefits. And then there is the Job Creation Through Entrepreneurship Act to give established small businesses and entrepreneurial startups the needed tools and resources to thrive, create jobs, and drive economic growth.

GITMO DETAINEES COMING TO THE HEARTLAND

(Mr. KIRK asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, this morning, we read reports that the administration will announce that a prison in Illinois will be home to 70 al Qaeda core detainees. After spending $275 million on a state-of-the-art facility in Cuba, we will walk away from that investment.

The new plan poses an unnecessary risk on the American people. Administration briefings revealed that we are not ending Gitmo, just moving it to the heartland.

Members of Congress posed over one dozen questions on this plan 1 month ago—with no answer. Here is one of the key unanswered issues: In his archives speech, the President announced that approximately 75 of the detainees are “too dangerous for trial or release.” They are to be held indefinitely without civil or military trial.

It is illegal under our Constitution for the executive to hold a person inside the United States indefinitely without trial. Question: How will the President suspend our Constitution’s writ of habeas corpus once it brings these 75 detainees to the heartland? Courts will force him to answer, and the American people should know right now.

THE AMERICAN PEOPLE WANT DEMOCRATIC SOLUTIONS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, many in the media and some of our Republican colleagues are trying to raise the specter of 2000 when we are talking about health care reform saying, oh, the Democrats are going to lose control of the House if they pass health care reform just like they lost the House after trying to get HillaryCare through.

Well, there are a few differences between 1994 and 2009. For one, in 1994, 11,000 people weren’t losing their health insurance every day; premiums hadn’t nearly tripled in the prior 10 years, we weren’t 7 years away from facing bankruptcy in Medicare, more than 700,000 people were not going bankrupt every year because of health care costs, and, finally, nearly 40,000 people were dying because of a lack of health care coverage.

You know, the people in America have seen what the Republican response for health care is. They saw one move in 12 years of their control, and that was to pass an unfunded prescription drug plan that the Social Security trustees now say may raise the deficit by $1.2 trillion over the next 10 years. We’ve seen the Republican solutions.

The American people want the Democratic solutions.

MR. PRESIDENT, RECONSIDER GUANTANAMO BAY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I was here at the Capitol on September 11. I watched the smoke rise from the Pentagon. I walked in the ashes of Ground Zero 1 week later. Terrorism is not theoretical to me. That’s why, like most Americans, I was astonished to read this morning press reports that the Obama administration is about to transfer over 70 known dangerous terrorists from the military detention facility at Guantanamo Bay outside the United States to a prison inside the United States, in the heartland of America, in the State of Illinois.

By moving known terrorists to American soil, the Obama administration is putting international public relations ahead of public safety. How does closing Guantanamo Bay make us safer? How does moving over 70 known terrorists to a facility in my beloved heartland of this country make our families safer? And how does it even make sense?

Mr. President, rescind this order. Reconsider your decision. Put the safety and security of the American people ahead of international public opinion.

SUPPORT GLOBAL CLIMATE AGREEMENT IN COPENHAGEN

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, the scientific consensus about whether humans are causing global warming is clear. Reports from the United Nations IPCC underscore the need for all countries to take action to reduce global warming pollution.

As I speak, world leaders are meeting in Copenhagen to negotiate a new global climate treaty. This is a tremendous opportunity for the United States to lead the world in coalescing around a fair, ambitious, and binding climate agreement.

We must confront the causes of global warming and manage the impacts of climate change, such as rising sea levels, and help developing countries benefit from clean energy technologies.

Mr. Speaker, the United States has a lot to gain in Copenhagen. Currently, European countries generate more of their electricity than we do from clean alternative sources, while China is on track to become the world’s leading maker of wind turbines by the end of this year.

The United States can lead the world in growing a clean energy economy. We can create new American jobs and strengthen our national security while we protect our planet. We can, and we must, be the global clean energy leader again.

Let’s all support a fair, ambitious, and binding climate agreement in Copenhagen.

DEMOCRATS AT WORK PUTTING AMERICA BACK TOGETHER

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, the 111th Congress and the President have pulled the economy back from the brink. After 8 years of the previous administration’s lax oversight of Wall Street, tax cuts for the very rich, and dishonest budgets that hid the true costs, this Congress and President Obama are busy reversing the damage.

The House passed a Wall Street reform bill that will protect consumers and ensure that taxpayers are never again on the hook to bail out big Wall Street banks. We also passed Cash for Clunkers, which helped to jump-start the U.S. auto industry and get new, cleaner cars on the road. And the American Recovery and Reinvestment Act has invested in Main Street America: creating jobs and building infrastructure projects. These projects will serve their communities for decades to come.

When the President took office in January, the economy was shedding over 700,000 jobs a month. Last month, there were 11,000 job losses. Every job loss is a tragedy, though; and that is why we have been working to create jobs while we also extended unemployment benefits to those still seeking work.

We are still turning America around, but in just 1 year we have come a long way.

END THE WAR IN AFGHANISTAN NOW

(Mr. GRAYSON asked and was given permission to address the House for 1 minute.)
minute and to revise and extend his remarks.)

Mr. GRAYSON. Mr. Speaker, I rise today in favor of peace. I am joined in that by nearly 100,000 people who have signed a petition urging Congress to stop the escalation of the war in Afghanistan. This is the petition from the group Rethink Afghanistan.

President Obama has decided to send more than 30,000 extra troops to Afghanistan at a cost of more than $100 billion a year, but America cannot afford a war that does not make us safer; and Congress has the power to stop that escalation. Vote "no" on any spending bill that would send more troops to Afghanistan.

I agree with that petition. It took only about 1,000 Special Forces troops to overthrow the Taliban in 2001. Why would we need 100 times that many to keep them out now? This occupation is an 18th-century strategy against a 14th-century enemy.

We have done enough to help and secure the Pashtuns, the Tajiks and the Hazara. It’s about time we start to cure the Pashtuns, the Tajiks and the 14th-century enemy.

An 18th-century strategy against a 14th-century enemy.

The loss of jobs has hurt millions of Americans and others because of the effects on the economy, on government, and on neighborhoods. But the people who have lost their jobs know why they have lost their jobs. Twenty-six percent specifically say the reason they’ve lost their jobs is because of President Bush and the policies that were brought about during the time he was President. That is obvious. The second largest group is Wall Street bankers. We need to help the unemployed. We need to find jobs.

WALL STREET REFORM PACKAGE

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, among the speakers who have just addressed this House are a high school teacher, a nurse, a social worker, a small business owner, and a criminal prosecutor. And they stood hand in hand for working families on Main Street to restore responsibility and accountability to Wall Street last week.

After years of recklessness and unchecked greed that have now cost millions their jobs, their homes, and their life savings, we finally passed long-overdue commonsense reforms. These reforms protect investors and consumers from the excesses of those who will gamble other people’s hard-earned money and closed loopholes in existing laws. They bring about an end to taxpayer bailouts and a belief that a firm is too big to fail.

Financial markets work best when they are transparent, allowing investors to make smart decisions and our capital system to flourish; but they also require cops on the beat to protect consumers from fraud and abuse. The Wall Street reform package we passed strengthens our markets and our economies, giving people confidence and our growth towards prosperity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DREIHUSB). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX. Record votes on postponed questions will be taken later.

AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS

Mr. CUellar. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who have completed at least 2 years of service to be converted to a permanent appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, as amended. The Clerk reads the title of the bill. The text of the bill is as follows:

H.R. 1517
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS. For purposes of this Act—

(1) the term "Commissioner" means the Commissioner of U.S. Customs and Border Protection;

(2) the term "U.S. Customs and Border Protection" means U.S. Customs and Border Protection of the Department of Homeland Security;

(3) the term "competitive service" has the meaning given such term by section 2102 of title 5, United States Code; and

(4) the term "overseas limited appointment" means an appointment under—

(A) subpart B of part 301 of title 5 of the Code of Federal Regulations, as in effect on January 1, 2008; or

(B) any similar antecedent or succeeding authority, as determined by the Commissioner.

SEC. 2. AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS.

(a) In General.—Nothing in Law relating to the examination, certification, or appointment of individuals in the competitive service, the Commissioner may convert, an employee serving under an overseas limited appointment with in U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection, if—

(1) as of the time of conversion, the employee has completed at least 2 years of current continuous service under 1 or more overseas limited appointments; and

(2) the employee’s performance has, throughout the period of continuous service referred to in paragraph (1), been rated at least fully successful or the equivalent.

An employee whose appointment is converted under the preceding sentence acquires competitive status upon conversion.

(b) INDEMNIFICATION AND PRIVILEGS.—

(1) INDEMNIFICATION.—The United States shall, in the case of any individual whose appointment is converted under subsection (a), indemnify and hold such individual harmless from any claim arising from any event, act, omission—

(A) that arises from the exercise of such individual’s official duties, including by reason of
of such individual’s residency status, in the foreign country in which such individual resides at the time of conversion,

(B) for which the individual would not have been eligible for individual diplomatic status under the laws of the foreign country in which the individual resides at the time of conversion or for which the individual would not have been eligible by reason of diplomatic policy; and

(C) that occurs before, on, or after the date of the enactment of this Act.

(2) SERVICES AND PAYMENTS.—

(A) in the case of any individual whose appointment is converted under subsection (a), the United States shall provide to such individual (including any dependents) services and monetary payments—

(1) equivalent to the services and monetary payments provided to other Customs and Border Protection employees in similar positions (and their dependents) in the same country of assignment by international agreement, an exchange of notes, or other diplomatic policy; and

(ii) for which such individual (including any dependents) was not eligible by reason of such individual’s overseas limited appointment.

(B) APPLICABILITY.—Services and payments under this paragraph shall be provided to an individual (including any dependents) to the same extent and in the same manner as if such individual had held a permanent appointment in the competitive service throughout the period described in subsection (a)(1). The preceding sentence shall, in the case of any individual, be effective as of the first day of the period described in subsection (a)(1) with respect to such individual.

(c) GUIDANCE ON IMPLEMENTATION.—The Commissioner shall implement the conversion of an employee serving under an overseas limited appointment to a permanent appointment in the competitive service in a manner that—

(1) meets the operational needs of the U.S. Customs and Border Protection; and

(2) to the greatest extent practicable, is not disruptive to the employees affected under this Act.

The SPEAKER pro tempore. Pursuant to thegentleman from Texas (Mr. CUellar) and thegentleman from Alabama (Mr. Rogers) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUellar. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill that I acknowledge.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUellar. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

H.R. 1517 would help fix a previous hiring error for a select number of employees serving overseas in positions for Customs and Border Protection.

These employees, like many of their own, are about 35 employees in several CBP pre-clearance locations across the globe that were hired under a limited term appointment by the Immigration and Naturalization Service.

Some of those workers have been employed, Mr. Speaker, since 1987, with the majority hired in the mid-1990s. Mr. Speaker, they have been, for the most part, treated the same way as other CBP officers and personnel, regardless of their initial appointment status. However these employees, these hardworking employees, unbeknownst to them, were in personnel limbo for the past 15 years to 20 years and were not covered by the protections and immunities afforded to permanent CBP employees engaged in similar work.

This personnel situation was initially brought to the employees’ attention in 2005. Since then, the CBP, OPM, and the Department of State have been trying to fix this glitch, but they realize that they need the help of Congress. This is why H.R. 1517 will give the CBP Commissioner the authority to non-competitively convert these 35 employees to full-time permanent civil service positions.

Doing so would not only ensure that these employees continue to receive their appropriate benefits but also will provide them with the protections they deserve as employees serving the CBP mission abroad. This ability to convert these employees will also ensure that CBP and that the United States honor the agreements between our countries and others such as Ireland.

Going forward, it is our hope that the Commissioner will take the past histories of these dedicated 35 individuals into account when determining their future. As I had mentioned, through no fault of their own, these employees find themselves in this very difficult situation.

Other employees assigned to work overseas rotate back to the U.S. after a period of time. The majority of these employees assigned the bill, however, have been at their posts for many years and have put down roots in these locations.

In light of these employees’ unique circumstances, the bill provides guidance to the Commissioner, stating that the implementation of the bill shall number one, meet the operational needs of CBP and, number two, to the greatest extent practicable, not be disruptive to this discrete number of affected employees.

In our attempt to right the system, CBP should not unduly disrupt the lives of these dedicated individuals who have provided a very valuable service to our country.

House of Representatives, Committee on Oversight and Governmental Reform.

Dear Chairman Thomson, I am writing to confirm our understanding with respect to the consideration of H.R. 1517, a bill to allow certain U.S. Customs and Border Protection employees to be converted to a permanent appointment in the competitive service.

I appreciate your effort to consult with the Committee on Homeland Security and Naturalization Reform regarding these provisions of H.R. 1517 that fall within the Oversight Committee’s jurisdiction.

I would also request your support for the appointment of conferees from the Oversight Committee. H.R. 1517 or a similar Senate bill be considered in conference with the Senate.

Finally, I request that you include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

Edolphus Towns,
Chairman.

House of Representatives, Committee on Homeland Security.


Hon. Bennie Thompson, Chairman, Committee on Oversight and Governmental Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Chairman Thompson: Thank you for your letter regarding H.R. 1517, a bill to allow certain U.S. Customs and Border Protection employees to be converted to a permanent appointment in the competitive service, introduced by Congressman Eliot L. Engel on March 16, 2009.

I acknowledge that H.R. 1517 contains provisions within the jurisdictional interest of the Committee on Oversight and Governmental Reform. I appreciate your agreement to forgo further consideration or action on this legislation to ensure the timely consideration of this legislation, and acknowledge that your decision to do so does not affect the jurisdiction of the Committee on Oversight and Governmental Reform.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within the jurisdiction of the Committee on Oversight and Governmental Reform, and I agree to support such a request.

I will ensure that this exchange of letters is included in the legislative report on H.R. 1517 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

Bennie G. Thompson,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. ROgers of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1517 to correct the hiring status of approximately 30 Customs and Border Protection officers stationed overseas under the wrong hiring appointments.

I appreciate the opportunity to stand in support of this legislation in the place of Ranking Member Peter King, the Republican sponsor of the bill.
H.R. 1517 grants special authority to the Commissioner of Customs and Border Protection to noncompetitively convert about 30 CBP employees mistakenly hired under an overseas limited deployment to permanent status stationed at the overseas pre-inspection stations.

CBP operates pre-clearance stations at 15 foreign airports where travelers to the U.S. are able to undergo entry inspections before boarding their planes. This initiative facilitates travel while adding an important security benefit.

Unfortunately, this hiring error, if not addressed, could force these employees to transition into locally hired staff, much like Foreign Service nationals at embassies, or to return to the United States and compete for domestic CBP positions. Through no fault of their own these employees are now facing the problems with their employment status due to a mistake made years ago when they were initially hired. The Congressional Budget Office analysis shows no significant impact from this legislation, as these are existing employees who only need a category adjustment to their employment records.

I would like to highlight and express appreciation for the bipartisan manner in which this legislation was developed. Congressman Engel and Ranking Member King worked together to develop this bill, and both Chairman Sanchez and Chairman Thompson sponsored this bill as it moved unanimously through our committee.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. Engel) who is the author of this bill and has been working with the ranking member, Mr. King of New York.

Mr. ENGEL. I thank the gentleman, my good friend from Texas, for yielding to me. I appreciate the comments made by Mr. Rogers as well.

Mr. Speaker, this bill rights a wrong. It’s a very technical bill, but the bottom line is that 35 loyal and hard-working Federal employees stationed overseas, working for America, are being treated unfairly, and the bill corrects this. When I was in Ireland at the Customs post, I had the chance to speak with some of these employees, and I became convinced that they were not being treated fairly.

I rise today in support of my legislation, H.R. 1517, for the conversion of certain overseas Customs and Border Protection employees. I would also like to give special recognition to my colleague and friend, Representative Peter King of New York, for the hard work that he has put into this legislation as well.

H.R. 1517 would grant the Commissioner of the U.S. Customs and Border Protection the authority to noncompetitively convert employees serving on overseas limited appointments into permanent employees. The need for this legislation was brought to my attention by 15 U.S. CBP employees serving at pre-clearance centers in Ireland, who were incorrectly hired by the Immigration and Naturalization Service.

CBP employees are not hired on overseas temporary appointments, but the work requirement evolved into a permanent basis.

There are two ways for a Federal agency to fill permanent overseas positions: (1) locally engaged staff or, two, by U.S. direct hire. Yet because an agreement between the United States and Ireland requires that all pre-clearance employees be permanent employees, and, by definition, employees on overseas appointments are limited employees, albeit it in this case limited for an indefinite duration, CBP is technically in violation of the two countries’ agreement.

More troubling to me, the 15 employees on overseas appointments are not covered by the protections and immunities afforded by the agreement to permanent U.S. pre-clearance employees.

Later, I learned the number of employees in similar positions included over 30 other CBP employees in Aruba, the Bahamas, Bermuda, and Canada. It has been through no fault of their own that these loyal employees, some of whom have been protecting our country for almost 20 years, are now in limbo.

Without this legislation, they will either have to become locally engaged staff, who are compensated by and receive benefits from the Irish government, or be placed into competitive positions that will require a return to the U.S. Some of them have families and have been living in Ireland working for the U.S. as American citizens, a choice that would destroy an established way of life if forced to come to the United States, or a career with the U.S. Customs and Border Protection. They would have to choose, and that’s not right. This was done through no fault of their own.

This bill, H.R. 1517, would allow these employees to stay close to their families and keep their positions protecting our country.

I would like to applaud the Homeland Security Committee for including language in the legislation guaranteeing CBP employees not to be too disruptive to the employees when implementing this legislation. I recognize the standard CBP policy is for employees serving at overseas positions to rotate back to the United States after 5 years. However, in this extreme circumstance, it would be best for the CBP to allow the employees to continue to serve where they are currently with the years of experience they bring to their positions.

Let me say in closing, H.R. 1517 is a bipartisan bill. It is supported by the U.S. Customs and Border Protection and the National Treasury Employees Union, which represents the employees.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUELLAR. I yield an additional 1 minute to the gentleman from New York.

Mr. ENGEL. I thank the gentleman. This is a bipartisan bill. I repeat: It is supported by the U.S. Customs and Border Protection and the National Treasury Employees Union, which represents the employees. Each has had the opportunity for input into the final legislation.

I would strongly encourage my colleagues to join with me in support, again, of this bipartisan legislation. Continued employment of these individuals is in the best interest of CBP and the best interest of our country as the work requirement remains, and it’s critical to CBP protecting our Nation’s borders.

Mr. ROGERS of Alabama. Mr. Speaker, I have no additional speakers. At this time I would urge Members to support the bill.

I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I encourage my colleagues to support this important legislation that Mr. Engel has been working on, along with the ranking member, Mr. Peters King of New York. This is a piece of legislation that will help those employees that have been working for our country. I would ask all Members to support this important legislation.

Mr. RICHARDSON. Mr. Speaker, as a member of the Homeland Security Committee, I rise today in strong support of H.R. 1517. This legislation will allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

I would like to acknowledge Speaker Pelosi and Chairman Thompson for their leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman Engel, who worked so hard authoring this important legislation.

Mr. Speaker, H.R. 1517 would correct a longstanding classification problem among a small group of Customs and Border personnel that were hired before DHS was created. These 35 people are working overseas, mostly in Ireland, and need to be properly classified as CBP staff. I am pleased that the Homeland Security Committee has taken action to correct this problem and that this bill has come before the full Congress.

I support H.R. 1517 because it is an efficient fix to this classification issue. Our Customs and Border personnel work so hard every day to keep us safe, and they deserve prompt action by this body to correct any problems in classification that could prevent them from receiving any appointments they may deserve.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1517.

Mr. CUELLAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by
the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 1517, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUELLAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “First Responder Anti-Terrorism Training Resources Act”.

SEC. 2. ACCEPTANCE OF GIFTS FOR FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES AND RESPONSE TRAINING.

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended by adding at the end the following new subsection:

“(f) ACCEPTANCE OF GIFTS.—

“(1) AUTHORITY.—Notwithstanding section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 483(b)), the Secretary may accept and use gifts of property, both real and personal, and may accept gifts of services, including from guest lecturers, for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and in response to terrorism.

“(2) REPORTS.—The Secretary shall report annually to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

“(A) any gifts that were accepted under this subsection in the preceding year;

“(B) how such gifts contribute to the mission of the Center for Domestic Preparedness; and

“(C) the amount of Federal savings that were generated from the acceptance of such gifts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Mr. CUELLAR. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3978, which is sponsored by my friend from Alabama (Mr. ROGERS). I am pleased to serve with Mr. ROGERS on the Emergency Communications, Preparedness, and Response Subcommittee. He is the ranking member and works with us in a very bipartisan manner. I thank him for his service.

Mr. CUELLAR. Mr. Speaker, it is the premier training site for our Nation’s first responders, and it is the Department of Homeland Security’s only federally chartered weapons of mass destruction training center. DHS has trained at the center for thousands of first responders from all 50 States, territories and the District of Columbia. Given the center’s prominence in the first responders’ community, it often receives offers of gifts and requests for assistance.

These donations and gifts would strengthen the center’s ability to offer high-quality emergency response training.

Unfortunately, the center currently lacks the legal authority at this time to accept these types of services. H.R. 3978 will permit the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and in response to terrorism.

The legislation further directs DHS to report annually to the Congress on any gifts that were accepted in the preceding year and how they have contributed to the center’s mission. Other DHS-supported training centers are permitted to accept gifts and donations, and it is past due to give the Center for Domestic Preparedness the same authority.

I urge all my colleagues to support H.R. 3978.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the First Responder Anti-Terrorism Training Resources Act.

H.R. 3978, which I introduced last month, ensures that first responders who train at East Alabama’s Center for Domestic Preparedness have access to even better training resources. As many here know, the Center for Domestic Preparedness, located in my district in Annotta, Alabama, delivers one-of-a-kind training to America’s emergency responders. It’s our Nation’s premier all-hazards training center. It’s also the only federally chartered weapons of mass destruction training center in the Nation. Responders from all 50 States, the District of Columbia, and the U.S. territories have trained at the CDP. In fact, this year the CDP celebrated its 500,000th graduate.

Like other first responder training centers, often the CDP receives offers of donations, such as railcars, trailers, and emergency response equipment, to assist their training courses. However, since the CDP’s activities are conducted under the Stafford Act, rather than the Stafford Act, the CDP lacks the legal authority to accept donations that could further training resources.

My bill fixes that problem. It amends the 9/11 Act so that the CDP may accept donations of property and services for antiterrorism and training activities. It’s a win-win for our first responders, the taxpayer, and this important east Alabama training facility.

I would like to thank my good friend from Texas (Mr. CUELLAR) for supporting this bill and making a markup in the subcommittee last month. I would also like to thank the full committee chairman, Mr. THOMPSON, for holding a markup in the full committee.

I urge my colleagues to support this important measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I encourage my colleagues to support this important Homeland Security legislation. The gentleman from Alabama has worked very hard, has been very dedicated in this piece of legislation, and I would ask all my colleagues to support this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 3978.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUELLAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further
proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF HOMELAND SECURITY

Mr. GUELLAR, from the Committee on Homeland Security, submitted a privileged report (Rept. No. 111-377) on the resolution (H. Res. 922) directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009, which was referred to the House Calendar and ordered to be printed.

HONORING 50TH ANNIVERSARY OF THE RECORDING OF "KIND OF BLUE"

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 894) honoring the 50th anniversary of the recording of the album "Kind of Blue" and reaffirming jazz as a national treasure.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 894

Whereas, on August 17, 1959, Miles Davis, Jimmy Cobb, Bill Evans, Wynton Kelly, Paul Chambers, John Coltrane, and Julian "Can-nonball" Adderley recorded the album "Kind of Blue"; Whereas "Kind of Blue" ranks 12th on the list of the "500 Greatest Albums of All Time" published by Rolling Stone magazine; Whereas "Kind of Blue" was recorded in 1959, the year Columbia Records declared "jazz's greatest year"; Whereas "Kind of Blue" marked the beginning of the mass popularity of jazz in the United States; Whereas in 2008, the Recording Industry Association of America awarded "Kind of Blue" quadruple-platinum status, meaning 4,000,000 copies of the album had been sold; Whereas in 2002, the Library of Congress added "Kind of Blue" to the National Recording Registry; Whereas "Kind of Blue" was recognized as the bestselling record in the history of jazz; Whereas 50 years after the release of "Kind of Blue", MOJO magazine honored the Legacy Edition of the album by giving it the "Best Catalogue Release of the Year" award; Whereas "Kind of Blue" both redefined the blues and changed the artistic landscape of this country and in some ways the world; At the Congressional Black Caucus event this past September, we honored the only living artist of that recording date, Jimmy Cobb, the drummer, who was there and who performed, as a matter of fact. It was a great time for a great event that occurred 50 years ago.

The reason that it was great was that each one of these artists—Coltrane, Kelly, Paul Chambers, Wynton Kelly, Paul Chambers, and Jimmy Cobb—all became musical leaders in their own right. And they were experimenting with what was once called bebop, now progressive jazz, and some went on to modal jazz, which I'm still finding out what that's all about. They'd usually take chords of a song, sometimes a ballad or a popular song, and then substitute chords, and then you'd get this creative improvisation of what their interpretation of a song means to them. And what modern jazz is, of course, all about.

So with the event that the Congressional Black Caucus had with the only living musician from that historic recording, this gives us a chance and an opportunity to understand what this contribution to music means to the American cultural scene.

Jazz is celebrated all over the world. I introduced a concurrent resolution on January 8, H. Con. Res. 57—I have forgotten what year now, but it was passed in both the House and the Senate—and it celebrated this contribution, this musical contribution that's been appreciated, reinterpreted all over the world. Whenever and wherever I travel, I always try to locate the musicians, whether it's in Norway or Jamaica or Germany. This music is still going on and it's something that we celebrate, and I'm glad to bring before the House today this resolution, 894, for passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support Chairman CONYERS' sponsorship of House Resolution 894, which honors the 50th anniversary of the album "Kind of Blue" and reaffirms jazz as a national treasure.

I thank Chairman CONYERS for his excellent work over the years to honor and support jazz not only in music halls but in the halls of Congress.

In 1987, Chairman CONYERS' House Concurrent Resolution 57 designated jazz as a national American treasure. Taking its name from this resolution, the HR-57 Center for the Presentation of Jazz and Blues later established itself on 14th Street in Washington, D.C., to educate aspiring musicians on the history and culture of jazz and blues.

In 1990, Chairman CONYERS won passage of appropriations legislation awarding the Smithsonian Institute with funding to establish a comprehensive program teaching the Smithsonian Jazz Masterworks Orchestra.

Chairman CONYERS has long supported efforts to present live jazz to the public in Washington, D.C. He has served on the board of directors of such organizations as Capital City Jazz Festivals, Inc., the National Jazz Service Organization, and the Rhythm and Blues Foundation. His love of jazz is shared by many. Jazz is an historic American creation, and as such, it certainly should be honored and supported by Congress today.

This year marks the 50th anniversary of the famous jazz album "Kind of Blue." On August 17, 1957, Miles Davis and his ensemble sextet collaborated to record "Kind of Blue." This album popularized jazz like never before. It led Columbia Records to declare 1959 as "jazz's greatest year." Today, "Kind of Blue" is recognized as the best-selling jazz album of all time. Its influence on music beyond jazz alone has led music experts to view it as one of the most influential albums ever. In 2002, it was one of 50 recordings chosen by the Library of Congress to be added to the
Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to one of the people who knows a little about this music and who has come a long way from Memphis, Tennessee. He is the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I thank the chairman.

Mr. Speaker, we all start as a tabula rasa in all areas of life. Then we grow, and opportunity to learn. In my fewer number of years here on Earth than the chairman, I have learned quite a bit about jazz myself. It has been my honor to have friends who have been involved in jazz in Memphis—particularly, the late Phineas Newborn, Jr., who was a great pianist, one of the great jazz pianists of all time. He was a Memphian, and he was known by jazz musicians all over the world as a great jazz pianist. Others have gone to New York, which is oftentimes where jazz is played.

Marvin Stamm, a great flugelhorn player, performed with different orchestras throughout the country as a Memphian. He went to North Texas State University for his education where he got a degree in jazz band, which is one of the few places in the world, Mr. SMITH's State, that has jazz band distinction.

In New York, there are Bradley's, Village Vanguard and all of those wonderful places where you historically have been able to hear people like Art Blakey. I was able to see Max Roach in Baltimore once at a jazz festival. I am a fan of Charlie Parker's and of Miles Davis. They are great jazz musicians. I think all musicians respected Miles Davis as one of the greatest influences on their lives regardless of whether they were rockers or whether they were blue musicians or jazz performers.

I thank the chairman for his appreciation of what is a uniquely American cultural achievement, one that the world holds dear and respects America for. The appreciation of jazz is an art form that is being lost to our students. It is one that needs to be taught in our schools and that needs to be maintained andLive breathing expression of the American art industry.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute merely to say that I appreciate the gentleman from Tennessee because an earlier jazz started in his State, in Memphis and in Nashville. The room is one of the modem jazz of the music that we reaffirm today as a national treasure.

Before I yield back the balance of my time, because I studied music as a young person, I owe these musicians a debt of gratitude because it was they who recommended that I go to law school, so I am grateful to them for helping my career.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House in recognizing the 50th anniversary of Miles Davis' ground breaking recording, Kind of Blue. I would also like to thank Representative CONVYERS for his spirited commitment to preserving the American art form known as jazz.

I urge my colleagues to support this important resolution.

Mr. Speaker, 50 years ago, Miles Davis brought together six gifted musicians, Bill Evans, Cannonball Adderley, Paul Chambers, John Coltrane, Wynton Kelly, and Jimmy Cobb. These men, who we now revere as jazz legends, under Davis' lead, fashioned the best selling jazz album of all time. It is no wonder that Kind of Blue is ranked as the 12th greatest albums of all time by Rolling Stone Magazine. Selling more than 4 million copies to date, Kind of Blue changed the shape of jazz through the buzz of Davis' trumpet and his focus on musical modes. The album's influence on popular music throughout the years cannot be overstated. Musicians including John Coltrane, Miles Davis, and opened the doors to new, innovative forms of music. Davis' trumpet and his focus on musical modes.

Mr. Speaker. As Kind of Blue continues to introduce listeners around the world to jazz music and the genius of Miles Davis, let us not forget the importance of jazz education and music appreciation.

Mr. CONYERS. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 894.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that occasion, I demand the yeas and nays.

The yeas and nays were ordered. Pursuant to clause XXX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The Clerk read the title of the bill. The text of the bill is as follows:

HUMAN RIGHTS ENFORCEMENT ACT OF 2009

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1472) to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Human Rights Enforcement Act of 2009”.

SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.

(a) REPEAL.—Section 109(h) of the Immigration and Nationality Act (8 U.S.C. 1189(h)) is repealed.

(b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—Chapter 31 of title 28, United States Code, is amended by inserting after section 509A the following:

"§ 509B. Section to enforce human rights laws

(1) Not later than 90 days after the date of the enactment of the Human Rights Enforcement Act of 2009, the Attorney General shall establish a section within the Criminal Division of the Department of Justice with responsibility for the enforcement of laws against suspected participants in serious human rights offenses;

(2) coordinate any such legal action with the United States Attorney for the relevant jurisdiction;

(3) The Attorney General shall, as appropriate, consult with the Secretary of Homeland Security and the Secretary of State.

(c) CERAMICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of the United States Code is amended—

(1) by striking subsection (d) and (e); and

(2) by striking subsection (b) and (c).

(d) In determining the appropriate legal action to take against individuals who are suspected of committing serious human rights offenses under Federal law, the section shall take into consideration the availability of criminal prosecution under the laws of the United States for such offenses or, in a foreign jurisdiction that is prepared to undertake a prosecution for the conduct that forms the basis for such offenses.

"(e) The term ‘serious human rights offenses’ includes violations of Federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 991, 2340, 2340A, 2441, and 2442 of title 18, United States Code.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of the United States Code is amended by inserting after the item relating to section 509A the following:

"Sec. 509B. Section to enforce human rights laws.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENOCIDE.—Section 109(h) of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ‘‘, in a circumstance described in subsection (d):’’; and

(B) by striking ‘‘or attempts to do so.’’;

(2) in subsection (b)—

(A) by striking subsection (c) and (d); and

(B) by striking subsection (b) and (c).

SEC. 4. SUMMARY OF REPORTS.

(a) HISTORICAL AND GOVERNMENTAL INFORMATION.—The Attorney General shall, in consultation with the Secretary of State and the Secretary of Homeland Security, submit to the Congress not later than 60 days after the date of enactment of this Act a report to the Congress that includes—

(1) the report of the Government Accountability Office on the use and effectiveness of the act;

(2) an evaluation of the use of the act in enforcing human rights laws; and

(3) the results of the legislation's implementation, including any recommendations for improvements.
(4) by inserting after subsection (c) the following:

"(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense described in subsections (a), (c), and (d) if—

"(1) the offense is committed in whole or in part within the United States; or

"(2) regardless of where the offense is committed, the alleged offender is—

"(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(C) a stateless person whose habitual residence is in the United States; or

"(D) present in the United States.

"(f) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282, in the case of an offense under this section, an indictment, information, or other proceeding, including the taking of evidence, may be instituted at any time without limitation.

(b) IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(3)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)(E)(ii)) is amended by striking "conduct outside the United States that would, if committed in the United States, be a crime under this title" and inserting "conduct outside the United States that would, if committed in the United States, constitute an offense described in subsections (a), (c), and (d) of this section.

(c) APPLICABILITY.—The amendments made by subsections (b), (c), and (d) of the Child Soldiers Accountability Act of 2008 (Public Law 110–340) shall apply to offenses committed before, on, or after the date of the enactment of the Child Soldiers Accountability Act of 2008.

(d) MATERIAL SUPPORT FOR GENOCIDE OR CHILD SOLDIER RECRUITMENT.—Section 2339A(a) of title 18, United States Code, is amended by—

"(1) inserting "1091" after "956"; and

"(2) striking ", or 2340A" and inserting ", 2340A, or 2442".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONyers), and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, Members of the House, S. 1472 is an effort to improve our ability to identify and prosecute human rights abusers. It enhances the Justice Department's efforts to hold perpetrators of atrocities accountable, and it will help ensure that war criminals do not find a safe haven in our country.

This legislation would combine the two offices in the Justice Department with jurisdiction over human rights to create a new, consolidated human rights section. It would merge the Office of Special Investigations with the domestic security section, which has jurisdiction over human rights crimes. This would allow more efficiency and effective enforcement in a combination that would improve the use of our resources and the time you give me to describe the necessary expertise and jurisdiction to prosecute or to denaturalize perpetrators of serious human rights crimes. It also amends a section of the Immigration and Nationality Act to make several technical and conforming amendments needed in light of the enactment of other laws.

I commend the authors of this legislation, Senators DUNN and COBURN, who are the chairman and the ranking member of the Senate Human Rights and the Law Subcommittee, and the ranking member of the Judiciary Committee in the House, Mr. SMITH.

I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, I support S. 1472, the Human Rights Enforcement Act of 2009. This bipartisan legislation recently passed unanimously in the Senate. The bill is now before this body for consideration.

The first goal of this legislation is to provide technical corrections to the Genocide Accountability Act, which was signed into law by President Bush in 2007.

Before that act passed, genocide was only a violation of Federal criminal law if it was committed within the United States or by a U.S. national outside the United States. The act closed this loophole by allowing the prosecution of non-U.S. nationals found in the United States for genocide perpetrated outside the U.S.

The second goal of this legislation is to create a new section at the Department of Justice to consolidate prosecutorial authority over most Federal criminal and immigration human rights offenses.

Currently, the responsibility for enforcing these statutes rests within the Office of Special Investigations, or OSI; OSI was created in 1979 to hunt down Nazi war criminals who secretly lived in the United States. After discovering war criminals within the U.S., OSI used administrative procedures to denaturalize, deport or remove them. In 1991, Congress statutorily directed OSI to also investigate and denaturalize individuals who participated in genocide, torture, or extrajudicial killings.

Right now, OSI does not have prosecution authority. Instead, it works with attorneys and other components of the Department to pursue those cases in which a violation of Federal criminal law can be shown. This legislation expands OSI's jurisdiction to enable it to prosecute and enforce Federal criminal human rights laws and to consolidate those efforts into one office.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to stand before you today in support of S. 1472 to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

This bipartisan legislation would make it easier for the Justice Department to hold accountable human rights abusers who seek safe haven in the United States. In the 20th century and the beginning of the current 21st century have seen ongoing human rights atrocities all over the globe, such as Burma, Sudan, and Bosnia. While an increasing number of perpetrators of such human rights abuses are held accountable in international or state tribunals, many have escaped accountability for their crimes. Some of these human rights abusers have even fled to the United States.

As a representative of the state of Texas, I understand the urgency of creating an effective mechanism for investigating human rights violations that seek to hide out here in the United States. In a 2008 report, retired five-star General Barry McCaffrey warned of a refugee catastrophe that could greatly affect the state of Texas. General McCaffrey warns that “the world is on the edge and that “it could become a narco-state in the coming decade.” According to General McCaffrey’s report, there could be a surge of millions of refugees crossing the U.S. border. Those millions will almost certainly include individuals who have committed human rights violations in Mexico. And those individuals must be held accountable for their actions.

How the United States treats suspected perpetrators of human rights abuses sends an important message to the world about our commitment to human rights and the rule of law.

The United States has a rich history of protecting human rights and holding violators of such rights accountable. Over 60 years ago, the U.S. led efforts to prosecute Nazi perpetrators at the Nuremberg Trials. The U.S. also supported the prosecution of human rights crimes before the International Criminal Tribunal for the former Yugoslavia, the Special Court of Sierra Leone, and the International Criminal Tribunal for Rwanda. But, the United States must do more. The U.S. must make a stronger effort to hold those human rights violators who have found safe haven in the United States accountable for their atrocities.

The Human Rights Enforcement Act would seek to build on the foundations already laid by creating a section inside the Department of Justice to focus entirely on enforcing human rights laws. The bill combines the Office of Special Investigations, whose work includes investigating and denaturalizing human rights offenders and the Domestic Security Section, which has broad jurisdiction over human rights violations. This legislation allows for the Department of Justice to more effectively utilize law enforcement resources to investigate and, where necessary, prosecute, denaturalize, or deport human rights offenders.

The rule of law and human rights are fundamental American values. In accordance with those values, the United States has a rich history of leading the promotion of human rights worldwide. We have a responsibility to set an
example for the rest of the world by dem-
strating our commitment to end human
rights atrocities and hold perpetrators account-
able.
Mr. Speaker, I strongly encourage all of my
colleagues to join me in support of S. 1472.
Mr. SMITH of Texas. Mr. Speaker, I yield
back the balance of my time.
Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.
The SPEAKER pro tempore. The question is on the motion offered by the
gentleman from Michigan (Mr. CONYERS) that the House suspend the
rules and pass the bill, S. 1472.
Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a
quorum is not present and make the point of order that a quorum is not
present.
The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX and the
Chair's prior announcement, further
proceedings on this motion will be
postponed.
The point of no quorum is considered
withdrawn.

RECOGNIZING A. PHILIP RANDOLPH FOR HIS LIFELONG
LEADERSHIP AND WORK TO END DISCRIMINATION

Mr. CONYERS. Mr. Speaker, I move
to suspend the rules and agree to the
resolution (H. Res. 150) expressing the
sense of the House of Representatives
that A. Philip Randolph should be recog-
nized for his lifelong leadership and
work to end discrimination and secure
equal employment and labor opportuni-
ties for all Americans.
The Clerk read the title of the resolu-
tion.
The text of the resolution is as fol-
lows:
H. Res. 150
Whereas A. Philip Randolph was born April
15, 1889;
Whereas A. Philip Randolph was in New
York during the height of the Harlem Ren-
aissance and was a student in politics and
economics at City College, which served as the
intellectual center of the movement;
Whereas A. Philip Randolph was the co-
founder of The Messenger in 1917, a widely
read and respected magazine known for its
radical persuasion;
Whereas A. Philip Randolph was the leader
of the successful movement to organize the
Pullman Company (one of the most powerful
businesses in the Nation) which led to the
formation of the Brotherhood of Sleeping
Car Porters (BSCP), an organization that ad-
vanced the claims of African-Americans to
dignity, respect, and a decent livelihood;
Whereas A. Philip Randolph was selected
by the porters at the Pullman Company as a
representative because he was a good orator
and a tireless fighter for the rights of Afri-
can-Americans and was dedicated to the por-
ters' cause for over a decade;
Whereas A. Philip Randolph was able to
secure an international charter from the
American Federation of Labor (now AFL–
CIO) after Franklin Roosevelt's New Deal
legislation forced the Pullman Company to
negotiate with the Brotherhood, and was
able to successfully negotiate the first-ever
contract between a company and a black
union, in 1937;
Whereas A. Philip Randolph was one of the
central figures speaking out for African-
American rights during the 1930s and 1940s
and focused on labor and employment issues;
Whereas A. Philip Randolph was an early
leader in the movement challenging discrimination in
defense industry jobs and used the threat
of a march on Washington as part of an ef-
fort to lobby President Roosevelt to sign an
executive order banning discrimination
within the Government and the defense in-
dustries;
Whereas A. Philip Randolph was, in 1947, a
leader in the movement to end segregation
in the military and called for African-Ameri-
cans to refuse to register for the draft until
these practices were ended and was success-
ful in this effort, which saw President Tru-
man issue an executive order barring dis-
crimination in the military on July 26, 1948;
Whereas A. Philip Randolph was the lead-
ing force behind the March on Washington
for Jobs and Freedom and worked with many
old friends and foes of his earlier labor strug-
gle to organize the event, which took place on
August 28, 1963, drew a crowd of over 250,000 people, and was the occasion
of a meeting with President Kennedy and Dr. Martin Luther King, Jr.;
Whereas A. Philip Randolph died in 1979 as
an elder statesman of the civil rights move-
ment, a much admired figure and role model
for the young people of this Nation: Now,
therefore, be it
Resolved, That it is the sense of the House
of Representatives that A. Philip Randolph
should be recognized for his lifelong leader-
ship and work to end discrimination and se-
cure equal employment and labor opportuni-
ties for all Americans.

The SPEAKER pro tempore (Mr. CUELAR). Pursuant to the rule, the
gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 min-
utes.
The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask
unanimous consent that all Members may have 5 minutes to revise
and extend their remarks and to in-
clude extraneous material on the reso-
lation under consideration.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from Michigan?
There was no objection.

Mr. CONYERS. I yield myself as
much time as I may consume.

Mr. Speaker, I reserve the balance of
my time and urge support for the reso-

Mr. SMITH of Texas. Mr. Speaker, I
yield myself such time as I may con-

Mr. Speaker, I support House Resolu-
tion 150, which recognizes Asa Philip
Randolph for his lifelong leadership
and work to end discrimination and se-
cure equal employment and labor oppor-
tunities for all Americans.

Mr. Randolph was a leading cham-
pion of fairness in the 20th century. He
is one of the most well-known trade
unionists of his time and he helped
found the modern civil rights move-

Mr. Randolph moved to the Harlem
district of New York City in 1911,
where he organized black voters in
favor of labor rights. In 1917 he co-

Mr. Randolph organized the
Brotherhood of Sleeping Car Porters.
This was the first serious effort to form
a labor institution for the employees of


the Pullman Company, which was one of America’s most powerful companies and a major employer of black Americans. The Pullman Company later negotiated with the Brotherhood in 1935 and agreed to a contract with them in 1937, winning pay increases, shorter workweeks, and overtime pay for their employees.

In 1941, Mr. Randolph proposed a march on Washington to protest racial discrimination in war industries and to propose the desegregation of the American armed forces. The march was canceled after President Franklin Roosevelt issued Executive Order 8802, which called for an end to discrimination in defense industries and government on the basis of race, creed, or national origin.

Mr. Randolph’s nonviolent efforts led to the signing of another executive order on July 26, 1948, this time signed by President Truman to ban discrimination and segregation in the Armed Forces.

In addition to these accomplishments, Mr. Randolph was an active participant in a number of organizations and causes, including the Leadership Conference on Civil Rights, which he co-founded, and the Workmen’s Circle. He also formed the A. Philip Randolph Institute for community leaders to study the causes of poverty.

Mr. Randolph has been called “the towering civil rights figure of the period” in which he lived, “the dean of American civil rights leaders” and “among the first leadership of the labor movement.” He fought for more than a half-century on behalf of the poor and deprived, securing rights not just for black workers but for employees of all races and nationalities.

I urge my colleagues to join me in supporting this resolution.

Mr. JOHNSTON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the life and work of intellectual, activist and community organizer A. Philip Randolph. As a member of the House Judiciary Committee, I strongly support H. Res. 150, which provides Congress with an opportunity to recognize important issues such as civil rights, labor rights, and the struggle for racial equality, to which A. Philip Randolph devoted his life, and which continue to have relevance today. I encourage my colleagues to support this important resolution.

A. Philip Randolph was born on April 15, 1889 in Crescent City, Florida. He was a student of politics and economics at City College during the Harlem Renaissance. In 1917, Randolph co-founded “The Messenger,” a widely respected political and literary magazine which campaigned against the horrors of lynching and segregation. Deeply concerned not only with African American rights, but also labor and employment issues, he organized a union of elevator operators in New York in the same year. In 1925 he organized the Brotherhood of Sleeping Car Porters, a labor union which advanced claims to union recognition, was a model, not only for young people, but for all of the citizens in this great Nation.

Mr. DAVIS of Illinois. Mr. Speaker, no one can start a new beginning, but anyone can start a new ending. A. Philip Randolph was one of the many to make a new ending for not just himself, but the world around him. A. Philip Randolph was a prominent twentieth-century African-American civil rights leader and the founder of both the March on Washington Movement and the Brotherhood of Sleeping Car Porters, a landmark for labor and particularly for African-American labor organizing. Inspired from the writing of W.E.B. Du Bois, Souls of Black Folk; this graduate of Bethune-Cookman College and son of an A.M.E. preacher took his beliefs and made them manifest through serving others.

Randolph had some experience in labor organization, having organized a union of elevator operators in New York City in 1917. In 1925 Randolph organized the Brotherhood of Sleeping Car Porters. This was the first serious effort to form a labor institution for the employees of the Pullman Company, which was a major employer of African-Americans. With amendments to the Railway Labor Act in 1934, protection of civil and federal law, and membership in the Brotherhood jumped to more than 7,000. After years of bitter struggle, the Pullman Company finally began to negotiate with the Brotherhood in 1935, and agreed to a contract with them in 1937, winning $2,000,000 in pay increases for employees, a shorter workweek, and overtime pay. Randolph maintained the Brotherhood’s affiliation with the American Federation of Labor through the 1955 AFL-CIO merger.

Randolph was also responsible for the organization of the March on Washington for Jobs and Freedom on August 28, 1963 with the help of Martin Luther King Jr. The Civil Rights Act of 1964 is often attributed in part to the success of the March on Washington, where Black and White Americans stood united and witnessed King’s “I Have a Dream” speech. As the U.S. civil rights movement gained momentum in the early 1960s and came to the forefront of the nation’s consciousness, his rich baritone voice was often heard on television news programs addressing the nation on behalf of African Americans engaged in the struggle for voting rights and an end to discrimination in public accommodations. He was also an active participant in many other organizations and causes, including the Workmen’s Circle and others.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to stand before you today in support of H. Res. 150, expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

A. Philip Randolph was born on April 15, 1889, in Crescent City, Florida. In 1917, Randolph co-founded The Messenger, a widely read and respected magazine known for its radical persuasion.

Randolph was perhaps most widely known for his work advocating for the rights of workers, and working to end employment discrimination. Randolph worked tirelessly on behalf of African American workers in forming the Brotherhood of Sleeping Car Porters (BSCP), an organization designed to advance the claims of African Americans to dignity, respect and a decent livelihood. After Franklin Roosevelt’s New Deal forced the Pullman Company to negotiate with the BSCP in 1937, Randolph successfully negotiated the first-ever collective bargaining contract between a company and a black union.

Randolph became one of the most widely known spokespersons for the African American working class in America. In 1940, after Franklin Roosevelt refused to issue an executive order banning discrimination against black workers in the defense industry, Randolph called for 100,000 African Americans to march on Washington, DC. Support for Randolph’s march grew so wide that President Roosevelt was forced to issue an executive order on June 25, 1941 declaring “there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color or national origin.”

Randolph’s legacy of working for labor opportunities and employment justice is alive and thriving today. In my home town of Houston, Texas, students at the University of Houston have carried on the torch of justice for laborers in founding the University of Houston Students Against Sweatshops. These students organized the largest boycott of modern student activities against Russell Athletic, due to labor violations in their factory in Honduras. Thanks to the student effort, Russell has recently agreed to meet worker demands and improve labor conditions for its 1200 workers.

The labor exemplo is a testament to the lasting and widespread effects of Randolph’s work. As a champion for African American laborers, Randolph was able to shape our nation’s values on employment and equality. Today, students from all over the country, including my home state of Texas, have picked up the torch in support of labor rights worldwide.

I ask my colleagues to stand with me in support of H. Res. 150.
Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONyers. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONyers) that the House suspend the rules and agree to the resolution.

H. Res. 150.

The Speaker was told to avoid prosecution they needed their means of obtaining per- sonal information.

Mr. Speaker, H.R. 1110, the Preventing Harassment through Outbound Number En- forcement Act of 2009 or the “PHONE Act of 2009”.

SEC. 2. CALLER ID SPOOFING.
(a) In general.—Chapter 47 of title 18, United States Code, to prevent caller ID spoofing, and for other purposes, as amended—

The Clerk read the title of the bill.

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1110) to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes, as amended—

The Speaker recognized the gentleman from Michigan.

There was no objection.

The measure before us today pre- serves this act on two levels, with penalties that fit the seriousness of the offense. For providing false caller ID in- formation with the intent to wrongly obtain something of value, the penalties are fines and up to 1 year in prison; for providing false caller ID in- formation with the intent to wrong- fully obtain something of value, the penalties are fines and up to 5 years imprisonment. In addition, the bill pro- vides for forfeiture of equipment used and proceeds gained by those involved in this activity.

Because it can be used for legitimate law enforcement and intelligence pur- poses, the bill allows spoofing for law- fully authorized activities of law en- forcement. It also does not prohibit the simple use of a fake number to hide the caller’s number. Many businesses have opted to use this feature to protect against abusive call-backs. As a matter of fact, the House uses this feature on calls to outside lines. This non-mali- cious practice is not intended to be reached by the legislation before us.

I urge my constituents to support this legislation. I urge its sup- port, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may con- sume.

Mr. Speaker, H.R. 1110, the Preventing Harassment through Outbound Number Enforcement Act, or PHONE Act, addresses caller ID spoofing.

Spoofing is a ploy for obtaining a vic- tim’s personal and financial informa- tion to commit identity theft and other similar fraud. It involves mask- ing caller ID information to make a fraudulent telephone call to a recipi- ent. Those who engage in spoofing use incorrect, fake or fraudulent caller identification to hide their identity and the identity of the call- er from the victim. Call recipients unwill- ingly divulge their names, addresses or Social Security numbers under the mistaken belief that the caller repre- sents a bank, a credit card company or even a court of law. All too often, a personal measure is aimed at the deceptive tele- phoning practice called “spoofing,” where a fake caller ID is used to hide one’s true identity. Sometimes it can mean simply using the caller ID of an- other person - a business without per- mission, but sometimes the purpose is to commit fraud or identity theft. Call recipients are sometimes tricked into divulging private, personal information to the spoofer. For example, the AARP has reported cases in which people re- ceived bills related to their phones, and even got their Social Security numbers through spoofing.

Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and ex- tend their remarks and include extra- neous material on the bill under con- sideration.

The Chair recognizes the gentleman from Michigan.

General LEAVE

Mr. CONyers. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extra- neous material on the bill under con- sideration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. S MITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CONyers) and the gentle- man from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

"(d) Forfeiture.—"
Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING 70TH ANNIVERSARY OF RETIREMENT OF JUSTICE LOUIS D. BRANDEIS
Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 905) recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court.

The Clerk read the title of the resolution.

'The text of the resolution is as follows:'

H. Res. 905

Whereas the United States Supreme Court has played a fundamental role in interpreting the Nation’s laws; Whereas Louis D. Brandeis, born in Louisville, Kentucky, on November 13, 1856, led a selfless career as a practicing lawyer helping to create the pro bono tradition in the United States through his devotion to public causes, becoming known as the “people’s lawyer” for challenging the power of railroad, bank, and insurance company monopolies; Whereas Justice Brandeis was nominated an Associate Justice of the Supreme Court by appointment of President Woodrow Wilson and confirmed by the United States Senate in 1916 as the first Jewish Justice of the Supreme Court; Whereas Justice Brandeis vastly contributed to constitutional jurisprudence, particularly in the areas of free speech, right to privacy, labor relations, and women’s suffrage; Whereas through the marshalling of evidence and development of the doctrine of judicial notice, Justice Brandeis concerned himself as a citizen, attorney, and Justice of the Supreme Court with the powers and role of education in the Nation’s democracy; Whereas Justice Brandeis supported the University of Louisville and its law school (named the Louis D. Brandeis School of Law in 1997) by contributing funding and his personal papers and ensuring that the law school library received Supreme Court briefs for its archives; Whereas Justice Brandeis provided the role model for public service which served as the inspiration for the University of Louisville adopting a public service requirement for all students; Whereas Justice Brandeis resigned from the Supreme Court 70 years ago in 1939; and Whereas, to this day, schools, universities, the United States Postal Service, and other institutions remember the name of Justice Brandeis and commemorate his service: Now, therefore, be it

Resolved, That the House of Representatives:

(1) recognizes the 70th anniversary of Justice Louis D. Brandeis’s retirement from the United States Supreme Court and the significant contribution he made in United States Supreme Court jurisprudence; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Louisville Louis D. Brandeis School of Law for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentlemen from California (Mr. Davis, Mr. Lungren) each will control 20 minutes. The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, this resolution honors Louis D. Brandeis, one of America’s greatest jurists and legal minds, on the occasion of the 70th anniversary of his retirement from the United States Supreme Court.

In any listing of great Supreme Court justices, Brandeis would have to be among one of the top three. Among his lasting accomplishments, he greatly influenced constitutional jurisprudence, especially in the areas of labor relations, free speech, right to privacy, and women’s suffrage.

Louis Brandeis was born in Louisville, Kentucky, to Jewish parents who had emigrated from Europe, having come from Bohemia after the Bohemian Revolution trying to create Bohemia as an independent state in the 1850s.

After graduating from Harvard Law School at age 20 with the highest grade average in the college’s history, he embarked on a legal career in which he devoted much of his time and energy to important social causes—often pro bono—that he became widely known as “the people’s lawyer.” Indeed, he pioneered the pro bono legal tradition. In a ranking of lawyers in America, he would have to rank among the top 10, independent of his 22-year service on the United States Supreme Court. He was allowed to enter Harvard Law School even though he wasn’t a high school graduate, and he graduated prior to the requisite age of 21 and he was given his degree by special resolution.

His significant contributions are so numerous that it would be impossible to discuss them all, but I will mention a few. In 1890, he and his law partner, Samuel Warren, published an article in the Harvard Law Review entitled The Right to Privacy, which is credited with creating the foundation for that right in American constitutional law. Brandeis felt one of the most significant parts of the American experience is the people’s right to privacy, and that’s where the right to privacy came into his thinking as he expressed it in his law work.
He took on the life insurance industry and J.P. Morgan's railroad monopoly. He was a leading advocate for stronger labor protections. He was a strong advocate for States having the opportunity to go into new endeavors and said that the States were the laboratories of democracy; that there had been a number of States—today 50, less when he was serving on the Supreme Court—but that each had the opportunity to try some particular new idea and see if it worked so that the other States could rely on the work of that State to see whether it should expand and be used throughout the country.

The laboratories of democracy were important as States, such as California, looked at medical marijuana and the other States could then learn, and that spread throughout 12 or 13 other States, but there was an opportunity to learn, rather than doing it all at one time and seeing if one policy fit the whole Nation. He was a chief economic adviser to President Woodrow Wilson, and helped develop the Federal Reserve Act and the Federal Trade Commission. In 1916 President Wilson nominated him for the Supreme Court. He became the first Jewish Supreme Court Justice, where he continued his work on great legal issues and left a lasting legacy in American jurisprudence.

Unfortunately, in his confirmation hearing, anti-Semitism was one of the issues that came about and was raised in the Senate. But our country overcame that, and he became the first Jewish Supreme Court Justice.

Through this resolution we recognize and celebrate the 70th anniversary of the retirement of Justice Brandeis from the United States Supreme Court, and remember, with deep gratitude, his many contributions to our Nation’s life and to the founding also of the State of Israel.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 905, which recognizes the 70th anniversary of the retirement of Justice Louis Brandeis from the United States Supreme Court, and remembers, with deep gratitude, his many contributions to our Nation’s life and to the founding also of the State of Israel.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as many representatives from Kentucky (Mr. YARMUTH) needs. Mr. YARMUTH is the genius of this particular resolution. He hails from the same city that Justice Brandeis did and brings this to memorialize this man’s great talents.

Mr. YARMUTH. Mr. Speaker, in Louisville we are proud of many of the great things our most legendary residents have achieved. From Muhammad Ali’s success in and out of the boxing ring and groundbreaking work in journalism to Harlan Sanders’ achievements as an entrepreneur, there’s evidence of their legacies throughout our community. It’s in the stories we tell, it’s found in the history embedded in our neighborhoods, and it’s seen on the banners hung in their honor throughout town. We are proud that our city has been home to people who have changed the world in the realms of athletics, literature, art, music, and so much else. The man we are celebrating today, law.

Louis D. Brandeis was born in Louisville, Kentucky, in 1856, the son of immigrants, and it was to Louisville that he would return throughout his life. It was from the cradle of the burgeoning immigrant communities of 19th-century Louisville that Brandeis began his distinguished career. He excelled first at Louisville’s Male High School and Harvard Law School, earning a successful career as a lawyer and academic. That led, in 1916, to the bench of the United States Supreme Court, when he was nominated by Woodrow Wilson as the first Jewish Justice.

The achievements of Justice Brandeis were many, however, so far reaching that ground. His legacy as a jurist and litigator has had a long-lasting impact, not just in the courtrooms and law books but in the lives of every American citizen. His accomplishments were far-ranging, and their influence resonates today and will do so far into the future.

To those of us who treasure the First Amendment and its protection of free speech, we can thank the work of Louis Brandeis. To those who value the extension of equal rights to all Americans, we can thank Louis Brandeis. The right to privacy, groundbreaking work in the field of labor relations, successful challenges to once powerful corporate monopolies, the list is long and establishes Justice Brandeis’ career as one well-deserving of our recognition in this House, a recognition he has not yet received in the 70 years since he retired from the Supreme Court.

The work of Louis Brandeis deserves not just our honor but our attention. Though the battles we fight today may have changed from those of Brandeis’ era, his work is rich and relevant for all of us involved in lawmaking. When few others would, Brandeis took on the powerful monopolies that caused economic havoc during the first decade of the 20th century. He was continuously skeptical of large banks and their relationship to corporations whose failure could threaten the entire economy, and he helped develop the Federal Reserve Act of 1913 which clamped down on the banking industry’s most egregious practices.

In his book, “Other People’s Money: And How the Bankers Use It,” and in a series of columns, Brandeis warned his contemporaries of the dangers posed by massive financial corporations accumulating resources and using them irresponsibly, lessons that forewarned the economic crisis we faced in this country just last year. As a litigator, educator, philanthropist, and jurist, Louis Brandeis did nothing short of ensuring that the rights we now regard as commonplace would endure. His contributions are those for which the entire country should be grateful, and his legacy is something for which all of us in Louisville can be proud. In fact, his image now adorns the University of Louisville, where the law school now bears the name of Justice Louis Brandeis.
I join Justice Brandeis’ grandson, Frank Gilbert, and the rest of his family in urging my colleagues to support H. Res. 905, recognizing the 70th anniversary of the retirement of this legendary American educator, litigator, and jurist.

Mr. COHEN. I appreciate Mr. YARMUTH bringing this resolution and his comments. I reserve my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

It is interesting that we have heard of Justice Brandeis’ commitment to the First Amendment. One can only wonder what he would think of the current state of interpretation of the First Amendment where, unfortunately, it appears that we give greater protection to nude dancing than we do to political speech.

One would hope that the Supreme Court, as we anticipate its decision in the most recent challenge to aspects of McCain-Feingold, might listen to some of the interpretations and wisdom of Louis Brandeis with respect to the essence of the First Amendment.

One would hope that we would, once again, regain the notion that protection of political speech is at the forefront of the First Amendment, not an afterthought to the First Amendment, and that when we have gone so far as to have someone representing the Solicitor General of the United States, responsible for a question in the Supreme Court, saying in response to the question, So, the law would give you the right to ban books if they said what is contained in the script of the movie that the FEC believes it has the right to stop during the period of time before an election, the response from the representative of the executive branch was, yes. If we have come so far that banning books is seen as something allowed under the First Amendment because the pursuit of purity in political campaigns, then we have lost sight of the First Amendment as understood and expressed by Louis Brandeis.

And so I would hope that as we look forward to the end of this year that we could look forward to a Supreme Court that comes to its senses and understands the essence of the First Amendment.

Once again, I would urge my colleagues to unanimously support this recognition on the 70th anniversary of the retirement from the Supreme Court of Louis Brandeis. I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, indeed, Justice Brandeis had a great impact on this country, not only as a jurist, as we’ve mentioned, but as a lawyer. And one of his innovations was something called the Brandeis Brief, where not only were precedents used to make an argument but social data, factual data about changes in society to support the Court’s positions.

Brandeis was not alive at the time of Brown v. Board of Education of Topeka, one of the great decisions of our Supreme Court, but it was a Brandeis Brief argument that was used to win that case, for there was little law on the subject that was favorable, but there was much social analysis and facts that helped the Court make its decision. And in fact, it was not equal, and that was the only change in this country that we had in 1954 that we’re continuing to experience today.

Justice Brandeis had many quotes which were of great significance, one of which is inscribed on the walls of Congress, I think just beneath this Chamber on the first floor. If you look up towards the ceiling, The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding. That quote, which is inscribed on the walls of Congress, is one that I’ve long thought about, and people making arguments that sometimes are well meant but they take away from the rights that people should have in this country and freedoms.

Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4194) to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title.
During their time in school, each of these students will study property, criminal, constitutional, and contract law, just to name a few. And these classes not only instruct the students on the relevant case law or statutes but also teach them how to think like a lawyer; that is, to analyze cases from a lawyer's perspective.

As important as that is, equally important are the clinical programs offered by virtually every law school in the country that teach students how to practice law. Clinical programs include prosecution and defense, appellate advocacy, including death penalty appeals projects, juvenile justice, and even tax assistance clinics. Yet, a little-known provision in Federal criminal law—Federal criminal law; that is, it makes a crime—prevents certain law students from participating in these clinics. In other words, they would be subject to criminal penalties if they participated in these clinics.

Section 205 already contains an exemption that narrows the definition of "conflict of interest" to those instances of actual conflict: cases in which the benefit attorney substantially and personally participated as a government employee, and cases in which the employee's department or agency is currently directly participating.

By applying this exemption to law students and legal clinic staff, the bill will eliminate the pernicious effects of section 205 while retaining its safety guard against true conflict of interest. Law students and legal clinic staff would be prohibited from participating in law school clinics that are, by their nature, adverse to the Federal or D.C. Government while continuing to prohibit actual conflicts of interest involving specific parties.

Law students and staff who choose government service would remain subject to governmental conflict of interest rules while also being permitted to enjoy the same clinical resources and opportunities as their peers.

I commend our colleagues Congressmen Mr. LUNGREN from California for his leadership on this important bill, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. LUNGREN. Mr. Speaker, I yield back the balance of my time.
A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 414, noes 1, not voting 19, as follows:

[Roll No. 972] 
AYES—414

A motion to reconsider was laid on the table. Stated for: Mr. HELLER. Mr. Speaker, on roolcall No. 971, I had been present, I have voted ‘aye.’

AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1517, as amended. The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. Cuellar) that the House suspend the rules and pass the bill, H.R. 1517, as amended.

The motion was taken. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

Mr. Ackerman of Georgia. Mr. Speaker, I yield time to the gentleman from Illinois (Mr. Davis).
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 3978.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HARE, Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 413, noes 20, not voting 20, as follows:

[Roll No. 973]

AYES—413

The result of the vote was announced and the clerk read the title of the bill.

[Constituents listed]

NOES—20

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER, Mr. Speaker, on rollcall No. 973, had I been present, I would have voted "aye."
Mr. HELLER. Mr. Speaker, on rollcall No. 973, had I been present, I would have voted "aye."

Mr. CASSIDY. Mr. Speaker, on rollcall No. 973, I was unavoidably detained. Had I been present, I would have voted "aye."

LOCAL COMMUNITY RADIO ACT OF 2009

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1147) to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 1147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the "Local Community Radio Act of 2009."

SEC. 2. AMENDMENTS. Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106-335, § 104 Stat. 1802A-111), is amended to read as follows:

"(a) The Federal Communications Commission shall modify its rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

(1) prescribe protection for co-channels and first- and second-adjacent channels; and

(2) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

"(b) Any license that was issued by the Federal Communications Commission to a low-power FM station prior to April 2, 2001, shall be the result of the operation of such low-power FM station on a third-adjacent channel, and shall instruct affected listeners to contact such low-power FM station to report any interference.

The Federal Communications Commission shall require all newly constructed low-power FM stations on third-adjacent channels to—

(A) notify the Federal Communications Commission and all affected stations on that third-adjacent channel of an interference complaint by electronic communication within 48 hours after the receipt of such complaint; and

(B) cooperate in addressing any such interference.

(3) Low-power FM stations on third-adjacent channels shall be required to address complaints of interference within the protected contour of an affected station and shall be encouraged to address all other interference complaints, including complaints to the Federal Communications Commission, based on interference to a full-service FM station, an FM translator station, or an FM booster station by the transmitter site of a low-power FM station on a third-adjacent channel at any distance from the full-service FM station, an FM translator station, or an FM booster station. The Federal Communications Commission shall provide notice to the licensee of a low-power FM station of the existence of such interference within 7 calendar days of the receipt of a complaint from a listener or another station.

(4) To the extent possible, the Federal Communications Commission shall grant low-power FM stations on third-adjacent channels the ability to remediate interference through the colocation of the transmission facilities of the low-power FM station and any stations on third-adjacent channels.

(5) The Federal Communications Commission shall—

(A) permit the submission of informal evidence concerning any engineering analysis that an affected station may commission;

(B) accept complaints based on interference to a full-service FM station, FM translator station, or FM booster station by the transmitter site of a low-power FM station on a third-adjacent channel at any distance from the full-service FM station, FM translator station, or FM booster station; and

(C) accept complaints of interference to mobile reception.

SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS. The Federal Communications Commission shall modify its rules to address the potential for predicted interference to FM translator input signals on third-adjacent channels set forth in section 2.7 of the technical report entitled 'Experimental Measurements of the Third-Adjacent Channel Impacts of Low-Power FM Stations, Volume One—Final Report (May 2003)'.

SEC. 4. PROTECTION OF RADIO READING SERVICES. The Federal Communications Commission shall modify its rules to engage in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

SEC. 5. ENSURE AVAILABILITY OF SPECTRUM FOR LOW-POWER FM STATIONS. The Federal Communications Commission, when licensing new FM translator stations, FM booster stations, and low-power FM stations, shall ensure—

(1) that licenses are available to FM translator stations, FM booster stations, and low-power FM stations; and

(2) that such decisions are made based on the needs of the local community.

SEC. 6. PROTECTION OF TRANSLATOR INPUT SIGNALS. The Federal Communications Commission shall modify its rules to address the potential for predicted interference to FM translator input signals on third-adjacent channels set forth in section 2.7 of the technical report entitled 'Experimental Measurements of the Third-Adjacent Channel Impacts of Low-Power FM Stations, Volume One—Final Report (May 2003)'.

SEC. 7. ENSURING EFFECTIVE REMEDIATION OF INTERFERENCE. The Federal Communications Commission shall modify its rules to address the potential for predicted interference to FM translator input signals on third-adjacent channels set forth in section 2.7 of the technical report entitled 'Experimental Measurements of the Third-Adjacent Channel Impacts of Low-Power FM Stations, Volume One—Final Report (May 2003)'.

SEC. 8. FCC STUDY ON IMPACT OF LOW-POWER FM STATIONS ON FULL-SERVICE COMMERCIAL FM STATIONS. (a) IN GENERAL.—The Federal Communications Commission shall conduct an economic study on the impact that low-power FM stations will have on full-service commercial FM stations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under subsection (a).

(c) LICENSING NOT AFFECTED BY STUDY.—Nothing in this section shall affect the licensing of new low-power FM stations as otherwise permitted under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to review and extend their comments and insert extraneous material into the RECORD.

Mr. BOUCHER. Mr. Speaker, I yield such time as he may consume to the chairman of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 1147, the Local Community Radio Act of 2009, and I want to thank Chairman BOUCHER for his leadership in guiding this bipartisan bill through the committee.

I also want to recognize and thank Mr. DOYLE and Mr. TERRY, the original sponsors of the bill, for their efforts to expand diversity, localism, and competition in our media landscape. Mr. DOYLE has been a tireless advocate of local community radio, and I greatly appreciate his leadership, flexibility, and persistence.

I'm pleased that the House is taking up this important measure, as I have long supported expanding low-power FM service. The bill removes a statutory barrier to the creation of potentially thousands of new low-power stations across the country. The creation of these stations will further the overriding national policy goals of promoting broadcast localism and diversity.

I'm pleased that the bill includes strong protections against unreasonable interference for incumbent radio broadcasters, as well as a clear dispute resolution process should such interference occur. I want to thank National Public Radio for working with the Energy and Commerce Committee in a constructive manner. I also want
to commend the Prometheus Radio Project, the United Church of Christ, and other supporters of low-power FM services for their valuable input.

I urge my colleagues to support H.R. 1147.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

As coauthor with Mr. DOYLE, I too rise in support of H.R. 1147, and it was my pleasure to come to this floor to discuss legislation that is the product of great bipartisanship. Congressman DOYLE and I teamed up in working on this low-power FM legislation, and the product that we have today here on the floor is a good one. We do believe this bill has the potential to revolutionize what Americans hear on their radios and that it will provide an exciting new platform for citizens to communicate with one another within their own local communities and neighborhoods.

Low-power FM radio offers people at the local community level the opportunity to broadcast when otherwise they may not afford to do so. This is extremely important for noncommercial groups like schools, churches, neighborhood organizations. The ability of those groups to broadcast their messages greatly enhances the overall betterment of our community and society as a whole.

Many local and statewide organizations are interested in obtaining low-power FM licenses, including the following two in my district in Omaha, Nebraska.

Wes Hall, who is the CEO of Suntaman Communications, says this legislation is a dream come true. "You cannot build a community without a cohesive voice, and this will give a voice to the voiceless." He went on to say: "Low-power FM is the beacon that lights up the future for us, and brave to Lee for championing"—well, I don't have to read that part. But Wes Hall has been involved in the LPFM issue for years and believes this legislation is the light that allows communities to come together.

"This is very exciting news," said 100 Black Men of Omaha, Nebraska, President Tim Clark. "Communities across the country will now have a real opportunity to increase the ability to effectively communicate issues, concerns, awareness campaigns, and to provide sensitive programming. North and South will benefit positively from this challenge to develop unified efforts for the betterment of their constituents."

I appreciate both Wes' and Tim's work on this issue as well as other groups devoted to fulfilling the interests and needs of our community.

I do believe this legislation is about empowering individuals who are making a difference in Nebraska. As a Member who, back in 2000, voted in favor of legislation to require a minimum distance between radio stations, I'm proud today to be able to stand by my friend from Pennsylvania as well as all LPFM advocates in a bipartisan way in support of this legislation.

The authorization of the MITRE study was very important, and now we definitively know that there will be no interference caused by reducing the required separation between new LPFM stations and existing full-power stations.

I encourage all of my colleagues to support this important community-based legislation, and I am looking forward to it being enacted into law.

I reserve the balance of my time.

Mr. BOUCHER. I yield myself such time as I may consume.

Mr. Speaker, the bill before the House is the Local Community Radio Act of 2009. It was introduced by Representatives DOYLE and TERRY, and it will provide additional opportunities to create new low-power FM radio stations by allowing the operation on third adjacent channels to the full-power radio stations.

Low-power stations, which are community-based nonprofits which operate at 100 watts or less of power and which operate with a tower height of only a few miles, play a unique role in our media. They are far more likely than their full-power counterparts to be owned by women or minorities, and they are an important forum for local leaders to have a say on important local issues.

I want to commend the cooperative work of our colleagues Mr. DOYLE and Mr. TERRY and of radio broadcasters who are significant stakeholders in this matter, as we have resolved the concerns of local public broadcasting stations that have a special need to protect the numerous translator stations that they operate from any local channel interference. Amendments that we adopted in the subcommittee consideration of the bill achieve that protection.

Among other provisions, the bill directs the Federal Communications Commission to allow the operation of low-power FM stations on third channel adjacencies to the full-power FM stations and booster stations. It retains the FCC's existing minimum distance separation requirements for FM stations that provide radio reading services for the visually impaired.

At the same time, the bill provides for remediation of interference complaints between low-power FM stations and full-power stations as well as FM translator and booster stations. The measure directs the FCC to conduct an economic study of the effect of low-power FM stations on full service commercial stations and to submit those findings to the Congress within 1 year.

I want to thank Mr. DOYLE for his tireless work on this measure. He has introduced this bill several times, and this is the first Congress in which it has been brought to the House floor. I tremendously appreciate his work and the work of Mr. TERRY, his partner in this exercise. With the various stakeholders and with members of our subcommittee, collectively, their work resulted in this bill that I am able to present to the House today.

I also want to commend the bipartisan approach that we have taken in our subcommittee and full committee in processing this measure. I commend Chairman WAXMAN and Members BARTON and STEARNS for the highly cooperative manner in which we have altogether advanced this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I do thank the gentleman from Nebraska, and I am extremely important for noncommercial stations and the competitive marketplace for airtime, this legislation will allow smaller groups to be heard. Indeed, Chairman BOUCHER has mentioned this, as has Mr. TERRY; and it is an important reason for having this low-power radio act available for our communities.

Whether we are talking about the aspiring blues performer in Memphis or whether we are talking about an up-and-coming country star in Nashville or whether we are talking about one of our colleges or universities which is getting on the air and showcasing some of its local talent or some of its personalities—or maybe it is some of our religious organizations or churches—it is a way for them to spread their messages.

This legislation does give a crucial voice to these communities.

I was pleased that Mr. BOUCHER mentioned small businesses that are owned by women and the people that we have seen move into the communications field because they had the ability to get to low-power stations and to develop formats in programming that will help them to launch a dream and actually innovate for our airwaves.

We have heard from a wide range of groups. They do stand in support of this. It is a pleasure to stand and support the bill. I urge this Chamber to move forward on passing this legislation.

Mr. BOUCHER. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. I want to thank Chairman BOUCHER and Chairman WAXMAN for strongly supporting my bill, which will give local communities across this country access to their airwaves. I am grateful for the support that this bill has from both sides of the aisle, including that of the bill's sponsor, my good friend Lee TERRY from Omaha.

When the Federal Communications Commission created the low-power FM
radio service, they sought to create opportunities for new voices on the airwaves and to allow local schools, churches and other community-based organizations to provide programming that would be responsive to local community needs and interests.

Congress passed the Radio Broadcasting Preservation Act in 2000, and many of those organizations were prevented from communicating to their members, supporters, and residents on the FM radio dial. That bill called for study performed by the MITRE Corporation and for the FCC to recommend to Congress what we should do.

In 2004, on a unanimous, bipartisan basis and for a second time in November 2007 and for a third time, once again, in September of 2009, all five FCC commissioners agreed that Congress should lift the restrictions on LPFM stations and should allow the FCC to license new stations in more communities. The bill we debate today, the Local Community Radio Act of 2009, does just that.

Where they are allowed to exist under current law, LPFM stations have proved to be a vital source of information during local or national emergencies. These stations promote the arts and education from religious organizations, community groups, organizations promoting literacy, and from many other civicly oriented organizations.

Stations like KOCZ in Opelousas, Louisiana, which is operated by the Southern Development Foundation, is a group active in the African American community. This station broadcasts public affairs shows, religious programming, hip-hop, and zydeco music 24 hours a day. Zydeco music is central to the cultural heritage of the Acadiana region, but it has recently disappeared from the airwaves that have been dominated by commercial radio.

WQRZ, in Bay St. Louis, Mississippi, remained on the air during Hurricane Katrina and served as the emergency operations center for Hancock County during the worst storm there in a century.

Congress has to act on the commission’s recommendations; otherwise, similar stations will be prevented from operating in communities across America—in communities like mine, which are too large to have any slots for new LPFM stations at fourth adjacent, but could fit several at third adjacent.

Stations like Lightning Community Radio and WMKP’s “The Roar” at Penn State’s Greater Allegheny campus wanted to serve the McKeesport area in my district. The current law relegated them to Webcasting, but they want to simulcast on the air as well. We must pass this bill today to make sure that that can happen.

My bill has undergone some changes from the full committee, and the National Association of Broadcasters, as well as National Public Radio, have removed their objections and do not oppose the bill. This bill has broad support, and I will be adding into the RECORD these letters from almost a dozen leaders from Catholic and Protestant faiths, like the United Church of Christ and the National Association of Evangelicals; a letter from two dozen national public interest, civil rights and local groups; another letter from the Leadership Conference on Civil Rights; and, finally, a letter from the National Federation of Community Broadcasters and the Prometheus Radio Project, all of whom strongly support the Local Community Radio Act.

Mr. Speaker, the time has come for Congress to rewrite the law. The time has come to make the airwaves available to the people they serve. The time has come to bring low-power to the people. I ask my colleagues to support the Local Community Radio Act.

My legislation makes a number of changes from the version reported out of the House last year. Some of these changes clarified intent, others came at the request of large commercial broadcasters. Indeed, this version of the bill did not draw the opposition of the largest group of commercial broadcasters because they contributed several ideas that are included in this legislation.

While I believe that the previous versions of the bill already provided strong protections for incumbent broadcasters, I accepted this compromise language because it will finally lay their objections to rest.

In exchange for dropping their opposition to my bill, incumbent broadcasters received a significant new form of protection for their signals. This compromise requires LPFM stations to fix any instance of interference to full power stations on the third adjacent channel, even outside an incumbent station’s legally protected coverage area, also known as their contour.

I accepted this extremely unusual obligation to remediate interference outside of the broadcaster’s legal coverage area, working with experts at the FCC, I know that harmful interference is extremely unlikely to occur in the real world.

I would not have accepted them if I believed they harmed the Low-Power FM radio service, and I will be sincerely disappointed if the Commission does so with mistaken interpretation.

Among the several changes, I’d like to explain two of them, I accepted a request that the FCC complete a study looking into the low-power FM radio service’s financial impact on full-power commercial broadcasting. I know that the FCC has already looked into this issue and I understand that the Senate sponsor’s intent is not to let this study delay implementation of the bill and licensing LPFM stations while this study is underway.

Second, in Section 5, I added the word “new” to make clear that that section applies to new licensing. While this refers to licensing new stations, I do not believe that this language should discourage the FCC from readdressing the relationship between LPFMs and translators should it conclude that it is in the public interest.

I have to thank the many people who have worked on this issue for over a decade. First, and foremost, this bill would not have happened without the work of Pete Tridish and Hannah Sassaman and Cory Fischer Hoffman of the Prometheus Radio Project, Cheryl Leanza now at the United Church of Christ, Office of Communications, Michael Bracy of the Future of Music Coalition, and Carol Pierson of the National Federation of Community Broadcasters.

Additionally, I must thank the dozens of dedicated people who have long cared about their community’s ability to access the airwaves. That so many different groups support the bill is a testament to their dedication. Their hard work will help radiate these. Thanks are due to Katherine Griniewicz of the US Conference of Catholic Bishops, Amanda Huron, Diane Fogliozzi, Sakura Saunders, Brandy Doyle, Jeanette Forman, Autumn Chacon, John Wenz, Sara Cederburg, Halimah Marcus, Ian Smith, Anthony Mazza, and Scott Pinkelmann of the Prometheus Radio Project, artists Kendall Nordin and Nicole Atkinson, and Amy Ray and Emily Saliers of The Indigo Girls, Gary Galloway, Director of the Newton County Mississippi Emergency Management Agency, Tim Colston of Portsmouth Community Radio, Pat Dierick, Kamila Kovacs and Andrew Schwartzman of the Media Access Project, Beth McConnell, Chance Williams and Hannah Miller of the Media Democracy Coalition, Candace Clement, Ben Scott and Joe Torres at Free Press, Corinne Yu at the Leadership Conference on Civil Rights and all others who have worked so hard to get the Local Community Radio Act so far.

LOW-POWER FM RADIO: SUPPORTING MEDIA DIVERSITY 2009 LOCAL COMMUNITY RADIO ACT (H.R. 1147)

DEAR COLLEAGUE: We urge you to join us in support of media diversity by supporting H.R. 1147, the Local Community Radio Act of 2009. This bipartisan legislation will increase the diversity of voices on our nation’s radio airwaves by creating hundreds of low-power, community radio stations in cities, towns and suburbs across the United States.

According to a report released by the non-partisan media advocacy group Free Press, people of color own just 7.7 percent of all full-power AM and FM stations, yet they make up 38 percent of the U.S. population. Currently, African Americans own 3.4 percent; Latinos, 2.9 percent; Asian Americans, 0.9 percent; and Native Americans, 0.3 percent of all full-power stations. In addition, despite making up 51 percent of the U.S. population, women own only 6 percent of all radio stations. The study found the more concentrated a local market, the less likely there will be a minority or female owner. In 2008, the Minority Media & Telecommunications Council (MMTC) Road Map for Telecommunications Policy found that minority employment at non-minority owned, English language radio news operations is about 0.4% or statistically zero, which is about where it stood in 1980. As a union, low-power FM (LPFM) stations directly serve the needs of their communities by making stations possible for churches, schools, civil rights organizations and other community groups. LPFMs provide a forum to discuss local issues and provide essential emergency services during times of crisis.

The following Low-Power FM stations have shown the potential of bringing vibrant, diverse programming to the airwaves:

On WSBL-LP (98.1), in South Bend, Indiana, the Southwestern League of United Latin American Citizens (LULAC) chapter broadcasts Spanish-language programming and music, public

December 15, 2009

H14905

CONGRESSIONAL RECORD — HOUSE

I have to thank the many people who have worked on this issue for over a decade. First, and foremost, this bill would not have happe
LPFM licenses are granted to high schools, churches, labor unions, nonprofits and civic organizations—local institutions that understand the needs of their communities. LPFM stations provide a valuable forum for the voices of local leaders to discuss local issues. LPFM stations also provide essential emergency services during times of crisis.

LPFM licenses are granted to high schools, churches, labor unions, nonprofits and civic organizations—local institutions that understand the needs of their communities. LPFM stations provide a valuable forum for the voices of local leaders to discuss local issues. LPFM stations also provide essential emergency services during times of crisis.

LPFM stations are non-commercial outlets that can operate at 100 watts or less—using a broadcast radius of approximately one mile. As local outlets, LPFM stations directly serve their communities.

LPFM licenses are granted to high schools, churches, labor unions, nonprofits and civic organizations—local institutions that understand the needs of their communities. LPFM stations provide a valuable forum for the voices of local leaders to discuss local issues. LPFM stations also provide essential emergency services during times of crisis.
If you have any questions, please contact Corrine Yu, LCCR Senior Counsel, or Nancy Zirkin regarding this or any issue. Sincerely,
WADE HENDERSON,  
President & CEO,  
NANCY ZIRKIN,  
Executive Vice President.

Mr. TERRY. I appreciate your efforts, Mr. DOYLE. Mr. Speaker, Mr. DOYLE mentioned a variety of religious organizations that support this, and I found the same thing in my community. I want to congratulate the gentleman from South Carolina (Mr. WILSON) who, in fact, wants to speak on that aspect of our low-power community radio. 

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of H.R. 1147, the Local Community Radio Act of 2009. 

I appreciate the leadership of Congressman LEE Terry of Nebraska on this important issue.

PASSAGE OF BIPARTISAN LEGISLATION

Passage of this bipartisan legislation is vital to expanding the availability of noncommercial, low-power—LPFM—radio stations to towns and cities across our country. This legislation repeals certain restrictions which limit broadcast capabilities for low-power FM stations. Expanding LPFM licenses will make owning a radio station possible for churches, synagogues, schools, emergency responders, and other community groups that best understand the needs of their local communities. These stations, through clergy, essentials and community leaders a forum to discuss local issues and to provide essential emergency services during times of crisis. Hundreds of churches and ministries already rely on LPFM stations to get their messages out, and to provide emergency services during times of crisis. Hundreds of churches and ministries already rely on LPFM stations to get their messages out, but unfortunately, service is currently limited only to rural areas and is frequently limited to property lines. I urge Members to pass H.R. 1147, which will allow low-power FM radio for churches, synagogues, schools, community groups, and emergency responders in the United States.

Mr. BLUMENAUER. Mr. Speaker, I'm pleased to support HR. 1147, the “Local Community Radio Act,” a bipartisan measure to reitalize the local, public interest radio programming that is so important to communities nationwide.

The broadcast spectrum, after all, belongs first and foremost to the American people. I believe in the power of the people to access these resources and quality, local programming should be readily available to all. In the 106th Congress, we established the bipartisan Public Broadcasting Caucus to highlight the unique and valuable contributions of public radio and television stations and programs. Public broadcasters provide valuable commercial-free, educational, informational, and cultural programming for communities across the country, as well as emergency alerts.

Complementing these efforts are our country's local, low-power FM radio stations. These stations, which are only required to operate in a three-to-five mile radius, serve as vibrant community resources. These small operators include all manner of local politicians, clergy, civil rights, and community leaders. In times of crisis, like public radio stations, they may also provide essential emergency services. I am pleased Congress is acting to strengthen the ability of these stations to operate responsibly.

This bill is the result of years of negotiations between commercial broadcasters, public broadcasters, and Congress. We appreciate the efforts of all, including National Public Radio (NPR) and the National Association of Broadcasters, NAB, to work together to craft this product. The result is a bill that balances the needs of incumbent stations to protect their signals with an opening up of the airwaves to smaller, more diverse operators.

I am looking forward to moving this compromise forward, and to strengthened programming in our communities.

Mr. TERRY. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, we also have no further requests for speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being present.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOUCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 1084  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.  
This Act may be cited as the “Commercial Advertisement Loudness Mitigation Act.”

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.  
(a) REGULATION REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.), a regulation for purposes of this Act that

We believe there is a direct connection between those who own these stations and the content they produce. 

The SPEAKER pro tempore. The vote is now closed.

Mr. BOUCHER. Mr. Speaker, we also have no further requests for speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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This Act may be cited as the “Commercial Advertisement Loudness Mitigation Act.”

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.  
(a) REGULATION REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.), a regulation for purposes of this Act, as amended.
subsection (b)(2) the ‘‘Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television’’ (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ‘‘television broadcast station’’ has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the term ‘‘cable operator’’ and ‘‘multichannel video programming distributor’’ have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

General leave

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. I yield myself such time as I may consume.

Mr. BOUCHER. Mr. Speaker, the bill before the House is the Commercial Advertisement Loudness Mitigation Act, or the CALM Act. It sets standards on the permissible volume levels for commercials aired on television, and it is patroned by our colleague on the Energy and Commerce Committee, the gentlewoman from California (Ms. ESHOO). It addresses in an appropriate manner a major consumer complaint.

We have all experienced the frustration of TV commercials blaring well above the volume levels of the programs that accompany them on broadcast television. Scrambling for the remote control and after turning down the volume on the commercials, we then have to pick up the remote again in order to restore the volume when the program that the commercial attends resumes. It is very frustrating. It’s an annoying experience, and something really should be done about it.

Other countries, including Australia, Brazil, Israel, the United Kingdom and France all have regulations addressing the volume on television commercials, and with the bill that is now before the House, we have the opportunity to confer on American TV viewers a similar benefit.

We can take this step in a way that the industry finds acceptable. The television industry-based Advanced TV Systems Committee has developed the technical standards that are appropriate to control variations in commercial loudness. The industry has approved that standard and the bill before us directs the Federal Communications Commission to incorporate that standard in a rulemaking.

A waiver from the rule is available for any television station that can show financial hardship in making the changes to its equipment needed in order to comply with the terms of the rule.

Some may say that there is no need to take this step, but I think that the American public is going to react very differently and in a very supportive way. In fact, I think that the CALM Act has the potential to rival in popularity the Do Not Call List that was adopted by this Congress several years ago. That act, as most will recall, protected against unwanted commercial telephone calls. This will protect against intrusive higher volume levels that attend television commercials.

I want to commend the gentlewoman from California. She has shown great leadership in bringing this measure before the House. She has worked with the minority members of our subcommittee as we have revised the bill in order to achieve the broad consensus that it enjoys today.

It is my privilege to encourage approval by the House of the CALM Act, and I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

This bill, H.R. 1804, the Commercial Advertisement Loudness Mitigation Act, or the CALM Act, is a bill whose time has come. Indeed, the transition to digital has created the perfect opportunity for industry to take care of this. But they did not take care of this for some 40 years. The bill would require the Federal Communications Commission to issue regulations, based on industry standards, for loud commercial advertisements within 1 year of enactment. The regulation would take effect 1 year after adopted by the FCC.

According to testimony at a June Energy and Commerce hearing, consumer complaints about loud commercials have been streaming into the FCC as far back as 1960 and are among the most common complaints. Complaints continue to come into the FCC today. In fact, in the 25 quarterly reports on consumer complaints that have been released since 2002, 21 have listed complaints about the, quote, abrupt changes in volume during transition from regular programming to commercials as among the top consumer grievances regarding radio and television broadcasting. So as we can tell, this is a perfect opportunity for consumers.

Now this issue is a little bit more complex than it appears. Many different entities are responsible for producing and distributing the content that consumers hear and see in their living rooms. Each element may be recorded and provided at a different respective volume level. Moreover, shows and movies have a dynamic sound range to cover everything from a quiet scene to a huge explosion. Commercials on American TV viewers a similar benefit.

Two years ago, the Advanced Television Systems Committee established a Subgroup on Digital Television Loudness. Now it is this subgroup consisting of leading experts in audio technology who participated together from all the major broadcast networks, cable, production and post-production companies, manufacturing and educators. All these very bright, highly technical people got together in this subgroup. They established a way to solve the problem. And since it was established, these audio technology experts have crafted a hard fought consensus on a recommended practice that should be employed across the TV industry to deal with the complaint that consumers have made for almost 50 years. I trust the collective wisdom of these technical experts—it is done by the private sector—and Subgroup’s hard work to craft a solution to the TV loudness issue should be commended.

Let me say a few more comments about this. There are going to be some small cable companies, broadcasters, who are going to have a difficult time complying with this. Remember, now, after 1 year, the FCC is going to take this directive that the Advanced Television Systems Committee established and is going to make widespread. Now some of these small companies are going to complain that they can’t afford to implement it. In the bill, there is a 1-year extension for those small companies, and if it turns out they still can’t take it, we’ll take the extension. So now we have the majority of the industry able to do this, but we have set aside within the bill a safety hardship in which they just demonstrate they can’t do it for financial reasons and they will be left to have another year to meet the standards.

So in a sense, Mr. Speaker, I think we have a solution to a problem that
has been one of the biggest complaints with the FCC all these years; and so with that in mind, I urge my colleagues to support H.R. 1804, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time I wish to yield such time as he may consume to the sponsor of the bill, the gentlelady from California (Ms. ESHOO).

Ms. ESHOO. I would like to begin by thanking the chairman of our subcommittee, Mr. Boucher, for his consistent support and cooperation to help bring the bill through the committee. I doubt that we would be here today were it not for that. And I want to recognize and thank the ranking member of our subcommittee for the work that was done to make this bill a reality.

Mr. Speaker, I rise today to ask my colleagues to vote in favor of this bill which is designed to eliminate the ear-splitting levels of television advertising and return control of television sound to the American consumer. I first introduced the Commercial Advertisement Loudness Mitigation Act, called the CALM Act, more than 3 years ago. This is something that many of our constituents now refer to in their shorthand as the Loud Commercial Law. I have heard loud and clear from people across the country. We have consumers across the country that are with us and would like to see this accomplished.

The premise of the bill then, as now, was really simple; and in an era of 1,000- or 1,800-page bills, this is a 2-page bill, and it is to make the volume of commercials and programming uniform so that consumers control the sound. The problem has existed for more than 50 years, when television advertisers first realized that consumers often left the room when commercials were playing. They used the loud commercials as a gimmick to grab the attention of consumers, even as they moved to other parts of their home. But for anyone who can’t get to the mute button fast enough, we know that we are all subjected to blasting ads. For those with sensory difficulties, the loud commercials are more than an annoyance. Sound spikes can harm hearing and sometimes they are painfully loud.

This issue, as my colleagues have referenced, is also one of the top complaints, consistently one of the top complaints, from consumers across the country to the Federal Communications Commission. This bill is going to bring a measure of relief to the American consumer. It is also, I think, an important step in identifying the need to make sure and verify that those who provide responsible for answering to consumers at the most basic level. I created this bill taking into account the economic health of licensees and the importance of smaller stations and providers. The Advanced Television Systems Committee, or the ATSC, a body that sets technical standards for digital television, has developed a solution that provides a provision for an equal volume between commercials and programming, with one stream that keeps the volume uniform.

The bill directs the FCC to adopt these engineering standards as mandatory rules within 1 year. These standards would be developed by us. We introduced this legislation in the last Congress, so I am pleased to have encouraged the industry to find the answer to this problem so we don’t have to wait another 50 years for a solution.

I look forward to voluntary and immediate adoption of the standards by broadcasters, cable, satellite and all multichannel program providers. But the bill exists because we know that voluntary compliance or adherence to consumer needs has been a failed venture. That is why we need to assure enforcement to protect the rights of consumers. The bill also requires cable and satellite operators to install the engineering fix necessary to ensure that the sound is modulated.

The bill is not inflexible. It heeds the call by industry for a compliance grace period. Those affected, and I think it’s very reasonable, will have 1 year after the FCC adopts the rule for purchase and installation of the ATSC standard-based equipment, and the FCC may grant up to two successive 1-year waivers for financial hardship. Small stations and cable operators certainly should be able to comply within 3 years, plus the amount of time it takes the FCC to adopt and release the rules.

I have read the minority comments that have been filed relative to the bill, and I want to answer directly the concerns of some of my colleagues about the bill, so I want to reiterate the following.

First, I think the bill is necessary because we need a mandatory enforcement tool, and I stated that earlier. Volunteerism hasn’t worked for 50 years.

Second, the bill makes the ATSC standards applicable to all FCC licensees, and that includes satellite and cable providers as well as broadcasters. The voluntary standards as written only apply to broadcasters.

Thirdly, the bill matters to our constituents, and I think that that’s what really matters the most, and it stands as proof that Congress can listen to their concerns.

Fourthly, it has been said that Congress has better things to do. I have never suggested that this solves the great challenges that face our country today. As I said, it’s a 2-page bill, but it is something that has been left unattended to for half a century and I think thank the chairman and the practice of consumers being blasted out of their seats when they’re listening to their favorite programming.

The technical fix is long overdue and under the CALM Act, as amended, consumers will be in the driver’s seat. I look forward to the passage of this bill, and most importantly so do millions of other consumers and our constituents across the country.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me just perhaps move a little further. The gentlelady from California mentioned that a lot of people had said, well, why does Congress have to get involved in something that’s already been thought about? And I would say—and this is a compliment to the lady from California—what she did with her bill.

Her bill originally directed the FCC to write its own rules, but she reached out to industry and engaged them, which is a commendation for her, and asked them, Well, how can we solve this? So for those people who say, Why can’t industry solve it?, she was an impetus to do this, and her bill is further evidence that now industry developed a subgroup, the subgroup came up with the technology to be able to solve the problem, and now she’s saying basically, let industry solve the problem and let the FCC adopt what they’ve come up with.
Mr. BOUCHER. Mr. Speaker, I yield to myself 30 seconds.

Mr. Speaker, I simply want to take this time to thank the gentleman from Florida (Mr. STEARNS) for the bipartisan way in which we have processed this bill through our committee, and for his strong support of the measure that we bring to the floor this afternoon. The work on this bill is reflective of the best traditions of our committee, where we work out problems, we resolve concerns within the confines of the committee process, and we do so in a collaborative way, with people on both sides of the aisle participating in that effort. And in no matter has that spirit of cooperation been better reflected than in the way we have processed and handled this bill today. So I want to thank Mr. STEARNS and his colleagues on the Republican side for that outstanding bipartisan cooperation.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the CALM Act.

While I, too, would like to have someone turn down the TV when it gets loud, I’ve already given that job to my thumb. As a result, I only need one Member of Congress at work on this vital problem, not 435. I appreciate Ms. ESHOO’s concern that loud commercials and our thumbs from arthritis brought on by overuse, but writing a law to do so seems a stretch.

The bill adopts into Federal law the industry-developed standards that are already being implemented, and consumers do not need the government to function as remote volume controls for them. Simply put, the private sector already has acted on this noisy nuisance.

If you’re not convinced that having a reliable and fully functioning thumb is better for both you and the Nation than having a fully functioning bureaucracy to adjust your TV’s sound, there’s also this: Many entities are responsible for producing and distributing the content that we all see and hear. Broadcast affiliates, networks, and cable, satellite, and phone companies vary tremendously in content. Each element of the programming may be recorded and provided to the distributors at different volume levels. Moreover, shows and movies have a broad, dynamic sound range to cover everything from explosions in a car chase to lawyers whispering to juries. Commercials, meanwhile, tend to have a narrow sound range, and they can blare and annoy when they suddenly follow a movie scene that was putting you to sleep.

The technical challenges presented by these facts are significant, but with the transition to digital television, industry has responded. On November 5, the Advanced Television Systems Committee, ATSC, announced the approval of the “ATSC Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television.” These standards provide guidance to the industry, and focus on audio measurement, production and postproduction monitoring techniques, and methods to control loudness for content delivery.

I want to commend my friend, Ms. ESHOO, for working with all the relevant parties and for amending her bill to acknowledge the industry’s work. In my opinion, however, there is no reason for Congress to get between me and my remote control. On those grounds, I have to give this measure a thumbs down.

Mr. BOUCHER. Mr. Speaker, we also have no further requests for time. I yield back the balance of our time and urge passage of the bill.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the motion to reconsider was rejected.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BREAST CANCER SCREENING GUIDELINES

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 971) expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women.

The Clerk read the title of the resolution.

The text of the resolution is as follows.

H. Res. 971

Whereas the United States Preventive Services Task Force (USPSTF), an independent panel of experts in primary care prevention and evidence-based medicine, issued guidelines on November 16, 2009, regarding mammography screening for women, including women age 40 to 49;

Whereas these guidelines reflect a change from USPSTF mammography recommendations issued in 2002;

Whereas the new guidelines have caused concern among many health providers and confusion among many women age 40 to 49;

Whereas the Department of Health and Human Services has stated that while the USPSTF has presented some new evidence for consideration, the Department remain unchanged; and

Whereas the Department of Health and Human Services has stated that there is a great need for more evidence, more research, and more scientific innovation to help women prevent, detect, and fight breast cancer; now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the guidelines of the United States Preventive Services Task Force (“USPSTF”) would not prohibit an insurer from providing coverage for mammography services in addition to those recommended by the USPSTF and should not be used by insurers to deny coverage for services that are not recommended on a routine basis; and

(2) the National Cancer Institute should continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving the detection of breast cancer.

The SPEAKER pro tempore. Pursuant to the gentleman from California (Mrs. CAPPS) and the gentlewoman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield to myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 971. This resolution expresses the sense of the House of Representatives that the U.S. Preventive Services Task Force guidelines would not prohibit an insurer from providing coverage for mammography services beyond those recommended by the task force.

It further states that these guidelines should not be used by insurers to deny coverage for these services.

It also expresses the sense of the House that the National Cancer Institute should continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving the detection of breast cancer.

On November 16, 2009, the U.S. Preventive Services Task Force issued a set of six recommendations regarding breast cancer screening, three of which pertain to mammography screening among women of various age groups. At a recent hearing in our Energy and Commerce Committee’s Health Subcommittee, the task force representatives acknowledged that they should have done a better job communicating their findings to the public.

Unfortunately, this failure in communication has led to much concern and confusion about what their findings and recommendations are and what the implications would be.

Mr. Speaker, this task force is not suggesting that women in their forties forego mammography. The task force is recommending that women in their forties determine when to begin screening and base this decision on a conversation with their doctors or health providers. And we can all agree that women in their forties should have access to mammography if these women and their physicians decide it’s right for them. I think we can also agree that while mammography is still the best tool that we have to detect breast cancer in its earliest stages, it is, by every means, an imperfect tool. We need continued research to develop more effective screening tools and strategies to improve the detection of breast cancer.

Breast cancer is the second most common cancer among United States women, and it is the leading cause of cancer death for women between the ages of 29 and 59. This year, new cases of breast cancer among American women will reach an estimated 192,370, and over 40,000 women will die from breast cancer this year. The American Cancer Society estimates that 8 women will have invasive breast cancer at some point in her lifetime. These statistics illustrate that breast cancer...
continues to be a major health issue, despite recent declines in breast cancer mortality rates.

But beyond these statistics, cancer is a very personal situation for many of us in this Chamber, whether it has affected a neighbor, a friend, a colleague or, as it has for me, my own sister. I want to commend my colleague, DEBBIE WASSERMAN SCHULTZ, for introducing this resolution and for being so forthcoming about her very personal experience being diagnosed with and treated for breast cancer.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I do rise in support of the resolution, and I yield myself such time as I may consume.

I am pleased to see this resolution before us, and I want to commend Congresswoman WASSERMAN SCHULTZ and also Congresswoman CAPPS for their work on this issue. I appreciate their leadership to raise awareness, and I have grave concerns, very grave concerns on how this issue translates into the health reform bills that are currently before us. While I do rise in support of this, I do think that it is important, as we are at a time of fact, that we revisit why we are here and why we are having this discussion today. And it’s important that we realize that, even with the resolution before us, it is not going to get to the crux of the issue, but it is a good, solid first step.

With or without a government-run health plan, H.R. 3962 would still be a massive takeover of health care. Government bureaucrats will be charged with making decisions of what can be in your health plan, and they can make it illegal for a health plan to cover anything not approved by the government. In the House version of the Democrats’ health reform, the U.S. Preventive Services Task Force and its successor organization are cited over a dozen times and given disturbing new authority over coverage decisions regarding breast cancer screening.

For example, on page 1,762 of the Democrat health reform bill, the U.S. Preventive Services Task Force is given the authority to determine, and I’m quoting, “the frequency” and “the population to be served.” And quoting again from the bill, “The procedure or technology selected for breast cancer screenings covered under the Indian Health Service Act.” Section 303 of H.R. 3962 states that the, and I’m quoting again, “Commissioner shall,” which is a mandate, Mr. Speaker, “shall specify the benefits to be made available in exchange participating health plans.”

In plain English, that means the new health choices commissioner will determine what preventive services, including mammography, are covered under your health insurance based on what the task force says is right. Passing a resolution and passing this resolution before us, as I said, is a good, solid first step. However, I do believe to strike at the heart of the problem we, indeed, need to move forward on a motion to instruct conference to make certain that we revisit this issue.

Under the Democrats’ bill, the task force will set government policy and will determine what is covered and make it illegal for plans to cover other items. All recommendations of the Preventive Services Task Force and the Task Force on Community Preventive Services as in existence on the day before enactment of this act—which would be H.R. 3962—shall be considered to be recommendations of the Task Force on Clinical Preventive Services.

Mr. Speaker, in order to prevent any type of rationing, that is why we need to take even further steps. I commend my colleagues for their diligent work on this issue. It is the right first step, and I encourage all of us to continue to work to resolve the issue.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I wish to remind my colleagues that in the health reform bill, as it was considered in the House of Representatives, once the essential benefits package is established, the benefits package is not as a ceiling. And with regard to preventive services, the bill says that recommended items and services with a grade of A or B from the U.S. Preventive Services Task Force shall be covered, and if you read the essential benefits package, with no cost-sharing, and that the Secretary may approve such coverage, regardless of what the task force or the benefits advisory committee says.

And at this point I’m very pleased to yield to Representative WASSERMAN SCHULTZ, the sponsor of this legislation, 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, today I rise to support House Resolution 971, which underscores the importance of access to breast cancer screening for all women.

As many of you know, last month the United States Preventive Services Task Force issued guidelines regarding mammography screening for women. These guidelines reflect a change from USPSTF mammography recommendations that were issued in 2002, in that they recommend against routine screening mammography for women ages 40 to 49. The recommendations conflict with many of the well-established recommendations from the American Medical Association, the National Comprehensive Cancer Network, the American Cancer Society, and Susan G. Komen for the Cure.

In addition, numerous studies and scientific research over the past 20 years have confirmed that annual mammograms are of value to women ages 40 to 49. In fact, the task force itself concluded that screening women in their forties would reduce their risk of death from breast cancer by 15 percent, while finding that screenings for women in their fifties would reduce their risk of death from breast cancer by 14 percent. As a result, many young women and health care providers have been left feeling uncertain and concerned.

Recommendations like those the task force made are supposed to provide clarity for doctors and their patients. Unfortunately, the guidelines issued by the task force left most women and oncologists baffled. Currently, there is no available breast cancer screening tool that is insurably, but what is clear is that intervention through routine screening for breast cancer using mammography can save the lives of women at a time when medical science is unable to prevent this disease.

At the end of the day, mammography screening saves lives. I often offer this resolution to underscore the House’s commitment to expanding access to preventive health care for women. This resolution underscores the sense of the House that the task force recommendations must not be used by insurers who are, at the end of the day, getting in between women and their doctors and getting women the access that they need to preventive services, and that they must not be used by insurers to deny women coverage for routine screenings.

It also urges the National Cancer Institute to invest and provide leadership to provide research to develop more effective research tools and strategies for improving the detection of breast cancer.

While we develop better tools for screening, we cannot leave certain women, particularly young women, with nothing, which is what the task force recommendations essentially did. To be sure, while we have come a long way in the fight against breast cancer, we still have a long way to go. In the United States alone, over 190,000 women will be diagnosed with breast cancer; 40,000 of them will not survive. That is why we cannot rest in our efforts to fund research and find a cure for this vicious disease, and it is why we cannot rest in our efforts to provide education and awareness for all women. We must ensure that they have access to screening and treatment, and we must ensure that we do all we can to support the more than 2½ million survivors that live in our country alone today.

As many of you know, and has been gratefully acknowledged, I recently had my own battle with breast cancer, and I am so grateful and humbled to count myself among this growing group of survivors. I was fortunate to have the access to the treatment and support that I needed to win my own fight. I urge my colleagues to vote in favor of this resolution to make sure that everyone has that same opportunity.

Mr. Speaker, since the task force issued these guidelines, I have spoken to so many young survivors who have
been left feeling so frustrated and as if their lives somehow mattered less than the lives of older women. And this resolution sends a message to those young women across America today that that is not so, that the House of Representatives, that the United States Government, respects all women’s lives.

And with all due respect to my good friend, Mrs. BLACKBURN, whom I greatly respect and I appreciate your support for this resolution, what this resolution would do, what the task force guidelines do not do, and what our health care reform bill does not do, is it does not ration health care. The gentlelady, if she reads the text of the health care reform legislation more clearly, will see that our language in our health care reform bill is a floor. The gentlelady should know that the Secretary of Health and Human Services can go beyond the task force’s recommendations, that they can go further, and that at the very least the health care reform bill that we passed off the floor of this House ensures that women get access, all women get access to the appropriate preventive screening that they need and ensures that that coverage is free. And the Health and Human Services Secretary can go even further than those task force recommendations that are labeled at an A and at a B level.

And with that, Mr. Speaker, I appreciate the indulgence of the leadership and the gentlelady and my colleagues, and I want to particularly single out the colleague that sits to the left of me for being a leader on issues that are important to young women who are diagnosed with breast cancer. He has been an incredible advocate for young women survivors, and I greatly appreciate it.

Mrs. BLACKBURN. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Ms. MYRICK), who we passed off the floor of this House that women get access, all women get access to the appropriate preventive screening that they need and ensures that that coverage is free. And the Health and Human Services Secretary can go even further than those task force recommendations that are labeled at an A and at a B level.

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who has been a leader in the health care debate on our Energy and Commerce Committee.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank DEBBIE WASSERMAN SCHULTZ for her courage to get up here and talk about her ailment. I, too, am a breast cancer survivor, and it is a difficult process. But my concern is greater than even our own personal experiences. It is what is the actual result of that health care reform bill that leads us to this resolution.

We are scrambling around on the floor today to say that a government-appointed commission, this task force, has made a recommendation based on quality of year lives and cost, not good science, not that what saves lives, that women between 40 and 49 need not get mammograms. And you say, listen, that doesn’t mean rationing. It doesn’t mean anything. It doesn’t have any weight of law. But guess what? The health care reform bill that passed this House makes those recommendations law.

Let me read a couple of quick things, Mr. Speaker, if I may. By the way, you have to go to three different sections, two different complete books, to understand what the one sentence on individual insurance plans actually means.

One section: Limitation on individual health insurance coverage may only be offered on or after the first day of year one as an exchange-participating health care plan. Pretty fancy Washington-speak.

Let me tell you what it means in another section of the bill about 1,000 pages later: A health plan is prohibited from offering coverage for benefits not included in the essential benefits package.

And you say, Oh, no that’s a floor. It’s not a floor. The language in the bill goes on further. And do you know what it does? It says that the only differences the levels of plans is the amount of cost sharing, not what it covers.

Here is the scary part, of which I don’t think you all realize that you did to about 47,000 women in America: All recommendations of the Preventive Services Task Force and the Task Force on Community Preventive Services as in existence on the day before the date or the enactment of this Act shall be considered to be recommendations.

The bill goes on to say that they must use that in the calculation of benefits. Guess what? Forty-seven thousand women who are under the age of 50 today will be diagnosed with late-stage breast cancer because of your bill. It’s in your bill. It’s in your language. Do you know what that means? Eighty percent of them will die because of their diagnosis.

Do you realize that more women will die because of this bill than we lost in the Korean War? And I know you think, Oh, scare tactics.

No. It’s the bill. But do you know what? You can’t read it on page 1 or 2.

You have to keep going back and forth in 2,000 pages to understand the full impact of what will happen to women who are 40 to 49 years old. You did it in your bill.

I am going to plead with you, for the lives of 37,000 women who will die and 47,000 women, according to the recommendations of the task force which you make law——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. BLACKBURN of Tennessee. Mr. Speaker, I yield the gentleman 30 additional seconds.

Mr. ROGERS of Michigan. I am going to plead with you, please read the bill, not just 1 to 2.00. Go back to the other sections and understand its full impact.

And you say, It won’t happen in America. Guess what? This task force recommendation resulted on December 2 in California prohibiting low-income women under the age of 50 from receiving mammograms. It is happening today. And your task force is doing it today. With your bill, it becomes law. They are prohibited. And it is illegal for them to get coverage other than what the government says they can get. And guess what? Mammograms don’t qualify for women 40 to 49. Please think of those women and those families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that they are to address their comments to the Chair.

Mrs. CAPPS. Mr. Speaker, I would remind my colleague that at the hearing 2 weeks ago at the Energy and Commerce Committee, the breast cancer stakeholders asked we ask a simple question: Would H.R. 3962, the health reform bill, help women with breast cancer? Every witness on that panel, including the American Cancer Society, Komen, the National Breast Cancer Coalition, the American College of Physicians, on the panel agreed that this bill, the health reform bill, will help women to prevent and women who already have breast cancer.

And at this point, I’m very pleased to yield 2 minutes to my colleague and a big supporter of the Breast Cancer Caucus, JERRY NADLER.

1400

Mr. NADLER of New York. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in support of the resolution offered by our colleague, Representative WASSERMAN SCHULTZ.

With this resolution, which should have the backing of every Member of the House, we will be on record with our commitment not to allow women over 40 to go without the life-saving tests currently available to root out breast cancer at early stages. This resolution states our support for continued mammogram screening and mammography.

Mr. Speaker, as my colleague from Tennessee (Mrs. BLACKBURN) and my colleague from Michigan (Mr. ROGERS), both members of the Energy and Commerce Committee, spoke for me at this hearing when we heard from the American Cancer Society and when we heard from the other witnesses, such as Susan G. Komen for the Cure organization, and in talking with members of the specialty bill as myself, at that hearing when we heard from the American College of Obstetrics and Gynecology, they will continue to recommend very strongly that women in their 40s continue to be screened, to have mammogram screening, maybe even digital mammogram screening, because they are at high risk.

Mr. Speaker, as my colleagues have pointed out, the two in our body, our
colleagues that are victims of breast cancer. God forbid if they had not gotten early detection, maybe their outcome would not be so great. I think that because of early detection their cure is probably almost 100 percent.

So here in a situation where physicians practicing across this country, they are sort of in a catch-22. If they don’t follow these guidelines that will be passed in this bill, in the Senate version, when this United States Preventive Services Task Force will no longer be an organization making recommendations, but they will be making law, they will be issuing mandates, if a physician decides, well, my patient is in their 40s, I’m going to go ahead and order a mammogram anyway and that mammogram is suspicious and it leads to a needle biopsy, which may turn out to be negative, but it results in a complication, such as a breast abscess, that physician. Mr. Speaker, could not be practicing below the standard of government health care as established by this new massive bill that the Democrats want to force on the American public.

So I stand here commending Representative Debbie Wasserman Schultz and this resolution; I am in favor of it. But I would also recommend that my colleagues on the Democratic side of the aisle instruct their conference if this massive health care reform bill goes to conference, to take this resolution with them and say, look, these are our concerns, change the language. That’s my recommendation. That’s what my colleagues can do for the women in this country, the 47,000 that Congressman Mike Rogers from Michigan was talking about.

I think my colleagues on this side of the aisle are absolutely right as they pointed out in this legislation what the danger is.

Mrs. CAPPS. Mr. Speaker, I am very pleased at this point to yield 1 minute to our colleague from Indiana (Mr. DONELLY).

Mr. DONELLY of Indiana. Mr. Speaker, I want to support the resolution of my colleague, Debbie Wasserman Schultz, and support the importance of annual mammograms for women age 40 to 49. I, unfortunately, lost my mom to breast cancer when she was very young and when I was very young.

These mammograms save lives. There is nothing more important than the health of our moms, our daughters, our wives, our friends, and our sisters. So I support this resolution. I support these annual mammograms so that we lose no more of our loved ones.

Mr. BLACKBURN. Mr. Speaker, at this time, I yield 1½ minutes to the gentlewoman from New Jersey (Mr. LANCE).

Mr. LANCE of New Jersey. Mr. Speaker, I rise today in support of the resolution offered by the gentlewoman from Florida, and I thank the gentlewoman from Tennessee for her leadership on this issue as well.

I recently met with New Jersey cancer survivors, cancer care advocates for the Susan G. Komen for the Cure in New Jersey, and medical professionals at the Steeplechase Cancer Center at Somerset Medical Center in Somerset County, New Jersey. Constituents voiced their concerns with the task force recommendations, including Kathleen Petrozelli of Whitehouse Station, Hunterdon County, who shared her personal story of being diagnosed in her 40s with breast cancer.

I strongly support the task force recommendations against yearly screening in women 40 to 49. My mother died of breast cancer when my twin brother and I were 12. Her cancer was diagnosed when she was 47.

Most disappointing about the task force conclusions is the fact that they come on the heels of the fall 2009 report published by the American Cancer Society indicating a large decline in breast cancer deaths in women under 50.

Breast cancer continues to be the most common form of cancer in women. We should be promoting a Federal health policy of encouraging, not discouraging, mammography screening and self-examination for women 40 to 49 years of age.

Mrs. CAPPS. Mr. Speaker, I am now pleased to yield 1 minute to our colleague from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise today in support of this resolution. I thank Congresswoman Debbie Wasserman Schultz for her leadership on this issue, an issue that defends women across the United States and advocates for their health and well-being.

Breast cancer is a real danger to women and their families; it is not an adversary to be underestimated. All in all, nearly 150,000 women will be diagnosed with breast cancer this year, and more than 40,000 women will sadly succumb to the disease; but some of these deaths can be prevented by mammograms and regular breast cancer screenings.

Let me tell you one story of a woman from my own district whose mammogram saved her life. Sue Kilburn of Meadville, Pennsylvania, was diagnosed with breast cancer when she was in her late 40s after an annual mammogram. Her doctor had her choose between a lumpectomy and a mastectomy to treat the disease. Sue shared her journal with the Meadville Tribune newspaper. She writes: ‘The words ring out unlike anything I have ever experienced before. I find no anger, just feel numb, dumbfounded, and questioning...how...when? It was just a routine mammogram.’

Sue survived her battle with breast cancer because she had a mammogram.

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining, and the gentlewoman from Tennessee has 4½ minutes remaining.

Mrs. CAPPS. Mr. Speaker, at this point, I am very pleased to yield 1 minute to our colleague from Florida (Ms. KOSMAS).

Ms. KOSMAS. Mr. Speaker, I would like to thank my good friend, Debbie Wasserman Schultz, for her personal courage, but also for her focus on this very important issue and to commend her for introduction of this important resolution.

Each of us knows, whether in our own personal lives or in that of our family and friends, how important it is that people get early detection and intervention for any type of cancer, but we know that breast cancer steals the lives of our women in this country—mothers, friends, sisters, and daughters.
Despite the task force report, we need to listen to common sense and scientific-based guidelines that tell us that breast cancer screening for women ages 40 to 49 is extremely important and should not be ignored, despite the recommendations of the task force. Because we know these things to be true, the resolution states that the task force would not be used for insurers to deny coverage for routine screenings.

So through our support here of this resolution and really do want to applaud the leadership of Representative Debbie Wasserman Schultz, Representative Lois Capps, and Representatives Maria Black and Sue Myrick.

Lady Speaker of the House, I want to join in with my colleagues and to acknowledge my colleagues based on saving costs.

Britain's health care system that is based on saving costs.

Well, if you're that one woman, you might not see it that way. For that reason, I urge my colleagues to yield to our colleague from Colorado, Congresswoman Markey.

Mr. Speaker, at this time, I yield 1 minute to Mrs. Black and Congresswoman Rodgers from Washington State, who is vice chair of our conference.

Mrs. Black and Congresswoman Rodgers. I thank the gentlewoman for yielding.

I, too, rise in support of this resolution and really do want to applaud the leadership of Representative Debbie Wasserman Schultz, Representative Lois Capps, and Representatives Maria Black and Sue Myrick.

Lady Speaker of the House, it's very important that we stand and voiced concern over these recommendations by the U.S. Preventive Services Task Force because we believed that they would turn back the clock on the war on breast cancer, recommendations that would no doubt impact the United States' 98 percent 5-year breast cancer survival rate.

Republicans over and over have expressed our concern that health care reform would shortchange women. Well, the recommendations made by the United States Preventive Services Task Force, you start to see what rationed care looks like; and in this example the potential impact on women when the government is making health care decisions for them, how the doctor-patient relationship is jeopardized, how bureaucrats, using computer software and statistics, will be making critical life-and-death decisions for women. This is wrong.

Recommendations mirror policies in single-payer nations like England, where women over 50 are invited once every 3 years to be screened. We cannot go down this same path. Yet this task force, which doesn't even include any oncologists or radiologists, recommended that women between ages 40 and 50 not get mammograms because saving one woman for every 2,000 screened was not worth the cost. Well, if you're that one woman, you might not see it that way. For that woman saved by early detection, the mammogram is well worth the cost.

America's health care system has been based on saving lives. It's Great Britain's health care system that is based on saving costs.

I have met so many women across the district who are still today because of preventive care. We should always encourage women to get screened, and we should never allow insurance companies to stand between a woman, her doctor, and a procedure which may save her life. This is a disease that has affected so many of us in this Chamber and so many of our constituents back home.

I call on my colleagues to support this resolution and support women's health care issues that are found before us.

When it comes to breast cancer, we are very grateful for early detection. We know it's important. Because of that, it is with great sadness that we have read what is in this bill.

In H.R. 3962, it clearly shows how the recommendations would limit America's choices and women's choices. Reading through the bill, section 2301 does establish the Task Force on Clinical Preventive Services, and it clearly says that and B are priority levels for these treatments. You can read on page 1,318, and I do, Mr. Speaker. It says in line 2, the Commissioner shall ensure—all shall ensure—that A and B is going to be the rating that is covered, but C is not.

What we are discussing in this 40 to 49 age group is those C ratings, and the Commissioner will not have the power to downgrade that decision. Section 222 of the bill says A and B are priority levels for these treatments. The Commissioner will not have the power to downgrade that decision. Section 222 of the bill says that the services designated or B priority are part of that insurance company to stand between a woman and her care providers. Your own legislation is going to end up negating that, if that is signed into law.

The language of this bill is clear. All insurance providers must offer A and B priority services. They have no incentive or a mandate to offer priority C or below. That is where it affects women under 50 and women over age 75, and those, indeed, are valuable lives.

Mr. Speaker, we do look at this legislation. We look at section 2301 where it says that. All recommendations of the Preventive Services Task Force and the Task Force on Community Preventive Services, as in existence on the day before the date of the enactment of this Act, shall be considered to be the

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Well, if you're that one woman, you might not see it that way. For that reason, I urge my colleagues to yield to our colleague from Colorado, Congresswoman Markey.

Ms. Markey of Colorado. Mr. Speaker, I rise today in support of the resolution by my good friend and colleague, Congresswoman Wasserman Schultz.

We know it's important. Because of preventive services, as in existence on the day before the date of the enactment of this Act, shall be considered to be the

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recommendations of the Task Force on Clinical Preventive Services. At that point, Mr. Speaker, unfortunately, they are going to have the full weight of law behind them. It is in the bill. Yes, we look at this, and we see the bureaucrat in the exam room right here. We look at it, and we all know and have loved and have held family members in our arms that have been affected and would have lost their lives had they not had access to early detection. It continues to amaze me. Do not ration health care. Support the resolution, let’s go further in getting out of the bill. I yield back the balance of my time. Mrs. CAPPS. Mr. Speaker, in yielding back our time, I remind our colleagues that the truth is, when enacted into law, H.R. 3962 will result in millions of uninsured Americans receiving their first mammogram and will no longer face being dropped by their insurance company if they are diagnosed with cancer. I wish to acknowledge and thank the leader of this resolution for her hard work, our colleague, Representative Wasserman Schultz.

Ms. DELAURA. Mr. Speaker, I urge my colleagues to support this resolution, H.R. 971, which helps to clarify much of the unnecessary furor over mammograms we have experienced of late. The recent breast cancer recommendations by the U.S. Preventive Services Task Force effectively said that women ages 40 to 49 should have a conversation with their doctors before deciding to have a screening mammogram. In other words, they were to attempt to put as much information as possible in the hands of women and their doctors, so they can assess their own risk and benefit. Now, whatever decision women come to on this important matter, they need two things to ensure they have access to mammography should they decide to get screened: One is a quality health coverage so they have a doctor they can go speak to. And the second is coverage for mammograms and other important preventive services. And, of course, some women will need coverage for treatment if a cancer is found. This is why I support this resolution, which argues that insurers should not deny coverage for mammograms for women ages 40 to 49 who decide to get screened. This is also why I support comprehensive health insurance reform, so that women can afford health care in the first place and get coverage for that mammograms and any follow-up treatment they might need. We must redouble our efforts across the board to ensure that Americans are getting the appropriate preventive screenings. Right now, according to the Centers for Disease Control and Prevention, only 25.9 percent of women ages 50 to 64 have received all the recommended preventive care for breast, cervical, and colorectal cancer, as well as influenza. Under health reform, women would naturally get the preventive care they need. In the meantime, there is a great need for more information, more research, and more scientific innovation to help women prevent, detect, and fight breast cancer, the second leading cause of cancer deaths among women. This resolution also urges the National Cancer Institute to continue to invest in research toward more effective screening tools and strategies for improving detection of breast cancer. For all of these reasons, I strongly urge my colleagues to support this resolution. Mammography is not perfect, but right now it is the best method we have to detect this killer in our midst. We need to make sure that as many women as possible have access to this important, life-saving procedure, and that better, more effective screening procedures will soon be forthcoming.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 971, expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49. I appreciate the leadership of the bill’s author, my Judiciary Committee colleague Representative Wasserman Schultz.

This resolution was introduced on the heels of new breast cancer screening guidelines issued in May 2009 by the U.S. Preventive Services Task Force (the “Task Force”), an independent panel of medical experts. These new guidelines have created cause for concern by some due to the change from the Task Force’s 2002 mammography recommendations that mammography screening for women age 40–49. In light of this concern, this resolution underscores the sense of the House that the Task Force recommendations should not prohibit insurers from providing mammography services to women who choose to adhere to the Task Force recommendations, and should not be used by insurers to deny women coverage for routine screenings. This resolution also urges the National Cancer Institute to continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving detection of breast cancer. This is not the first time recommendations about the use of mammography and breast self exams have been revisited—by the Task Force, in addition to those of the U.S. Preventive Services Task Force set out to improve on the best use of that science. Evolution and improvement are what the Task Force is all about. Despite the contention on this issue, I trust that the Task Force’s deliberations and conclusions were driven by science and not by cost or insurance coverage.

Notwithstanding the scientific basis for these new guidelines, I share the concern of my colleagues to support this resolution. mammography screening for women age 50–59. For all of these reasons, I strongly urge my colleagues to support this resolution. Many of those who go without screening are African American and younger women. According to the Susan G. Komen for the Cure Advocacy Alliance the failure of age-appropriate women to undergo mammography costs lives and reflects problems with access to care and breast cancer education. Mr. Speaker, we need to move forward as quickly and as possible to correct these deficiencies, and continue to fund research and education designed to eliminate health care disparities. We want to eliminate any impediments to regular mammography screening for women age 50 and below. While the research and evidence about the exact timing of breast cancer assessments, I believe there is unanimous consensus over the importance of guaranteeing access to screening.

New screening approaches and more individualized recommendations for breast cancer screening are urgently needed. I support research initiatives designed to improve screening, and believe that it is imperative that this research move forward rapidly. Furthermore, I encourage African American and other women with unresolved questions about breast cancer screening to engage in discussion with their health care providers. If the new guidelines have done nothing else, I believe it has at least raised awareness, not only amongst women, but amongst all Americans. As such, I encourage my colleagues to support this bill.

Mrs. CAPPS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mrs. Capps) that the House suspend the rules and agree to the resolution, H. Res. 971.

The question was taken. The SPEAKER pro tempore. The yeas and nays were ordered. The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

DANIEL PEARL FREEDOM OF THE PRESS ACT OF 2009

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3714) to make the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, establish a grant program to promote freedom of the press worldwide, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 3714
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Daniel Pearl Freedom of the Press Act of 2009".
The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this legislation and yield myself as much time as I may consume.

H. R. 3714 reinforces and broadens our country’s commitment to media freedom around the world. Dedicated to the memory of a prominent U.S. journalist who lost his life in the pursuit of the truth, the Daniel Pearl Freedom of the Press Act will ensure that our embassies and consulates overseas bring word to Washington in a timely and regular fashion about those parts of the world where journalists face obstacles, harassment and physical harm merely for doing their job.

I want to particularly congratulate my colleague and recognize him, ADAM SCHIFF of California, for authorizing this legislation which will enshrine in law the practice of including information about media freedom in the annual Country Reports on Human Rights Practices written by the Department of State.

With passage of this legislation, our embassies and consulates will be required to report every year on the status of press freedom in each country, both the good and the bad. Where media freedom is threatened in a country, our diplomats will report on what steps that government has taken to preserve journalists’ safety and independence and to ensure the prosecution of those who commit violence against journalists.

Mr. Speaker, the dangers faced by journalists are rated partly free and 33 percent have a free press while 31 percent are rated not free at all. As the organization noted, “The press is democracy’s backbone; without it, the people and the government are deprived of the ability, and to the efficiency and integrity of public and commercial institutions. Here in the United States we enjoy the benefits of a robust free press protected by our First Amendment to our Constitution. But in many other parts of the world, telling the truth as a journalist is dangerous and an even deadly calling.”

Their calling was underscored by the life and death of the person for whom this bill is named, the brave and accomplished Wall Street Journal reporter Daniel Pearl. In 2002, while reporting in Pakistan, Pearl was kidnapped by violent Islamic extremists who chose to murder him on videotape, after compelling him to recite the fact of his Jewish religion on camera.

Whether the cause is extremism, corruption, political repression, or the dangers of reporting from conflict zones, journalists around the world face a rising tide of threats. So far this year, 68 journalists have been confirmed killed in the line of duty or because of their reporting. Half of those, sadly, at least 30 journalists, were killed in the shocking election-related massacre in the southern Philippines on November 23. According to the Committee to Protect Journalists, there has been a 9 percent increase over the 2008 levels in the imprisonment of journalists worldwide. The one-party regime in China continues to imprison the largest number of report- ers any one nation.

But the Iranian regime runs a very close second, and its closure of yet another newspaper last week is another sad reminder of the extent to which it has targeted independent and foreign media in the aftermath of the widespread election-related protests by the Iranian people.

And rounding out the shameful top three, Cuba suffers perhaps the greatest per capita levels of press repression. Even though it has only one-tenth of the population of China, the Cuban regime imprisons roughly the same number of journalists. Just last month,
Mr. Speaker, today I rise in support of H.R. 3714, the Daniel Pearl Freedom of the Press Act. I do so with a profound sense of privilege and gratitude to those who have gone before me on this floor today.

To Chairman Berman of California, to the ranking member, Ms. Ros-Lehtinen of Florida, your partnership on behalf of a free and independent press on the world stage should be an inspiration to all Americans looking on these proceedings.

I especially want to express my appreciation for the visionary leadership of Congressman Adam Schiff, who introduced this legislation and who invited us to partner in his vision for expanding awareness of the people of the United States and the people of the world of the repression of the free press. Congressman Schiff and I were occasionally disagree, but we always respect his singular leadership on this issue and the privilege of working with him.

It is altogether fitting, as the gentlewoman referred earlier, though, that I should do so not only during this debate but also in anticipation of the debate on the next legislation, a bipartisan measure known as the Iran Refined Petroleum Sanctions Act, to specifically point out the abuses of the regime in Iran and express my strong support for H.R. 2194 as well in the midst of this debate.

The reason why the Iran Refined Petroleum Sanctions Act has broad bipartisan support, and that will be reflected on the floor this day, is, among other reasons, the support for terrorism by Iran, the pursuit of weapons of mass destruction, and the grave consequences of the deception to the world community again and again. But to the point of this debate, it is also imperative that the people of the
United States of America send a message to Iran that the aggressive repression of a free press in Iran will not be tolerated in the form of normal relations with the United States of America either diplomatically or economically.

At this point, the Committee to Protect Journalists reports there are some 23 journalists in prison in Iran. Last week, we received word that another opposition newspaper was closed in Iran. And, as usual, the world watched in horror in the aftermath of the blatantly fraudulent elections of this past June in Iran, as not only did the secret police stream into the streets to silence, oftentimes by billy club and violence, the dissidents, but we were also shocked in horror as the Internet was silenced, as YouTube videos were cut off, as access to the free flow of information was stymied by the brutality of the regime in Iran. So I endorse the legislation that will be brought up, but I see a nexus here between the two and can't help but refer it.

The legislation that Congressman Schiff and I have brought to the floor will serve two purposes.

Number one, it will remember the extraordinary sacrifice and courage of one Daniel Pearl, kidnapped and murdered by terrorists in Karachi, Pakistan just 4 months after the attacks of September 11, 2001. He was serving as a South Asia Bureau Chief for The Wall Street Journal that, at the time, was based in Mumbai, India. He went to Pakistan as part of an investigation into the alleged links between Richard Reid, the convicted would-be shoe bomber of American Airlines flight 63, and al Qaeda and Pakistan’s Inter-Services Intelligence Agency. Tragically, Mr. Pearl was brutally executed by his captors. The legislation today, in my memory, and I hope his family may well be looking today and know that his memory, his courage, and his example of what it means to advance the practice of journalism on the world stage will never be forgotten in this history.

But the legislation today is not simply a tribute. The Daniel Pearl Freedom of the Press Act also will result in an effort to highlight and promote freedom of the press by including such reports in the State Department’s annual Country Reports on Human Rights Practices information.

As we consider this legislation, we remember Daniel Pearl’s legacy, and we think of the stories of so many others on the front lines of freedom.

Gustavo Azocar is a political talk show host, newspaper correspondent and blogger in Venezuela, and he is a vocal critic of Hugo Chavez. Azocar was jailed in 2009 after posting information about his court case online. Amnesty International’s 2009 “Report on Human Rights in Venezuela” noted the physical attacks and imprisonment of journalists by this corrupt and despotic regime.

As a conservative who believes in limited government, I believe the only check on government power in real-time is a free and independent press. I don’t believe our Founders put the First Amendment, freedom of the press in our Bill of Rights because, but the longer they got going, the more I believe it is because they believed in limited government and believed in the need to constrain consolidations of power.

A free and independent press ensures the free flow of information to the public. It allows for an investigation into such abuses during a time when the role of government in our lives and in our enterprises here at home seems to grow every day. Yet taking a stand today for the principle of a free press, not only home but in making the means available to hold the lamp of liberty high and to shine it deep into the crevices of this world to expose abuses of the freedom of the press, is a noble task, indeed. So I rise today in support of this legislation.

I commend Chairman Berman and Ranking Member Ros-Lehtinen for their bipartisan leadership. I commend the gentleman from California, Congressman Adam Schiff, for his visionary leadership and the work he is bringing this legislation to the floor.

More importantly than that, I salute the bravery of reporters like Daniel Pearl and Gustavo Azocar and of press outlets around the world which, day in and day out, stand in the gap, often times risking their liberty and, in the case of Daniel Pearl, in fact, risking his life to do the work of a free and independent press in the world.

I urge those in that service to stand firm, to take heart and to know that those of us in public life, that those of us in public service, also understand that those who serve in the world of journalism are also in the business of public service.

I urge the Congress to stand in solidarity with those on the front lines of the worldwide fight for the freedom of the press, and I urge support for the Daniel Pearl Freedom of the Press Act and for the legislation that will follow.

Ms. ROS-LEHTINEN, I am very pleased to yield 5 minutes to the gentleman from Texas, Judge Poe, a member of the Committee on Foreign Affairs and a cosponsor of this measure. I hope that he will address not only this resolution but the one that follows it, the Iran Refined Petroleum Sanctions Act.

Mr. POE of Texas. I appreciate the gentlemwoman for yielding. I totally support this legislation.

As Speaker, the First Amendment to our Constitution is first for a reason. The items stated in the First Amendment—the right of freedom of religion, the right of freedom of speech and of a free press and the right to peaceably assemble—are in the First Amendment because they are the most important. Without those four, the rest of the amendments that follow are meaningless, especially the two which deal with freedom of speech and with the freedom of press.

You will notice the amendment to our Constitution guarantees a free press. It does not guarantee a fair press, as "fair" is always in the eyes of the beholder, but the longer they got going, I believe it is because they believed in limited government and believed in the need to constrain consolidations of power.

We have all seen the students who protested last summer and, more recently, in the last week and a half. We have all seen how the regime in Iran blocked Internet access and blocked cell phone usage so that photographs of what took place could not be transmitted somewhere. We have all seen that journalists were hauled off to jail and were tried before the star chamber in secret and that some of them were sentenced to the penitentiary. Speech is silenced in Iran, both that of the oral word and the written word. A free press is the enemy of a dictator.

President Ahmadinejad is in defiance of world peace. He is determined to build nuclear weapons, and he is determined to build missiles that are capable of delivering those nuclear weapons. Of course, he has made those plans of his clear to destroy Israel and to be a constant threat to the West, especially to Europe and to the United States. He oppresses his own people. That is why those people, those young people, including journalists and reform clergy members, are opposing his legitimacy to be ruler over them.

My own opinion is that, in that nation, the more the world hears about what takes place there, the more the world will support the people of Iran and a regime change. I hope that we stand by the people of Iran, who desire to have self-determination and to rule their country in spite of their rogue dictator.

Of course, now before us today is another bill regarding sanctions of Iran. I, personally, am not a big fan of sanctions. Historically, they haven’t worked. Some countries have always found a way to get around it. To me, sanctions usually mean that we kick the problem on down the road with the intention of maybe dealing with it later. However, preventing refined gasoline from getting to Iran is a good idea, and that is what this sanction does. I believe it will take place later and vote on it all about. It may have the result of helping the people of Iran change their illegitimate government.

Mr. Speaker, dictators hate a free press, but a free press is essential to a free people whether those free people are in the United States or whether those free people are in the nation of Iran.
And that's just the way it is.

Mr. BERMAN. Mr. Speaker. I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman. I will be very brief.

Mr. Speaker. Today, I wanted to add to the comments that my colleagues have made in their segue to the bill that follows the Daniel Pearl Freedom of the Press Act, which is the Iran Refined Petroleum Sanctions Act.

I am a strong supporter of this legislation. I commend my colleagues, Chairman Berman and Ranking Member ROS-LEHTINEN, for their leadership on this issue.

One of the most serious threats facing our country is the prospect of a nuclear-armed Iran. This is an oppressive regime, one that has threatened to wipe one of its neighbors off the map. The possession of a nuclear bomb by Iran is enormously dangerous in its own right, but it can also be resisted or countermanded by an improving situation in the Middle East.

The President has offered carrots and the international community has offered carrots to Iran to step back from its pursuit of nuclear weapons. The Congress can increase the importance of that step by making sure that there are sticks which are offered to Iran in the form of severe pressure on the Iranian regime to back away from a program that time and again we have seen it pursue, as much as it has declared to the contrary. So this legislation, I think more so than any other, will put teeth in a regime of sanctions, will put pressure on Iran to back away from its nuclear bomb-making efforts, and in so doing, will inure to the safety of our own country, to the safety of Israel and to the entire region.

So I thank the chairman for his leadership on this. I urge my colleagues to support the Iran Refined Petroleum Sanctions Act.

Ms. ROS-LEHTINEN. I yield myself to the chairman of the Western Hemisphere Subcommittee, my good friend from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentlewoman for yielding.

Mr. Speaker, as she was mentioning Venezuela, quite wisely, I agreed with everything she said about the lack of freedom of the press and about the adverse and negative steps that governments have taken with regards to freedom of the press. I yield back the balance of my time.
world will see plainly the status of democracy in every country. Additionally, it will allow the United States to help foster independent journalism in countries in every region that do not have the tradition or the capacity for a professional free press.

In addition to the foreign policy benefits, I support this legislation, because I believe that it is a fitting tribute to a great American, Daniel Pearl. Mr. Pearl was a Wall Street Journal correspondent who was abducted and beheaded in Karachi, Pakistan in early 2002. His life was spent in the pursuit of spreading truth through professional journalism and in his death he has become a symbol of the free press. This bill adds to the legacy he built with his life.

The SPEAKER pro tempore (Mr. PERRIELLO). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 3714, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

IAIRFEN Refined Petroleum
SANCTIONS ACT OF 2009

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by extending economic sanctions against Iran, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Iran Refined Petroleum Sanctions Act of 2009".

SEC. 2. FINDINGS; SENSE OF CONGRESS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles, and support for international terrorism—represent a serious threat to the security of the United States and U.S. allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible nations have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency (IAEA) has repeatedly called attention to Iran's unlawful nuclear activities, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (commonly known as the "Non-Proliferation Treaty").

(4) As a presidential candidate, then-Senator Obama stated that additional sanctions, especially those targeting Iran's dependence on imported refined petroleum, may help to persuade the Government of Iran to abandon its illicit nuclear enrichment program (commonly known as the "Nuclear Non-Proliferation Treaty").

(5) On October 7, 2008, then-Senator Obama stated, "Iran right now imports gasoline, which has been a lifeline for the regime, because its oil infrastructure has broken down. If we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing the dynamic of benefit analysis. That starts putting the squeeze on them.

(6) On June 4, 2008, then-Senator Obama stated, "We should work with Europe, Japan, and the Gulf states to find every avenue outside the U.N. to isolate the Iranian regime—" (A) direct state-owned entities to cease all imports of refined petroleum products from Iran; and

(C) Iran's apparent rejection of the Tehran Research Reactor plan, generally offered by the United States and its partners, of potentially great benefit to the Iranian people, and endorsed by Iran's own negotiators in October, 2009.

(B) Iran's ongoing clandestine nuclear weapons program, as evidenced by its work on the secret uranium enrichment facility at Qom, its subsurface refusal to cooperate fully with IAEA inspectors, and its announcement that it would build 10 new uranium enrichment facilities;

(C) Iran's ongoing support of, and imports and sales of, nuclear technology for non-nuclear purposes to Iran, (D) Iran's power projection to threaten neighboring countries, (E) Iran's active role in supporting international terrorism, (F) Iran's continued support of, and imports of, nuclear technology for non-nuclear purposes, and (G) Iran's role in the Middle East

(b) SENSE OF CONGRESS.—It is the sense of the Congress that:

(1) international diplomatic efforts to address Iran's illicit nuclear efforts, unconventional and ballistic missile development programs, and support for international terrorism are more likely to be effective if the President is empowered with the explicit authority to impose additional sanctions on the Government of Iran;

(2) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran and the Iranian nuclear program;

(3) the revelation in September 2009 that Iran is developing a secret uranium enrichment site and an International Atomic Energy Agency (IAEA) un-fettered access to its facilities pursuant to the United States' legal obligations under the United States' contribution to the International Atomic Energy Agency (IAEA);

(4) the incompatibility of Iran's nuclear program and other destabilizing activities, the President should impose sanctions, including the full range of sanctions otherwise applicable to Iran, on any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of the United States or that has conducted any commercial transaction or financial transaction with such entities;

(5) the United States should support international diplomatic efforts to pressure Iran to suspend its nuclear weapons program and cease all enrichment activities; and

(6) the people of Iran—(A) have feelings of friendship for the people of Iran; and

(B) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

(c) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to prevent Iran from achieving the capability to make nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program;

(2) to fully implement and enforce the Iran Sanctions Act of 1996 as a means of encouraging foreign governments to—

(A) direct state-owned entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran; and

(B) require private entities based in their territories to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran;

(3) to impose sanctions on—

(A) the Central Bank of Iran, and any other financial institution in Iran that is engaged in proliferation activities or support of terrorist groups, and

(B) any other financial institution that conducts financial transactions with the Central Bank of Iran or with another financial institution described in subparagraph (A) through the use of Executive Orders 13224, 13382, and 13488 and United Nations Security Council Resolutions 1737, 1747, 1803, and 1835;

(4) to persuade the allies of the United States and other countries to take appropriate measures to deny access to the international financial system by Iranian banks and financial institutions involved in proliferation activities or support of terrorist groups;
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(5) to support all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and the rule of law; and

(6) for the Secretary of State to make every effort to assist United States citizens held hostage in Iran at any time during the period beginning on November 4, 1979 and ending on January 20, 1981, and their survivors in matters concerning their detention.

SEC. 3. AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996

(a) EXPANSION OF SANCTIONS.—Section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(a) In General.—The President shall prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person in the sale, lease, or provision of goods, services, technology, information, or support, or entries into a contract to sell, lease, or provide to Iran any goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

"(1) the value of the goods, services, technology, information, or support provided in any transaction, lease, or provision, or to be provided under contracts entered into in any 12-month period, exceeds $500,000;

"(2) the value of the goods, services, technology, information, or support provided in any combination of such sales, leases, or provisions for delivery, or to be provided under contracts entered into in any 12-month period, exceeds $200,000; or

"(3) the value of the goods, services, technology, information, or support provided or to be provided in connection with any combination of providing such goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

"(1) the value of the goods, services, technology, information, or support provided in any transaction, lease, or provision, or to be provided under contracts entered into in any 12-month period, exceeds $500,000;

(b) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

"(1) by striking the sanctions to be imposed on a sanctioned person under section 5 are as follows: and inserting the following:

"(i) D EVELOPMENT OF PETROLEUM RESOURCES IN IRAN.—

"(A) INVESTMENT.—Except as provided in subsection (f), the President shall impose the sanctions described in paragraphs (1) through (6) of section 6(a) if the President determines that a person knowingly sells, leases, or provides to Iran any goods, services, technology, information, or support, or enters into a contract to sell, lease, or provide to Iran any goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

"(1) the value of the goods, services, technology, information, or support provided in any contract or agreement described in paragraph (1)(B) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, or the date on which the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide for the implementation of the requirements of this subsection.

"(B) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b)(1) if the President determines that a person knowingly sells, leases, or provides to Iran any goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

"(1) the value of the goods, services, technology, information, or support provided in any such sale, lease, or provision, or to be provided under contracts entered into in any 12-month period, exceeds $200,000; or

"(2) the value of the goods, services, technology, information, or support provided or to be provided in any such sale, lease, or provision, or to be provided under contracts entered into in any 12-month period, exceeds $500,000.

"(C) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

"(1) IN GENERAL.—The President shall prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person in the sale, lease, or provision of goods, services, technology, information, or support, or entries into a contract to sell, lease, or provide to Iran any goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

"(1) the value of the goods, services, technology, information, or support provided in any contract or agreement described in paragraph (1)(B) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, or the date on which the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide for the implementation of the requirements of this subsection.

"(2) the value of the goods, services, technology, information, or support provided in any combination of such sales, leases, or provisions for delivery, or to be provided under contracts entered into in any 12-month period, exceeds $200,000; or

"(3) the value of the goods, services, technology, information, or support provided or to be provided in any combination of providing such goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

"(1) the value of the goods, services, technology, information, or support provided in any transaction, lease, or provision, or to be provided under contracts entered into in any 12-month period, exceeds $500,000;

(b) ADDITIONAL SANCTIONS.—The sanctions to be imposed on a sanctioned person paragraphs (1)(B) and (2) of section 6(a) are as follows:—

"(1) FOREIGN EXCHANGE.—The President shall prohibit any transactions in foreign exchange by the sanctioned person.

"(2) BANKING TRANSACTIONS.—The President shall prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person in the sale, lease, or provision of goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

"(1) the value of the goods, services, technology, information, or support provided in any such sale, lease, or provision, or to be provided under contracts entered into in any 12-month period, exceeds $200,000; or

"(2) the value of the goods, services, technology, information, or support provided or to be provided in any such sale, lease, or provision, or to be provided under contracts entered into in any 12-month period, exceeds $500,000;

"(3) PROPERTY TRANSACTIONS.—The President shall prohibit any acquisition, holding, withholding, use, transfer, withdrawal, or disposal of, dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which the sanctioned person has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States.

"(D) ADDITIONAL MEASURES RELATING TO REFINED PETROLEUM PRODUCTS.—

"(1) IN GENERAL.—The head of each executive agency shall ensure that such contract or agreement entered into by such executive agency for the procurement of goods or services, or agreement for the use of Federal funds as part of a grant, loan, or loan guarantee to a person, includes a clause that requires the person to certify to the contracting officer or other appropriate official of such agency that the person does not conduct any activity described in paragraph (1)(B) or (2) of section 6(a).

"(2) EXCLUSION.—Paragraph (1) shall not apply to a loan or other program under title IV of the Atomic Energy Act of 1954 (20 U.S.C. 1707 et seq.), or to any amount of educational assistance by the Secretary of Veterans Affairs under title 38, United States Code.

"(3) REMEDIES.—

"(A) IN GENERAL.—If the head of the executive agency determines that such person has participated in an activity described in paragraph (1) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, the head or an appropriate official may terminate a contract, or agreement described in paragraph (1), with such person or debar or suspend such person from eligibility for Federal financial assistance for a period not to exceed 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

"(B) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL ACQUISITION REGULATION.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations, the following measures shall apply with respect to the country that has jurisdiction over such person, unless the President determines and notes the additional sanction committee that the government of such country has taken, or is taking, effective actions to penalize such person and to prevent a reoccurrence of such activity in the future:

"(1) No agreement for cooperation between the United States and the government of that country may be submitted to the President or to Congress pursuant to section 123 of the Atomic Energy Act of 1944 (42 U.S.C. 2153), or may enter into force.

"(2) Licenses or permits may be issued for the export, and no approval may be given for the transfer or retransfer, directly or indirectly, to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement to cooperation.

"(3) PROHIBITION.—The restrictions in subparagraphs (B) and (C) of section 7 will apply to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1944 and other laws.

"(4) STRENGTHENING OF WAIVER AUTHORITY AND SANCTIONS IMPLEMENTATION.—
(1) INVESTIGATIONS.—Section 4(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—
(A) in paragraph (1)—
(i) by striking "shall determine, pursuant to section 5(a)," and inserting "shall determine, pursuant to section 5(a) or (b) (as the case may be),"; and
(ii) by striking "(A) provided Iran with refined petroleum products;" and
(B) in paragraph (2)—
(i) in subparagraphs (A), (B), and (D), by striking "of such section" and inserting "as described in section 5(a)(1) or other activity described in section 5(a)(2) or (b) (as the case may be)"; and
(ii) by striking "(B) in paragraph (2)—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees describing in section 5(a)(2)," and inserting "(A) the date or dates of such activity; and
(B) any person that the President determines has knowingly provided material support to the Islamic Revolutionary Guard Corps or an agent, alias, front, representative, official, or affiliate of the Islamic Revolutionary Guard Corps; and
(C) any person who has conducted any commercial transaction or financial transaction with the Islamic Revolutionary Guard Corps or an agent, alias, front, instrumentality, representative, official, or affiliate of the Islamic Revolutionary Guard Corps, including—
(1) as paragraphs (17) and (18), respectively; and
(2) by redesignating paragraphs (15) and (16) as paragraphs (17) and (18), respectively; and
(3) by adding at the end the following:
"(16) REFINED PETROLEUM PRODUCTS.—The term "refined petroleum products" means gasoline, kerosene, diesel fuel, residual fuel oil, and distillates and other goods classified in paragraphs (12) through (15) of section 3 of the Iran Sanctions Act of 1996 and annexed to the Named Target Schedule of the United States."

(g) TERMINATION OF CERTAIN PROVISIONS.—
Section 8 of the Iran Sanctions Act of 1996 is amended—
(1) by striking "The requirement under section 5(a) and inserting "(a) SANCTIONS RELATING TO INVESTMENT.—The requirement under section 5(a)(1)(A)"; and
(2) by striking "with respect to Iran"; and
(3) by adding at the end the following:
"(b) REPORTS ON CERTAIN BUSINESS AND OTHER TRANSACTIONS RELATING TO IRAN.—The requirements under paragraphs (1)(B) and (2) of section 5(a) and section 6(b) to impose sanctions shall no longer have force or effect if the President determines and certifies to the appropriate congressional committees that Iran—
(1) has ceased its efforts to design, develop, manufacture, or acquire a nuclear explosive device or related materials and technology; and
(2) has ceased nuclear-related activities, including uranium enrichment, that would facilitate the efforts described in paragraph (1)."

(h) EXTENSION OF ACT.—Section 13(b) of the Iran Sanctions Act of 1996 is amended by striking "2011" and inserting "2016".

(i) TECHNICAL AMENDMENTS.—
(1) MULTILATERAL REGIME.—Section 4 of such Act is amended—
(A) in subsection (b)(2), by striking "(in addition to that provided in subsection (d))"; and
(B) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) REFERENCE TO COMMITTEE ON FOREIGN AFFAIRS.—Section 14(2) of such Act is amended by striking "International Relations" and inserting "Foreign Affairs."

(3) CONFORMING AMENDMENTS.—(A) Section 5(c)(1) of such Act is amended by striking "or (b)" and inserting "or (b)(1)".
(B) Section 5(a) of such Act is amended by striking "or (b)" each place it appears and inserting "or (b)(1)".

SEC. 4. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) IN GENERAL.—The amendments made by this Act shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act, except that—
(1) paragraphs (1) and (2) of section 5(a), section 5(b)(2), and section 6(b), of the Iran Sanctions Act of 1996, as amended by this Act, shall apply to conduct engaged in on or after October 28, 2009, notwithstanding section 5(c)(3) of the Iran Sanctions Act of 1996; and
(2) the amendments made by subsection (d) of section 3 of this Act shall apply with respect to conduct engaged in before, on, or after the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—
(1) EXISTING SANCTIONS NOT AFFECTED.—The amendments made by subsections (a) and (b) of section 3 of this Act shall not be construed to affect the requirements of section 5(a) of the Iran Sanctions Act of 1996 as in effect before the date of the enactment of this Act, and such requirements continue to apply, on and after such date of enactment, to conduct engaged in before October 28, 2009.

(2) WAIVER AUTHORITY.—The amendments made by this Act shall be subject to section 3(c) of this Act.
The SPEAKER pro tempore. Is the gentleman from California opposed to the motion?

Ms. ROS-LEHTINEN. No, I do not oppose the motion.

The SPEAKER pro tempore. The gentleman from Ohio will control the 20 minutes in opposition.

Pursuant to the rule, the gentleman from California (Mr. Berman) and the gentleman from Ohio (Mr. Kucinich) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. Berman. Mr. Speaker, I ask unanimous consent to split the time evenly, the 20 minutes, in support of the bill with my colleague, the ranking member from Florida (Ms. Ros-Lehtinen).

The SPEAKER pro tempore. Without objection, the gentleman from Florida will control 10 minutes.

There was no objection.

Mr. Berman. Mr. Speaker, I ask unanimous consent to extend the time evenly, 10 of those additional 20 minutes and the gentleman from Ohio’s control in opposition to those 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. Kucinich. Mr. Speaker, reserving the right to object, what we are saying is that in my friend’s interest of making sure that there is an opportunity for Members to speak on the various sides here, you want to make sure the time is evenly divided for the underlying bill and also for the extension of time?

Mr. Berman. Perhaps, more accurately, you want to make sure the time is divided, and I am prepared to say the rules require that; and the extension of time I have in mind of an additional 20 minutes.

Mr. Kucinich. The additional time is going to be evenly distributed.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Berman. Mr. Speaker, I have a further unanimous consent request: that the 10 additional minutes of time on behalf of the supporters of this legislation split, 5 minutes for the majority and 5 minutes for the ranking member.

The SPEAKER pro tempore. Without objection, the gentleman from Florida will control an additional 5 minutes.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. Berman. Point of parliamentary inquiry, Mr. Speaker.

Mr. Speaker. Mr. Berman, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Berman. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, this bill has one overriding goal: to prevent Iran from achieving a nuclear weapons capability. The prospect of a nuclear-armed Iran is the greatest strategic challenge faced by the United States, and we must use all of the diplomatic means at our disposal—including tougher sanctions—to prevent that from becoming a reality.

A nuclear-armed Iran would spread its influence, radicalizing its neighbors; it would, with near impunity, continue to support terrorists and destabilize the Middle East; it would spark an arms race in the region that would tear the Nuclear Nonproliferation Treaty and most frightening of all, it could, in the light of Iran’s repeated threats to wipe another nation off the map, result in the actual use of nuclear weapons.

When one considers the regime’s ideological nature, the fact that it sent thousands of children to their deaths in the Iran-Iraq war, and its current disregard for the human rights of its own citizens, it is clear the Iranian regime is anything but a rational actor, and we certainly cannot take the chance that a nuclear Iran would behave responsibly.

With each passing day, the situation becomes more urgent as Iran takes additional steps to develop its nuclear weapons capability. By many estimates, it would have that capability by sometime next year, and even the predictions that they could not be ready to deliver a bomb within 5 years have had to be reevaluated on a shorter time frame. New revelations about Iran’s nuclear program in September, Iran’s efforts to construct a new secret uranium enrichment facility were exposed to the world. And what was Tehran’s response when the international community rightly condemned it for that action? To declare that it will build 10 more.

The Iranian nuclear issue could have been resolved without further sanctions. President Obama has offered Iran an outstretched hand, but regrettably Iran has rebuffed its first, its second, and its third. The regime has refused to endorse even a confidence-building measure—agreed to by its negotiators in Geneva—that would have seen Iran ship most of its low-enriched uranium abroad to be further enriched for use in Iran’s civilian nuclear medical research reactor. That deal would have bought everyone significant time, delaying Iran’s nuclear-arms clock for up to a year as negotiators dealt with the heart of the issue: Iranian compliance with the U.N. Security Council requirement that it suspend its enrichment program altogether. By rejecting the deal, Iran retains its full stockpile of low-enriched uranium, enough to serve as the basis for one nuclear bomb, and it forces the world to respond urgently.

The bill before us today is an important part of that response. It would take advantage of Iran’s considerable dependency on refined-petroleum imports. It would sanction foreign companies that sell refined petroleum to Iran, or help Iran with its own domestic refining capacity, by depriving those companies of access to the United States market. And in so doing, we are asking no more of foreign companies than we currently demand of American firms. I urge Members to recognize and implement of this act would have a powerful effect on the Iranian economy, and I believe it would force unpalatable budgetary choices on the Iranian regime, vastly increasing the domestic political cost of pursuing its nuclear program.

That said, I want to reiterate that my overriding goal in moving forward with this legislation is to prevent Iran from developing a nuclear weapons capability. As we move toward a likely conference with the Senate, most likely early next year, and as the administration continues its efforts to pursue stronger multilateral sanctions, I am open to making adjustments to the bill that would make it as effective as possible in meeting that objective, including providing incentives to other nations to join us in supporting a strong multilateral sanctions regime. One possibility would be an exemption for companies whose host nations are already enforcing robust sanctions in their national law.

But for now, it is sufficient to say that Iran has had ample time to respond positively to President Obama’s generous engagement offer. Regrettably, the response has been only one of contempt. It is time for this body to act.

I urge the support of this legislation.

December 14, 2009.

Hon. Howard L. Berman, Chairman, Committee on Foreign Affairs, 2170 Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: I am writing regarding the Iran Refined Petroleum Sanctions Act of 2009 (H.R. 2194, 111th Congress). As you know, the bill was referred to Committee on Ways and Means based on the Committee's jurisdiction over international trade.

There have been some productive conversations between the staffs of our Committees, during which we have proposed some changes to H.R. 2194 that I believe help to clarify the intent of the scope and particularly with respect to U.S. international trade obligations. I appreciate your commitment to
December 15, 2009

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address the concerns raised by the Committee on Ways and Means as this legislation moves forward.

In order to expedite this legislation for floor consideration, the Committee on Ways and Means will forgo action on this bill and will not oppose its consideration on the suspension calendar, based on our understanding of the work the Committee on Ways and Means as the legislative process moves forward in the House of Representatives and in the Senate, to ensure that our concerns are adequately addressed. This is done with the understanding between our Committees that it does not in any way prejudice the Committee on Ways and Means with respect to the appointment of conferees from this Committee should this bill fall within the Committee's jurisdiction.

I would appreciate your response to this letter, confirming our understanding with respect to H.R. 2194, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD.

Sincerely,

CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.

DECEMBER 14, 2009.

Hon. Charles B. Rangel,
Chairman, Committee on Ways and Means, 1102 Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: Thank you for your letter regarding H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means regarding the appointment of conferees or the full exercise of its jurisdictional prerogative on this bill or similar legislation in the future.

I also appreciate the strong concerns raised by the Committee on Ways and Means regarding certain provisions of the bill and the proposals your Committee has offered to help to clarify the bill's intent and scope, particularly with respect to U.S.-international trade obligations. As to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction. In addition, I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I look forward to working with you to address the trade-related concerns raised by the Committee on Ways and Means.

Sincerely,

HOWARD L. BERMAN,
Chairman.

DECEMBER 2, 2009.

Hon. Howard L. Berman,
Chairman, House Foreign Affairs Committee, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: I am writing in regards to H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009, which was introduced into the House on April 30, 2009. I appreciate your efforts to work with the Committee on Oversight and Government Reform on the provisions of H.R. 2194 that fall within the Oversight Committee's jurisdiction. These provisions include issues related to the federal procurement process.

In the interest of expediting consideration of H.R. 2194, the Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee with respect to H.R. 2194 that fall within the jurisdiction of the Oversight Committee.

Finally, I request that you include our exchange of letters on this matter in the Congressional Record when this bill is considered by the House.

Thank you for your attention to these matters.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

DECEMBER 8, 2009.

Hon. Edolphus Towns,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: Thank you for your letter regarding H.R. 2194, the “Iran Refined Petroleum Sanctions Act of 2009.”

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the Committee on Oversight and Government Reform, including, but not limited to those provisions that fall within the Committee’s Rule X jurisdiction.

Further, as to any House-Senate conference on this bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee’s jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker’s practice in this regard.

I will ensure that our exchange of letters is included in the CONGRESSIONAL RECORD, and I look forward to working with you on this important legislation.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

DECEMBER 8, 2009.

Hon. Edolphus Towns,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: Thank you for your letter regarding H.R. 2194, the “Iran Refined Petroleum Sanctions Act of 2009.”

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I acknowledge that your Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within the Committee’s Rule X jurisdiction.

Further, as to any House-Senate conference on this bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee’s jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker’s practice in this regard.

I will ensure that our exchange of letters is included in the CONGRESSIONAL RECORD, and I look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,
Chairman.

DECEMBER 4, 2009.

Hon. Howard Berman,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am writing concerning H.R. 2194, the “Iran Refined Petroleum Sanctions Act of 2009.” This bill was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others.

There is an agreement with regard to this bill, and so in order to expedite floor consideration, I agree to forego further consideration by the Committee on Financial Services. I do so with the understanding that this decision will not prejudice this Committee with respect to its jurisdictional prerogatives on this or similar legislation. I request your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference.

Please pass this letter in the Congressional Record when this bill is considered by the House. I look forward to the bill’s consideration and hope that it will command the broadest possible support.

HON. BARNEY FRANK,
Chairman.

DECEMBER 9, 2009.

Hon. Barney Frank,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: Thank you for your letter regarding H.R. 2194, the “Iran Refined Petroleum Sanctions Act of 2009.”

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Financial Services. I acknowledge that your Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within the Committee’s Rule X jurisdiction.

I will ensure that our exchange of letters is included in the CONGRESSIONAL RECORD, and I look forward to working with you on this important legislation.

Sincerely,

HON. BARNEY FRANK,
Chairman.

DECEMBER 9, 2009.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENEAU).

Mr. BLUMENEAU. I thank the gentleman from Ohio for permitting me to speak on this.

I have great respect for the Chair and ranking member, and I deeply share their concern about a nuclear-armed Iran. It is something that I think we are all deeply opposed to, we’re deeply concerned about, in terms of the potential instability in that delicate region and frankly around the world. But I have a deep concern that the approach that is being offered here is not calculated to reach that objective.

First and foremost, there is correspondence, a letter from the Deputy Secretary of State, Mr. Steinberg, talking about the problems of sanctions legislation on the Senate side, that talks about how we are entering a critical period of intense diplomacy to impose significant international pressure on Iran.

It is not at all clear, Mr. Speaker, that moving forward right now with new sanctions on companies of other countries that are involved with the petroleum activities is actually going to be helpful at a time when the administration is ramping up its international efforts to deal with Iran; I think efforts that we all support and feel need to be as productive as possible.

I think there is also a very real question about whether the focus of this legislation is going to have its intended
use, because there is nobody in the Iranian Government, in the Revolutionary Guard, in the inner circle of either the President or the Supreme Ruler that’s not going to get their gasoline. The extent to which it is successful, and that remains questionable, it’s going to be important to the people of Iran that common people who in the main are amongst the few Middle Eastern countries where they still have a favorable view of the United States. Sanctioning those people, not the leadership, is not helpful.

I found it interesting on the front page of today’s Washington Post, they discuss the evidence of Iran’s nuclear-armed being expended, despite sanctions. In fact, there is evidence in this article that it is the sanctions themselves that have spurred the indigenous development of that capacity in Iran. One of them said, “thank God for the sanctions” against us.

We need to be very careful about the application of sanctions and how they’re going to be worked. I think we have a shortsighted view for dual use technology and dealing with export controls that have actually developed other countries’ capacity, including those friendly to us, along with all companies from other competitor nations around the world. I think we need to be very careful here.

Last but by no means least, Mr. Speaker, I am concerned that the United States, especially the only major country in the world that doesn’t have a thoughtful sanctions policy—when to impose them, how to impose them, and, most important, when to take them off. I would respectfully suggest that this is not the right time. This is an instrument that’s not likely to be successful, and it may complicate our efforts against Iran. While I agree with the gentleman’s objective, I don’t agree with the legislation and urge its rejection.

The Deputy Secretary of State, Washington, DC, December 11, 2009.

Hon. John F. Kerry.
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: I wanted to follow up on our conversations regarding Iran, and possible sanctions legislation to be taken up by the Senate (S. 2990). We share Congress’s concerns on Iran and its nuclear program, and the need to take decisive action. One of the top national security priorities for the Obama Administration is to deny Iran a nuclear weapons capability. As we discussed, we are pursuing this objective through a dual track strategy of engagement and pressure; focused on intensive multilateral efforts to develop pressure track measures now. It is in the spirit of these shared objectives that I write to express my concern about the timing and content of this legislation.

As I testified before the Congress in October, it is our hope that any legislative initiative would maximize the President’s flexibility, secure greater cooperation from our partners in taking effective action, and ultimately facilitate a change in Iranian policies. We are entering a critical period of intense diplomacy to impose significant international pressure on Iran. This requires that we keep the focus on Iran. At this juncture, I am concerned that this legislation, in its current form, might weaken rather than strengthen international unity and support for our efforts. In addition to the timing, we have serious substantive concerns, including the lack of flexibility, inefficient monetary thresholds and penalty levels, and the use of non-targeted economic sanctions.

I have asked Department staff to prepare for and discuss with your staff revisions that could address these concerns on timing and content. I am hopeful that we can work together to achieve our common goals, and I hope that consideration of this bill could be delayed to the new year so as not to undermine the Administration’s diplomacy at this critical juncture. I look forward to working together to achieve our common goals, and I will stay in close contact with you as our diplomatic efforts proceed.

Sincerely,

James B. Steinberg.

Mr. ROBERT LENTIEN. Mr. Speaker, I yield myself such time as I may consume.

Since its secret nuclear weapons program was publicly exposed in 2002, Iran has manipulated nations, world leaders and the United Nations on its march toward possessing the capacity to unleash nuclear havoc on the world. Current and past regime leaders have made their intentions quite clear—the destruction of the State of Israel, the extinction of the Jewish people, a world without the United States.

Iran has already produced over 1,400 kilograms of low-enriched uranium, which can easily be used for a so-called “dirty bomb.” New Iranian documents have been recently detailing a program to produce and test the trigger for an actual nuclear weapon.

Nuclear experts note that there is no other possible use for such nuclear technology, except for a nuclear bomb. And in September of this year, media quoted international inspectors saying, they “viewed with the ability to make a nuclear bomb and is working to develop a missile system that can carry an atomic warhead.” And U.S. officials have calculated that Iran already has stockpiled enough uranium to produce one nuclear weapon, even as it expands its enrichment capabilities.

We have arrived at the precipice, and we are staring into darkness. In February of 2006 the Congress adopted a resolution that the Iranian regime’s repeated violations of its non-proliferation obligations, underscoring that as a result of these violations Iran no longer had the right to develop any aspect of a nuclear fuel cycle and urging responsible nations to impose economic sanctions to deny Iran the resources and the ability to develop nuclear capabilities. Three years later, the idea that we could rely on the so-called international community to handle this problem has been shown to be seriously flawed.

But we, too, have failed to act quickly and decisively, falling to fully implement the range of U.N. sanctions that are already on the books. Now we must use the limited time remaining to impose sanctions so painful that they should threaten the Iranian regime’s survival. Only when faced with the loss of power will the regime be compelled to abandon its destructive policies.

The opportunity is before us today. Mr. Speaker, the Iran Refined Petroleum Sanctions Act, which I joined Chairman Berman in introducing, ratchets up the pressure on the regime by targeting a key vulnerability, Iran’s inability to produce gasoline and other refined petroleum products.

In recent years, Iran has estimated to have imported gasoline directly or indirectly from at least 16 countries, including China, India, the Netherlands, France, and the UAE, as well as global oil companies such as TOTAL and Shell. To stop this trade, the sanctions we’re considering today must also be adopted by our allies, who continue to talk about the need to act but found the claim that the U.N. Security Council must act first. But the U.N. Security Council, due in part to Russian and Chinese opposition, has demonstrated that it will never impose meaningful costs on the Iranian regime.

There is no shortage of measures available. What is lacking is the will. Beyond this bill today, Mr. Speaker, the broader question is whether we will be bystanders, complicit in our own destruction. If you will not fight for the right when you can easily win without bloodshed, if you will not fight when your victory will be sure, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance for survival.” For our survival, and for that of our friend and ally, Israel, render your full support to this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, Ron Paul.

Mr. PAUL. The chairman states that the main purpose of this bill is to prevent the Iranians from getting a nuclear weapon. That isn’t even as powerful a statement as was made that enticed us into the Iraq war. There was the claim that they already had them. But now, this is a pretense, and yet surrender. As Churchill warned, “If you will not fight for the right when you can easily win without bloodshed, if you will not fight when your victory will be sure, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance for survival.” For our survival, and for that of our friend and ally, Israel, render your full support to this legislation.

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there’s been talk in the media, and we’ve heard about it, we need to bomb Iran. And that’s what the people hear.

The sanctions are a use of force. This is just not modest. This is very serious. And the way this is written, it literally could harm us with a blockade. It could be trying to punish our friends and cut off trade, and this cannot help us in any way. We would like to help the disidents. We’d like to encourage them to overthrow their government. But hardly should we have CIA, with U.S.- funded programs, going in there with a policy of regime change. They know these kind of things happen. We’ve been involved in this business in Iran since 1953. And it doesn’t serve us well. It backfires on us, comes back to haunt us.

One of the goals explicitly expressed by al Qaeda and their leaders has been they would like to draw us into the Middle East because it would cost us a lot of money and it could hurt us financially. And second reason they want us over there is to get us bogged down in an endless war. And for the last decade, that is what we’ve been doing. We are bogged down to the point where it’s very discouraging to the American every frustrates our efforts, no signs of victory, no signs of peace. But we’re bogged down. These were the precise goals of the al Qaeda leadership.

And also, one of the purposes of enticing us over there and being involved is to establish an incentive to recruit those individuals who become violent against us. And this has been unbelievably successful. So we’ve been involved in Iraq. We’ve been involved in Afghanistan. We’re bombing Pakistan and almost, this is like another bonus for those who want us to be attacked, is that we’re over there and just fomenting this anger and hatred toward us.

That is why I believe this is not in our best interest. It actually hurts us. Once we have that we’re going to do something like using force and prevent vital products from going in, it means that we’ve given up on diplomacy. Diplomacy’s out the window. And they’re not capable of attacking us. You know, this idea that they are on the verge of a bomb, you know, our CIA said they haven’t been working on it since 2003. And the other thing is, if you want to give them incentive to have a bomb, just keep pestering like this, just intimidate them. Provoke it. This is provocative. They might have a greater incentive than ever.

They can’t even make enough gasoline for themselves. I mean, they are not a threat. They don’t have an army worth anything. They don’t have a navy. They don’t have an air force. They don’t have intercontinental ballistic missiles. So it is not a threat to our national security. I see the threat to our national security with this type of policy which could come and backfire and alienate.

I want to read number 5 in the bill, that particular item, because it makes my case, rather than making the case for those who want these sanctions. I think this literally makes my case. Number 5 says, on October 7, 2008, then-Senator Obama stated Iran right now imports gasoline, even though it’s an oil producer, because its oil infrastructure has broken down. If we can prevent the gasoline importation, that they need and the refined petroleum products, that starts changing their cost-benefit analysis, that starts putting the squeeze on them.

The squeeze on whom? On the people. This will unify the Iranian people against us. If we want to encourage true dissent and overthrow that government, which is more spontaneous and honest, I would say this is doing exactly the opposite. Mr. BERMAN, Mr. Speaker, a few unanimous consent requests. I first recognize the Chair of the Foreign Operations Subcommittee of Appropriations, the gentlelady from New York (Mrs. LOWEY) for a unanimous consent request.

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the bill’s expansion of economic sanctions against Iran and businesses and the refined petroleum and energy sectors collaborating with the regime.

I strongly support this bill’s expansion of economic sanctions against Iran and businesses and the refined petroleum and energy sectors collaborating with the regime.

And passage of H.R. 2194 will lay the groundwork for even tougher sanctions on Iran.

I thank the Gentleman from California for his efforts, and I urge my colleagues to vote in support of this bill.

Mr. BERMAN. Mr. Speaker, I’m pleased to recognize a distinguished member of our committee, the gentlewoman from Nevada (Ms. BERKLEY) for unanimous consent.

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise expressing my strong support for H.R. 2194.

I thank the gentleman for yielding me the time and for his leadership on this issue. He has successfully navigated a very difficult terrain and I believe he has found the right moment to bring this bill forward.

It is now abundantly clear once again that Iran is not serious about negotiating a new U.S. president tried to take a different approach, extending his hand in friendship to the Iranian regime. In exchange, the Iranians continued to show their clenched fist of deception and dishonesty. All the while, evidence mounts that Iran gets closer each day to developing a nuclear weapon.

A nuclear Iran poses as much of a threat to the U.S., to Europe, to the Middle East, as it does to Israel. With this bill today, we show the Iranians that we are determined that they have to stop them from obtaining a nuclear weapon. We want to avoid war, but we must not take any option off the table.

And to my colleagues I say: if you want to avoid war, support this bill. If it succeeds, the military option won’t be necessary. But without this bill, without sanctions, and without an Iranian regime that is willing to negotiate, I fear a nuclear Iran will be inevitable as will a far stronger option to eliminate its threat.

I thank the gentleman again.

Mr. BERMAN. Mr. Speaker, I yield for a further unanimous consent request to a distinguished member of the committee, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Speaker, I yield to the gentleman from Virginia (Mrs. LOWEY asked and was given permission to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise voicing my strong support for H.R. 2194 because America’s patience is not limitless. We cannot allow, Speaker, it’s imperative to strengthen the hand of the Administration and our allies to address the threat of a nuclear Iran. I proudly cosponsored the Iran Refined Petroleum Sanctions Act, which gives the President the authority to impose stiffer economic sanctions on Iran’s oil and gas sector. The bill adds such activities as selling refined gasoline or supplying equipment for construction of oil refineries to the list of prohibited activities under the Iran Sanctions Act.

In January President Obama made a fundamental shift in our diplomatic strategy with Iran. He extended an olive branch with the hope of initiating the first serious talks with Tehran in decades, but that approach was conditioned on the Iran leaders being willing and equal partners.

Unfortunately, those leaders have consistently rejected our overtures and continue to develop Iran’s nuclear capabilities in defiance of repeated demands from the United Nations that it suspend such activities. Missile tests in the spring and fall of this year, coupled with the recent revelation of a secret enrichment facility brings new urgency—as evidenced by the growing support within the international community for further action. Just this week, we learn of yet another secretive program to target Iran’s oil production. The bill adds such activities as selling refined gasoline or supplying equipment for construction of oil refineries to the list of prohibited activities under the Iran Sanctions Act.

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In January President Obama made a fundamental shift in our diplomatic strategy with Iran. He extended an olive branch with the hope of initiating the first serious talks with Tehran in decades, but that approach was conditioned on the Iran leaders being willing and equal partners.
that I believe will strengthen the Obama administration’s ability to conduct effective diplomacy. The world, and I mean both our allies and others, needs to know that the U.S. Congress is dead serious about sanctions should diplomacy fail to resolve the real concerns about Iran’s nuclear program. For those who worry that sanctions may lead to conflict, I would suggest that the opposite is true. With Iranian proliferation on the horizon, what is reckless is reckless. If you don’t want war, it seems to me that you absolutely must back the toughest possible political and economic sanctions.

It is true that sanctions alone are all but certainly not going to be sufficient to force the Iranian regime to change course. But if we are serious about stopping Iran’s race for nuclear capability, we must apply the maximum possible pressure by enhancing our capacity for unilateral sanctions, as we’re doing today, by implementingcrippling multilateral sanctions, and by developing a strategy that applies more comprehensive pressure than just diplomatic engagement followed by sanctions.

President Obama’s offer of direct engagement with Iran already helps heal a variety of political woes, but by itself, diplomacy and political and economic sanctions may still leave too much initiative in Iranian hands. If the Iranians remain recalcitrant and sanctions are applied, no matter how cripplingly severe, and if there are any sanctions other than those imposed by the United States, the United States will not fall asleep at the wheel. We must lead. With the passage of this bill, we must, and will, rally the international community in order to stop the Middle East from moving irresistibly toward nuclearization.

Mr. Speaker, I urge passage of the Iran Refined Petroleum Sanctions Act, Mr. KUCINICH. I yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman. I also come here with enormous respect for Mr. Berman and Ms. Ros-Lehtinen and my friends. And if I thought for 1 minute that this bill would help the United States or protect Israel or undermine Mr. Ahmadinejad, I would support it. But I do not. I do, however, take great comfort in the chairman’s claim that the chief reason for earlier comments that in the conference process he is open and willing to adjust the bill. And perhaps if these adjustments and improvements are made, I can support it at that time, but I am faced with the bill before me.

And let me just say that I think that this bill will help Ahmadinejad, that this will have the same effect as we have seen with other embargoes and other sanctions. I point to a couple of examples. One being the example in Cuba where we put in an embargo there, and ever since then, the Castro regime has been able to blame everything that has gone wrong in Cuba, including tropical storms and hurricanes, on the U.S. embargo. It has helped that regime stay in power. We see the same effect happening in Gaza. I have been there a couple of times. The fact that we’ve got an embargo there and a blockade has caused many in Gaza to rally against the Hamas—and the blockade has helped them. That is the effect that this bill will have in Iran.

We have watched very closely. This past week, tens of thousands of students in Iran in the Green Revolution have come to oppose and call for theousting of Ahmadinejad and his regime. What this will do, however, is this will undermine that opposition. This bill is focused on cutting off gaso-line supply to the poor, to the working class, to the very poor in families, to the very people who are supporting the revolutionary movement there to get rid of Ahmadinejad.

We are, in a way, I think, substituting a plan that will not work for one that could very well work. We are snatching defeat from the jaws of victory with this bill. I hope earnestly that as the sponsor of this bill has indicated, the chairman, Mr. Berman, that the bill will be improved perhaps made during the conference process. I hope that does happen, and I hope that I am able to support this bill when it comes back from conference based on those changes.

Mr. SMITH of New Jersey. Mr. Speaker, Chairman Berman’s Iran Refined Petroleum Sanctions Act, cosponsored by the ranking member, Ms. Ros-Lehtinen, significantly ratchets up strong bipartisan pressure on Iran to halt its nefarious quest for nuclear weapons.

Given Ahmadinejad’s extreme hostility toward Israel, his outrageous threats to annihilate Israel from the face of the Earth, and his obsessive hatred of Jews worldwide, this bill strengthens penalties on those who not only sell, lease, or provide to Iran any goods, services, technology, information, or support that would allow Iran to maintain or expand its domestic nuclear capability, to acquire the materials or technology needed to produce nuclear weapons.

Mr. Speaker, any serious effort to peacefully stop Iran from acquiring weapons of mass destruction, which I believe they will use if they acquire them, requires the strongest political and economic pressure that we can muster. H.R. 2194 is a step, the right step in that direction.

Mr. KUCINICH. I yield myself 3 minutes.

This legislation obstructs the Obama administration’s ongoing negotiations with Iran, amounts to economic warfare against the Iranian people, and brings us closer to an unnecessary military confrontation. I would like to delineate point by point the objections to this bill.

First of all, I agree with Mr. PAUL that the bill is opposed to our national security. I have a letter here, as Mr. BLUMENTHAL submitted to the Record, from the Deputy Secretary of State which points out the “serious substantive concerns of the administration, including the lack of flexibility, insufficient monetary thresholds and penalty levels, and blacklisting that could cause unintended foreign policy consequences.” This letter is from the Obama administration, December 11, 2009. I would like it be included in the Record.

Second, I would like to include a article from the Nation’s Online dated November 20, 2009, incidentally on December 15, 2009, in the record of debate. In this article, it points out that a gas shortage will be created in Iran, that Iran subsidizes its gasoline,
COULD A GASOLINE EMBARGO BEND TEHRAN?

(By David Gauvey Herbert)

With Iran still refusing to play ball with the West over its nuclear program, lawmakers are turning up the heat by targeting oil companies that import gasoline to Iran. But critics of new House and Senate legislation cite a laundry list of reasons why targeting gas imports won’t work—and why it could even strengthen Mahmoud Ahmadinejad’s government.

Despite being the fourth-largest exporter of crude oil in the world, Iran has been the target of sanctions by the United States and other nations for years. And even if some gasoline exports to Iran were halted, it would be difficult for American sanctions alone to put pressure on Tehran. The ruling government has already been able to build its coffers by selling oil on the black market, and it is well-situated to take advantage of any embargo.

Despite the fact that some lawmakers believe a gasoline embargo would send a clear message to Iran, the argument that the sanctions would cause the regime to change its ways is not a winning one. While the U.S. has imposed sanctions on Iran for years, the regime has remained steadfast in its pursuit of nuclear weapons. And even if oil exports were completely stopped, it would be too late to prevent Iran from building a nuclear program.

The argument that a gasoline embargo would create economic pain for the Iranian people is also flawed. Despite the fact that gasoline prices are high in Iran, the average Iranian family still spends a significant amount of money on fuel. And even if the price of gasoline increased, it is unlikely that the Iranian government would be willing to let that happen. Instead, it would likely resort to tactics such as rationing to ensure that it could continue to supply its own citizens.

In addition, the idea that a gasoline embargo would cause the Iranian government to change its ways is misguided. Despite the fact that Iran is a country with a long history of corruption and oppression, it is unlikely that a sanctions embargo alone would be enough to bring about change. Instead, a comprehensive strategy that includes economic sanctions, diplomatic pressure, and military action is needed.

Overall, the idea of a gasoline embargo as a way to put pressure on Iran is a flawed one. While it may create some short-term economic pain for the Iranian people, it is unlikely to bring about long-term change. Instead, a more comprehensive strategy is needed to bring about lasting change in Iran. And this strategy must include a mix of economic sanctions, diplomatic pressure, and military action.
gasoline to Iran and authorizing state and local governments to divest.

Sanctions on investment and technology transfer have been effective at crippling investment in Iran’s natural gas industry, according to Greg Pridi, an energy analyst with the Eurasia Group. But keeping Iranian gas offline has meant that the Nabucco pipeline, which connects Iran to Europe, may remain a pipe-dream—and make our Eastern European allies more vulnerable to Russia’s whims.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, could we get a little summary of the time remaining on this complicated issue.

The SPEAKER pro tempore. The gentleman from California has 8 1⁄2 minutes remaining. The gentleman from Ohio has 15 minutes remaining. The gentlewoman from Florida has 8 1⁄2 minutes remaining.

Mr. BERM. Mr. Speaker, I’m very pleased to yield to the chairman of the Committee on Foreign Affairs, the gentleman from California (Mr. SHERMAN), 1 minute.

Mr. SHERMAN. As one of the six original cosponsors of this legislation, I rise in support.

The gentleman from Texas (Mr. PAUL) attacks the whole concept of the use of sanctions saying that American sanctions against Japan led to our involvement in World War II. If you think that America should have remained neutral in World War II, you should vote with the gentleman from Texas (Mr. PAUL).

Iran has been found to have violated the nonproliferation treaty and its commitments under that treaty by the United Nations Security Council with the votes of Russia and China, who also voted to impose some limited sanctions against Iran.

My district contains, I believe, more Iranian Americans than any other in the country, and let me tell you that those who support the students and the effort for democracy in their homeland support the idea of sanctions. This bill is but one step that we need to take in ratcheting the economic power on the regime in Tehran. This bill amends the Iran Sanctions Act. It is important that act be enforced both before and after we adopt these amendments.

Mr. KUCINICH. I will yield to Mr. PAUL 3 minutes.

Mr. PAUL. I thank the gentleman. If the gentleman from California didn’t like my analogy about how we were maneuvered into war in World War II, I think it might be much more appropriate to compare it to the sanctions on Iraq. There were those in the 1990s that wanted us to go to war with Iraq. We were looking for an excuse, and we put strong sanctions, continued flying over their country and bombing. Thousands, if not hundreds of thousands, of kids died because of those sanctions, eventually leading to their war. We ended up in the war.

Anybody who believes that taking gasoline away from the common person in Iran is going to motivate them to get rid of their Ayatollah—it’s the Ayatollah that carries the power—that’s not going to happen. It just does exactly the opposite. So this is why I believe this is a much greater threat to our national security. It does not help us.

For instance, we now commonly say that the Iranians have no right to enrich. Well, they signed a nonproliferation treaty, and they have not ever been caught making a bomb. And what we are saying in this bill is that they can’t enrich anymore. So in a way, you’re violating international law by saying they can’t enrich, period. So that is just looking for trouble.

Now, what else this bill will do: It is going to push the support of the Iranians in another direction. It’s going to push them towards India, China, and Russia, and these countries have special associations with Iran. So we are going to separate us. We will be isolated from that, and they are going to have a much closer alliance with these countries. That will not serve our interests.

It’s going to serve the interest of one country mostly, and that’s China. China acts only almost like capitalists. They take our dollars they have earned from us and they are spending the dollars over there. They would like to buy the fuel and drill the oil. But here, we assume that we have to do it through force, through sanctions, threats, intimidation, and secret maneuvers to overthrow their regime. It just doesn’t work. It sounds good. It sounds easy, but it does backfire on us. You get too many unintended consequences.

And besides, our national security does not depend on what we do in the Middle East. Our national security is threatened by this. We are overstretched. We’re broke. This is part of the strategy, as I mentioned before. Our archenemies in that region want to bankrupt us. They want to stir up hatred toward us, and they want to bog us down. And they’re achieving what their goals are.

Ms. ROS-LEHTINEN. Mr. Speaker, I’m pleased to yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a member of the Committee on Appropriations and a cosponsor of this measure from early on.

Mr. KIRK. Mr. Speaker, Congressman ANDREWS and I are the two grandfathers of this bill and its policy. After 4 1⁄2 years of working on this legislation, I strongly support this bill, especially its underlying policy, which is the last best hope for diplomatically ending Iran’s nuclear weapons program.

In January of 2005, I wrote to the Secretary of Defense with a comprehensive analysis of Iran’s economy, its underlying weakness. Despite its status as a leading oil exporter, Iran has so mishandled her domestic energy supply that the regime relies on foreign sources of gasoline for 40 percent of its needs.

In 2005 and again in 2006, Congressman ANDREWS and I introduced the congressional resolutions calling for a multilateral restriction of gasoline deliveries to Iran as the most effective sanctions to bring into compliance with their commitments under the Nuclear Non-Proliferation Treaty.

In 2007, we introduced the Iran Sanctions Enhancement Act to extend current sanctions to the provision of gasoline to Iran. This year, Congressman BRAD SHERMAN and I re-introduced the Iran Diplomatic Enhancement Act. This bill today is modeled after our bipartisan legislation.

A restriction of gasoline deliveries to Iran administered through multilateral sanctions and enforced by the world’s most powerful navies will put our greatest strength against Iran’s greatest weakness, all without a shot being fired. For the bill to succeed, the Iranians must believe also that it will be enforced, otherwise we will go down a policy of diplomacy with the ab-

sanctions, and eventually they got thousands, if not hundreds of thousand thousands of kids died because of those sanctions, making our war. We ended up in the war.

Mr. BERMAN. Mr. Speaker, could we have a vote on the suspension calendar within the next two weeks.

The National Iranian American Council is deeply concerned that the House of Representatives’ plan to lift the Iran Refined Petroleum Sanctions Act, IRPSA, to a vote the week of December 14,
In the legislation that we are presented with, it speaks to the purpose of H.R. 2194 as advancing along feelings of friendship for the Iranian people. We are telling the Iranian people, we have feelings of friendship for you, we like you so much, but we’re going to cut off your home heating oil. So we are asking the people, when they’re freezing, to remember these warm feelings of friendship. I think people will find that the expression of friendship isn’t to be believed, and that, in fact, what’s happening here is an effort to punish the people of Iran for the policies of their government, which the Obama administration is trying to still find a way to deal with diplomatically.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased now to yield 1 minute to one of the great supporters of this legislation, the Speaker of the House, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I rise in strong support of the Refined Petroleum Sanctions Act. I would like to acknowledge the great leadership of our chairman, Chairman BERNAN, and the ranking member, Congresswoman ROS-LEHTINEN, for their efforts and leadership to bring this legislation to the floor.

All Members of Congress, regardless of party, agree a nuclear Iran is simply unacceptable; it is a threat to the region, to the United States, and to the world. The American people have great hopes for our friendship with the people of Iran. When we look forward to a day when Iran is a model of good behavior, we must ensure that Iran is prevented from obtaining nuclear weapons that would threaten the security of the world.

Iran must take the necessary steps to demonstrate its willingness to live as a peaceful partner in the international community. And we must use all of the tools at our disposal, from diplomacy to sanctions, to stop Iran’s march toward nuclear capability.

Today, with this legislation, we give the President a new option, a new tool, the power to impose sanctions against companies that supply Iran with or support its domestic production of gasoline and other refined petroleum products. By targeting Iran’s ongoing dependence on largely imported refined petroleum, we reduce the chance that Iran will acquire the capacity to produce nuclear weapons.

A pillar, Mr. Speaker, of our national security is diplomacy; and in the case
of Iran, we must use it. We must exhaust every diplomatic remedy. I commend President Obama for standing with other U.N. Security Council leaders earlier this year to condemn Iran and to work toward an agreeable diplomatic solution to end Iran's proliferation of weapons of mass destruction.

However, as we have seen, Iran has refused to accept a reasonable offer that was put on the table a couple of months ago. Instead, it has reiterated its resolve to continue its uranium enrichment program, the cornerstone of its nuclear program. The international community must, therefore, consider stronger options. We have that opportunity today to give the President the option with a waiver to use in the best possible way.

Now, I have heard mention of the State of Israel in some of the debate here today, and Israel certainly has proximity to Iran. Iran is increasing its capability both to develop a weapon of mass destruction and the delivery system to deliver that bad news. But this isn't about Israel. Israel, again, is close, and this development of a weapon of mass destruction is a threat to the region. But the development of a weapon of mass destruction anywhere in the world is a threat to the entire world, and it is not in the national security interest of the United States. So while Israel may bear the brunt or be the closest target—or target of words, if, hopefully, not anything else—they have their sight on it, but it's just their fight. The fight is all of ours.

I mentioned diplomacy as a pillar of our national security. Another pillar of our foreign policy and of our national security is stopping the proliferation of weapons of mass destruction. Imagine what the reaction would be if Iran had a nuclear weapon, what that would evoke in the Arab world in terms of their interest in having weapons of mass destruction. It simply cannot happen. The law is clear. If you unilaterally, unilaterally strengthen the President's hand to use or to withhold this particular sanction, but to have the capability to use diplomacy in a stronger way.

I urge all of my colleagues to support the Iran Refined Petroleum Sanctions Act.

Mr. KUCINICH. I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

I talked to somebody today that will be voting for these, but admitted that they won't work and it is mere symbolism. So already they don't think this will do much good, even those who will vote for it. They're impossible to enforce, is one reason, and it will create a black market. And these particular sanctions are most difficult to enforce just because of the nature of the way it's written.

Once you understand a little bit about the pressures put on this country to act in a defensive way. They happen to be surrounded by a lot of nuclear bombs. And they don't have a history, the Iranians. As bad as they are for their leadership and how bad their regime is, they're not expansionists territorially. I mean, how many years has it been since they invaded another country for the purpose of taking over another country? Not in recent history at all. But the countries around them, India—India has nuclear weapons, China has nuclear weapons, Pakistan, Israel, the United States. I mean, they're all around them, so I'm sure they feel rather safe.

What I see here is propaganda, propaganda to build fear into people, to prepare the people for what is likely to come, just as we did in the 1990s, fears that there were weapons of mass destruction, but this one is, well, someday they might get a weapon of mass destruction. Unfortunately, I am just really concerned that this is going to lead to hostilities because this is the initiation. The fear is building up. Too many people in this country might come up at the same time that we pursue war. We pursue war, and we use these efforts to push our policies on others.

And quite frankly, we don't have any more customers for this policy, whether it's used by the militarism or even to try to buy friends by giving them a lot of money. It just doesn't work.

I urge a "no" vote on this resolution in the interest of United States security.

Mr. Speaker, I would like to make a few more points as to why I oppose this new round of sanctions on Iran, which is another significant step in the United States war on that country. I find it shocking that legislation that serious and consequential is brought up in such a cavalier manner. Suspending the normal rules of the House to pass legislation is a process generally reserved for "non-controversial" business such as the naming of post offices. Are we to believe that this House takes matters of war and peace as lightly as naming post offices?

This legislation seeks to bar from doing business in the United States any foreign entity that supports the regime of Iran or otherwise enhances Iran's ability to import refined petroleum such as financing, brokering, underwriting, or providing ships for such. Such sanctions also apply to any entity that provides goods or services that enhance Iran's ability to maintain or expand its domestic production of refined petroleum. This casts the sanctions net worldwide, with enormous international economic implications.

Recently, the Financial Times reported that, "[i]n recent months, Iran's allies have greatly expanded their presence in Iran's oil sector. In the coming months, Sinopec, the state-owned Chinese oil company, is scheduled to complete the expansion of the Tabriz and Shazand refineries—adding 3.3 million barrels of capacity by 2010. Are we to conclude, with this in mind, that China or its major state-owned corporations will be forbidden by this legislation from doing business in the United States? What of our other trading partners who currently do business in Iran's petroleum sector or insure those who do so? Has anyone seen an estimate of how this sanctions act will affect the US economy if it is actually enforced?

As we have learned with U.S. sanctions on Iraq, and indeed with U.S. sanctions on Cuba and elsewhere, it is citizens rather than governments who suffer most. The purpose of these sanctions is to change the regime in Iran, but past practice has demonstrated time and again that sanctions only strengthen repressive regimes; they are unlikely to target those who we want to change, and to help strengthen the popularity of the current Iranian government. Any opposition continuing to function in Iran would be seen as operating in concert with the foreign entity seeking to overthrow the regime.

This legislation seeks to bring Iran in line with international demands regarding its nuclear materials enrichment programs, but what is ironic is that Section 2 of H.R. 2194 itself violates the Nuclear Non Proliferation Treaty (NPT) to which both the United States and Iran are signatories. This section states that the United States must...to prevent Iran from achieving the capability to make nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program. Artic...Article VI of the NPT states clearly that, "[n]othing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with...articles I and II of this Treaty." As Iran has never been found in violation of the NPT—has never been found to use nuclear materials for non-peaceful purposes—this legislation seeking to deny Iran the right to enrich even for peaceful purposes itself violates the NPT.

Mr. Speaker, I am concerned that many of my colleagues opposing war on Iran will vote in favor of this legislation, seeing it as a step short of war to bring Iran into line with U.S. demands. I would remind them that sanctions and the blockades that are required to enforce them are themselves acts of war according to international law. I urge them to reject this saber-rattling but ultimately counterproductive legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Indiana (Mr. BURTON), the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia. He deals with this issue every day.

Mr. BURTON of Indiana. I thank the gentlelady for yielding, and I thank the chairman for bringing this to the floor. God bless you, my son.

Let me just say that I have heard the arguments from the opponents of this legislation. And my question to them would be, well, what is the alternative? You mentioned one, two, three, four, five, six—seven reasons why we shouldn't do this, but Iran is developing a nuclear weapons system.

If you look at The Times and the BBC, they say very clearly that confirming its intelligence documents obtained by The Times showed that Iran is working on testing a key final component of a nuclear bomb, and it is the
Mr. KUCINICH. I yield 2 minutes to the gentleman from Ohio has 7 minutes.

Mr. KUCINICH. Could I ask how much time remains.

Mr. FLAKE. I thank the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

The gentleman from Indiana has mentioned, what do the opponents of this resolution have in mind. If not these sanctions, then what, what do we do? I think you are hard pressed to find anyone who will rationally say that this measure will have any real effect. This is a statement resolution more than anything.

And to the extent that it does bite, right now we don’t export any refined petroleum products to Iran, but some of our allies do, those allies that we need for real sanctions that may or will bite. If we hope to get them on board, the last thing we want to do is get out in front and take some where there will be punitive action on our allies that we need for sanctions that actually might have an impact.

So the notion that we have to do this or nothing is simply false. We need to address this situation there, but we need to do it without alienating the people of Iran who, when you’re on the streets of Iran, people are not virulently anti-American, gratefully. We need to keep it that way. We shouldn’t have sanctions that target the people, hoping that they will somehow revolt and then get mad at their leadership rather than the U.S.

I think that when you look at the history of our sanctions, you’re hard pressed to find anywhere that that kind of action works, where you try to entice some kind of rebellion among the people that you want to help and that somehow they will blame their government rather than those who are imposing the sanctions.

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Again, multilateral sanctions can work. Multilateral action can work, and it needs to work. But in order to do that, you need to give the administration the flexibility, through a combination of diplomacy and other measures, to work with our allies, to bring measures that will work.

I am glad that gentleman has stood up to oppose this. I want people to know that we aren’t all in agreement here, that there are other measures that can be taken.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to the gentlewoman from Maryland (Ms. EDWARDS) on behalf of the legislation.

Ms. EDWARDS of Maryland. I would like to thank Chairman Berman for yielding.

I rise today disappointed that I am here to support the Iran Refined Petroleum Sanctions Act. I am disappointed because it’s the extraordinary lack of cooperation and duplicity on the part of the leadership in Iran that brings us to that point.

Though I share many of the concerns expressed by the opposition, like many, I was hopeful at the beginning of the year with the new President and administration that we would approach Iran differently and that the leaders in Iran would respond likewise. Sadly, the leadership of Iran, particularly following their flawed elections, has been anything but forthcoming and cooperative. They have thwarted the international community. They rebuffed a viable plan for transfer of low-grade uranium and materials for a true civilian nuclear capacity.

They have led the world community along with the belief that they were negotiating fairly and with integrity. Instead, they are pursuing enrichment. This posture on the part of the Iranian government is both unfortunate and misguided, attempting to test President Obama’s resolve and commitment to transparency, deterrence and accountability.

It’s my hope that our actions today will enable additional leverage for President Obama and his team within the governing multilateral institutions and negotiating countries. I think the Iranian leadership has to understand that the United States is both serious about engagement and accountability.

Mr. KUCINICH. I yield myself 2 minutes.

Though this bill claims to express international diplomatic efforts to halt Iran’s uranium enrichment program, it actually undermines those efforts. Passing legislation effectively forces our President’s hand in one direction, diminishing the power of the President diplomatic team by significantly limiting the tools the administration can utilize.

Furthermore, it projects a negative image of the United States in a region at a time when we need broad international support to succeed in our negotiations.

Former International Atomic Energy Agency Director General Mohamed ElBaradei has repeatedly stated that sanctions against Iran will be ineffective in forcing Iran to halt its uranium enrichment program. In a speech to the Board of Governors in September of this year, Mohamed ElBaradei recognized the important developments with respect to Iran’s compliance with IAEA verification and stated that we are not in a state of panic because we have not seen diversion of nuclear material. We have not seen components of nuclear weapons.

In addition, he states We went through this during the time of Iraq, when the Agency went exactly through that hype, fabrication, and it took a war based on fiction and not fact. It took a war and thousands of people dying for the Agency to become strong and more credible because we were sticking to the facts.

Subsection A(1) of section 2 of this bill says, The illicit nuclear activities of the government of Iran, combined with its development of unconventional weapons and ballistic missiles in support of international terrorism, represents a serious threat to the security of the United States and allies in Europe, the Middle East, and around the world.

This language makes dangerous accusations that have been repudiated by the IAEA and paves the way for the same mistakes we have made in Iraq. We cannot afford to make the same mistakes at the cost of the innocent lives of the people in Iran.

Ms. ROS-LEHTINEN. I am very pleased to yield 1 minute to the gentleman from Texas (Mr. HENSARLING), a member of the Budget Committee and Committee on Financial Services, a co-sponsor of this bill, and a former chairman of the Republican Study Committee, and my friend.

Mr. HENSARLING. I thank the gentlewoman for yielding.

Given the state of Iran’s nuclear ambitions and its poor record at transparency, it continues to be clear that the United States must lead the world in pressuring Iran to give up these ambitions. There is no option.

Iran’s energy sector is the backbone of its economy and provides the major source of its revenue. Iran’s energy infrastructure is deteriorating badly. It is in need of modernization. Without this modernization, its energy
sector very well may deteriorate and, along with it, consequently, its economy and possibly even its regime.

The Iran Refined Petroleum Sanctions Act gives the President an important tool to help persuade the Iranian regime to peacefully give up its nuclear ambitions. A nuclear-armed Iran is unacceptable. It could provide rogue nations and terrorists with nuclear technology. It constitutes the looming threat to the national security of the United States.

Iran’s behavior not only jeopardizes the stability of the region but threatens the very existence of many of our allies in the Mideast, particularly the state of Israel.

I enthusiastically encourage all of my colleagues to support the Iran Refined Petroleum Sanctions Act.

Mr. KUCINICH. May I ask how much time is remaining for all sides?

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The gentleman from Ohio has 4 minutes, the gentleman from California has 5 minutes, and the gentlewoman from Florida has 3 1/2 minutes.

Mr. KUCINICH. I yield myself 2 minutes.

One of our colleagues talked about, well, what are our alternatives here, as though the only alternative we have is to impose sanctions. We know from a report 2 days ago in The New York Times that Iran’s foreign minister has said that his country was willing to exchange enriched uranium for processed nuclear fuel from abroad, as the United Nations has proposed. The article goes along to say, but only according to the timetable Western powers appear to have rejected.

Well, we need to get back into those negotiations. I have some points here I want to share with Members of Congress. Here is what we can do.

The UN is focused on two shipments of 400 kilograms each of low-enriched uranium. What is being proposed by Tehran is a phased delivery to the IAEA control of Iran’s low-enriched uranium within 3 to 5 months of each other. Similar to 800 kilograms.

Officially, we know Iran’s foreign minister said they would put 400 kilograms of low-enriched uranium in Kish Island—that’s in the Persian Gulf—under IAEA custody. The Iranian’s want objective guarantees, the guaranteed delivery of highly enriched uranium from Russia and France.

Once it’s delivered to Iran for medical purposes, they would then send another 900 kilograms of low-enriched uranium to the IAEA control at Kish Island. The simultaneous shipment of high-enriched uranium to Iran and low-enriched for medical purposes, and low-enriched uranium from Iran to Kish Island could allow the regime to skirt IAEA scrutiny and develop nuclear weapons.

Certainly, the administration must realize that promoting democracy in Iran and improving our national security go hand-in-hand.

I would just mention that sanctions helped bring down apartheid in South Africa and ended the South African program to develop nuclear weapons.

As ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade, I strongly support the passage of this legislation, of which I am an author.

Ms. ROS-LEHTINEN. I am proud to yield 1 minute to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), the vice chair of the Republican Conference, a member of the Armed Services Committee, and the chair of the Oversight and Labor Committee, and the committee of Natural Resources Committee, and the mom of Cole.

Fourth, Iran’s willingness to continue with its nuclear transparency and full-scope IAEA safeguards, including short-notice inspections.

Fifth, Iran’s willingness to participate in Geneva II.

Six, Iran’s willingness to participate in multilateral expert meetings on nuclear, non-nuclear, that is, regional issues, and consideration of a broad range of confidence-building steps.

We don’t need these sanctions. We need diplomacy.

Mr. ROYCE. Madam Speaker, I am so happy to yield to the gentleman from California (Mr. ROYCE) ranking member on the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Madam Speaker, there is not on our side. Today’s Washington Post reports that Iran has learned how to make virtually every bolt and switch in a nuclear weapon. It is mastering the technology to enrich uranium which would fuel that weapon. A secret nuclear facility located on an Iranian military base was recently revealed. For years, Iran has been slapping away all of our diplomatic overtures. “Our outreach has produced very little.” Secretary Clinton’s words, not mine.

Today, the world’s top terrorist state has its tentacles throughout the region. Its tentacles are Yemen, Iraq, Lebanon, Gaza, Afghanistan, Syria, Sudan. Its agents and proxies are practically everywhere in its aspiration for regional dominance, not to mention our own backyard. Iran would have a compounding effect with severe consequences for regional security and for U.S. security. The time for action is long past. This bill would help address this threat, targeting the regime’s Achilles’ heel.

But we need a broad-based Iran policy that focuses not just on Iran’s nuclear program, but one that aims to protect the U.S. and our allies from the Iranian Islamic regime, and speaks out against its human rights abuses and bolsters its democracy supporters.

Disturbingly, this administration has backed away from missile defense in Europe and the democratic movement inside Iran. The administration must realize that promoting democracy in Iran and improving our national security go hand-in-hand.

I urge my colleagues to join me in this quest. A strong first step is passing H.R. 2194.

Mr. BERMAN. Madam Speaker, only a few short months ago the world learned of the secret Iranian nuclear enrichment facility near the city of Qom. If there was a doubt that Iran was building nuclear weapons, this revelation dispelled any shred of that doubt.

The facility, kept secret from the International Atomic Energy Agency, was built deep in a mountain on a protected military base. This is how a country conceals a nuclear weapons program and defies U.N. Security Council resolutions, not how it develops peaceful energy technologies.

Although Iran is a leading producer of crude oil, it has limited refining capacity. This bill will increase leverage against Iran by penalizing companies that export refined petroleum products to Iran or finance Iran’s domestic refining capabilities. It’s my hope that the administration will apply these additional sanctions to make absolutely clear to the Ahmadinejad regime that the world will not accept its nuclear ambition.

The U.S. and our allies in the U.N. Security Council have recognized that a nuclear-armed Iran would be a danger to the Middle East, to our ally, Israel, and to the nuclear nonproliferation regime. A nuclear-armed Iran is simply
Mr. BERMAN. Madam Speaker. I yield for the purpose of making a unanimous consent request to the gentleman who first introduced legislation on this subject, who I worked closely with, the gentleman from New Jersey (Mr. ANDREWS).

(ANNE ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Speaker, I thank the ranking member and the chairman for their guidance, I rise in strong support of the legislation.

Mr. BERMAN. Madam Speaker, I now yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

(MR. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, I rise today in reluctant support of the Iran Refined Petroleum Sanctions Act, IRSPA.

President Obama has extended a hand to the Iranian government, offering a mutually beneficial deal that would severely limit Iran's ability to develop a nuclear weapon. This confidence building measure is intended to give us the space and time to reach a more comprehensive agreement that would seek to integrate Iran back into the international community as a responsible actor and to impose strong, verifiable safeguards to ensure that Iran cannot build a nuclear weapon. After agreeing in principle to an initial agreement to allow the International Atomic Energy Agency a formal response to the proposal.

Because of the seriousness of the challenges we face, I reluctantly support the IRSPA. It sends the clear message that Iran can either work cooperatively and beneficially with the international community or it can choose further international isolation.

However, for sanctions to succeed, they must impose a cost on Iran's ruling regime. I am concerned that it is the Iranian people—rather than the Iranian regime—that will suffer the most under IRSPA. If we are able to limit Iran's ability to import refined petroleum, the Iranian government will simply defuse this cost onto the Iranian people, by eliminating petroleum subsidies and blaming the United States for the hardship such actions will cause the general public.

A democratic uprising against the Iranian regime is currently under way. I believe we need to stand with the Iranian people as they fight for their freedoms. The Iranian government by contrast has brutally oppressed peaceful demonstrators. For that reason, Congress and the Obama administration should work to craft sanctions that affect the leaders of Iran and the IRGC. Only sanctions that hurt these decision makers will influence Iran's decision making process.

While we must make the Iranian regime aware of our displeasure with their rejection of our positive advances, we must also provide a helping hand to Iranian citizens. That is why it is important to impose additional punitive sanctions, to also provide assistance to the democracy movement in Iran by aiding their access to the internet, in order to provide the Iranian people unfettered access to information, free of government censorship. Congress should also take steps to increase the ability of non-governmental organizations in the United States to work with their counterparts in Iran, so that the Iranian people can benefit from better health services, educational opportunities, the promotion of equal rights, and the facilitation of people to people exchanges.

The Iranian people are among the most American people in the Middle East. With passage of today's sanctions legislation, it is all the more important to reach out to, and around the Iranian government, to this proposal and its measures of economic and diplomatic silence that did little to slow Iran's growing nuclear program. It showed the world our patience and our commitment to addressing the common threat through diplomacy. And it gauged Tehran's honest willingness to respect the international community. America's policy of engagement has always came with a time limit, time for Tehran to negotiate in good faith or, as so many Members have said on this floor today, to show that it was only using talks as a cover for continuing enrichment of uranium.

Sad, time is running short and there is still no diplomatic agreement. The enrichment continues and the threat grows. The past months have brought revelations of secret Iranian facilities, a lack of cooperation with the International Atomic Energy Agency, and a refusal to comply with Security Council demands to suspend enrichment.

Just today The Washington Post reported that "Iran has learned how to make virtually every bolt and switch in a nuclear weapon, according to assessments by U.N. nuclear officials, as well as Western and Middle Eastern intelligence analysts and weapons experts." That statement from the New York Times today, as well as All these things will happen.

None of us want military conflict. Economic sanctions are not as effective as we would like them to be. But we just recently heard from a leader, the Chancellor of Germany, that a nuclear armed Iran was unacceptable. Angela Merkel spoke from this rostrum. This is not only a perception of the United States; it's a perception also of those that we work with in the international community. That engagement reversed years of diplomatic silence that did little to slow Iran's growing nuclear program. It showed the world our patience and our commitment to addressing the common threat through diplomacy. And it gauged Tehran's honest willingness to respect the international community. America's policy of engagement has always came with a time limit, time for Tehran to negotiate in good faith or, as so many Members have said on this floor today, to show that it was only using talks as a cover for continuing enrichment of uranium.

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The bill was designed by Chairman Berman and his committee to target Iran's economy at one of its weakest points by penalizing companies that help Iran import or produce refined petroleum products. Even though it is an oil producer, Iran imports a great deal of the refined petroleum that powers its economy.

So these sanctions that are proposed will increase the high cost of Iran's self-imposed isolation from the international community. They are also a proportional response because they're exclusively tied to Iran's nuclear program. We should never take sanctions like these lightly.

Even as we stand with the protesters facing down repression at the hands of their own government, we understand that these sanctions will affect the lives of many ordinary Iranians for the worse. But we know that economic pressure has worked before to alter the behavior of outlaw regimes, especially when such pressure is widely supported by the international community, as certainly we must hope these sanctions are. We know that these sanctions are our best tool against the nuclear proliferation risks in millions of the Middle East. And let me say that we have 250,000 or more Americans within range of Iranian missiles.

We know that Tehran can choose at any point to negotiate in good faith, abandon its aggressive nuclear pursuit, and rejoin the community of nations. We shouldn't hope for a change of heart from that regime, but we can hope for a change of behavior: a cold understanding that as long as Iran builds the capacity to catastrophically attack its neighbors, its economy will suffer deeply. These sanctions have the power to force that choice.

I therefore urge my colleagues to adopt this resolution. It is time. It is time to do more than talk. We are willing to talk. We want to talk. But talk without action is not acceptable. Let us pass this resolution, support the administration in moving ahead with the international community on sanctions that will make not only the Middle East but the international community safer.

Thank the gentleman for the time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1 minute to the gentleman from Florida (Mr. KLEIN), vice chairman of the Subcommittee on the Middle East and South Asia of the House Foreign Affairs Committee.

Mr. KLEIN of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise today to support the Iran Refined Petroleum Sanctions Act.

It is deeply disappointing that the Iranian government continues to choose to isolate itself. The Iranian government has chosen its clandestine nuclear program and its support for global terrorism over joining the community of nations in allowing its economy to thrive.

That is why I worked to include an important provision in today's legislation that requires companies applying for contracts with the United States Government to affirmatively certify that they do not conduct business with Iran.

The legislation gives companies a single clear choice: do business with the United States or do business with Iran.

We cannot allow the U.S. Government to be a financial crutch of this rogue regime, not on our watch and not on our dime. And with the passage of this legislation, Iranian businesses will have a single choice as well: support a regime that chooses economic isolation or work to change the behavior of the Iranian government.

I urge my colleagues to support this legislation.

Mr. KUCINICH. Madam Speaker, I yield myself 1 minute.

One of my colleagues cited The Washington Post, but if you read The Post article, they couldn't authenticate where the information came from. So after a while it has the ring of uranium from Niger.

We have to be careful that this sanctions debate doesn't put us on the path of a military escalation. We have to think why is the Obama administration, as we have quoted several times in this debate, expressing concern about this legislation, that this legislation might weaken, rather than strengthen, international unity and support for our efforts, that there are serious substantive concerns, the lack of flexibility that this would put on our President in his negotiations?

I submit for the RECORD Mohamed ElBaradei's September 9 comments as Director General about the Iran situation.

'We've got to be careful that we're not making a situation worse and we're not giving our President the time that he says he needs for diplomacy.

SUMMARY OF THE DIRECTOR GENERAL'S COMMENTS MADE AT THE END OF THE BOARD OF GOVERNORS' DISCUSSION ON AGENDA ITEM 8(d)


Vienna, September 9, 2009.

Thank you, Chairperson.

A few comments on the debate this morning and on what has been transpiring over the past few days. Clearly, we all need to break the logjam of speeches here is not going to do that. We have to put our heads together. There is stalemate, as I have said. Iran has made some positive progress and I recognize that. It was partly, I hope, as a result of our private and public appeal to them to move in a positive direction.

That is the only way to move. I don’t think that talking about formalities—whether the work plan has been fully implemented or not, how we should write our reports, or whether to have an agreement, or whether the authority to share with you as much information as possible, that nuclear weaponization activities have taken place. But I should underline “if” three times.

With nuclear material, we can give you full assurance. With certain documentation, it is quite difficult unless one side or the other will help us to establish the facts. However, there are other issues like procurement, like manufactures, where Iran can work with us. These are checkable facts and we need simply to clarify them.

We have in our reports always tried not to understate the facts and not to overstate the facts. We have serious concerns, but we are not in a state of panic because we have not seen diversion of nuclear material, we have not seen components of nuclear weapons.

We do not have any information to that effect. I need the Hayden report to be on more solid ground to make such a statement. That is why I say a Protocol is absolutely essential for us to verify the absence of undeclared activities.

When I hear Ambassador Davies and Ambassador Soltanieh, I don't see where the problem is. The U.S. is without preconditions on the basis of mutual respect. Ambassador Soltanieh said they are
Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to a very patient member of the Committee on Homeland Security, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN. Madam Speaker, today we will impose sanctions. We will sanctions with this legislation or we will sanction the unacceptable status quo, to which I say not on my watch.

Let me record that even if I could not do enough, I did do all that I could. I support sanctions to avert a tyrant from acquiring nuclear weapons of mass destruction capable of creating an inferno unlike that which even the mind can imagine. To act later may be to act too late.

I rise in support of the Iran Refined Petroleum Sanctions Act (H.R. 2194). This legislation will restrict refined petroleum imports to Iran by strengthening the President's authority to impose sanctions on companies that provide refined petroleum or help Iran maintain or expand its domestic refining capabilities.

While Iran is one of the largest producers of crude oil, it lacks adequate refining capacity to meet its own domestic needs for gasoline and is forced to import 25 to 40 percent of its refined petroleum needs.

This legislation will prevent Iran from importing the crude oil necessary to put pressure on the Iranian government to suspend its uranium enrichment program.

For over a decade, the United States has played a central role in diplomatic, political and economic efforts within the international community to deter Iran from gaining nuclear weapons capabilities.

H.R. 2194 continues those efforts and is particularly important in light of recent intelligence indicating that Iran continues to advance its nuclear program.

The latest International Atomic Energy Agency, IAEA, resolution adopted by the Board of Governors on November 27, 2009, notes with serious concern how Iran has constructed a nuclear facility at Qom in breach of its obligation to suspend all uranium enrichment related activities.

Many experts believe that with further processing of low-enriched uranium, Iran could have the capability to produce a nuclear weapon by the end of this year, reinforcing the sense of urgency to address this threat.

A nuclear-armed Iran would lead to a nuclear arms race and increase the likelihood that such weapons might actually be used against the United States and our allies.

As such, it is a threat not only to the Middle East, but to the entire world.

I urge my colleagues to support this legislation and hope that it will be an effective step towards preventing such a threat.

I yield back the balance of my time.

I strongly believe Congress must support the Administration's diplomatic efforts and provide tools to help that diplomacy succeed in curbing Iran's belligerent and deceptive activities as related to their nuclear program, as well as put an end to the unjust and inhumane tactics used by the Iranian government to suppress democratic dissent amongst their own people.

I have serious concerns regarding Iran's violations of the 2002 Comprehensive Nuclear-Non-Proliferation Treaty, NPT. 

I yield back the balance of my time.
I believe strongly that the international community must work in a united collaboration to compel Iran to renounce and cease all activities that are in violation of the NPT, and submit fully to the international inspection regime. Let me also be clear that I strongly oppose the use of military force and while sanctions, particularly, with international support, can be utilized effectively if designed appropriately and in the right circumstances, they cannot be viewed as a checkmark on the path to war.

Madam Speaker, there certainly may come a time for additional unilateral sanctions against Iran and those that would do business with them.

Iran's recent rejection of international overtures and threats of expanding their nuclear enrichment program without allowing for improved transparency demand that Congress work with the administration to effectively increase pressure on Iran should multilateral diplomacy fail.

But let us do everything we can to support the Obama administration during this very critical juncture. Iran's failure to date to grasp this opportunity for engagement has opened the door to a multilateral sanctions regime that will be necessary to compel Iran to change course.

I have grave concerns that H.R. 2194, as currently written may jeopardize these efforts by:

1. Setting inefficient monetary thresholds and penalty levels
2. Risking unintended foreign policy consequences as a result of potential punitive measures against the very international partners that we are seeking cooperation on this issue; and
3. Narrowing the President's waiver authority in a manner that may undermine the President's flexibility as he pursues a dual track of engagement coupled with increasingly unified international pressure.

Madam Speaker, after decades of levying unilateral measures against Iran with little effect, and in recognition of the essential support of our international partners, I cannot fully support moving forward with this bill in its current form.

In placing my vote today, I recognize that this bill is not in its final form—but in its current form we should all remember that the sole target of these sanctions is the Iranian government.

Madam Speaker, the government of Iran has repeatedly shown its disdain for the international community by disregarding international nonproliferation agreements. Iran's flagrant violation of nonproliferation agreements was evidenced most recently in the discovery of the secret enrichment facility at Qom. The government of Iran's continued threats against Israel, opposition to the Middle East peace process, and support of international terrorism further demonstrate the necessity for action.

Iran's recent actions towards the international community reflect a very small measure of progress. Iran's decision to allow International Atomic Energy Agency, IAEA, inspectors to visit this facility was a positive sign, but not a sufficient indication of their willingness to comply with international agreements. The recent announcement that Iran will accept a nuclear fuel deal is also indicative of their willingness to engage in dialogue, though it remains to be seen whether they will be genuine in their intentions to seek the deal. While these actions indicate a small degree of improvement in Iran's position, the legislation before us today demonstrates that only continued dialogue and positive actions will soften the international community's stances towards Iran.

I would also like to emphasize that the legislation before us provides only one tool for achieving Iran's compliance with international nonproliferation agreements. I continue to support the Administration's policy of engagement with Iran and use of diplomatic talks. I believe that diplomacy and multilateralism are the most valuable tools we have to create change in Iran. After those tools fail, I believe that the sanctions are an appropriate recourse.

Mr. PAULSEN. Madam Speaker, I rise today in strong support of H.R. 2194, the Iran Refined Petroleum Sanctions Act.

A few months ago, a second nuclear enrichment site was discovered in Iran. The Iranian regime had withheld the disclosure of this facility from the International Atomic Energy Agency for quite some time—yet another violation of Iran's obligations under the Nuclear Nonproliferation Treaty. Furthermore, this second facility will allow Iran to produce more enriched uranium and at an even faster rate.

This threat of Iran poses a dangerous threat to the United States and its allies throughout the Middle East and across the entire globe. We cannot allow the Iranian regime to continue threatening its neighbors and thumping its nose at the world. And we certainly cannot let a regime that has threatened to wipe Israel off the map even come close to obtaining a nuclear weapon.

Madam Speaker, the Iran problem is getting worse, not better. It is time we take action.

Currently, Iran relies on foreign suppliers for 40 percent of its refined petroleum. The legislation before us would sanction foreign companies that sell refined petroleum to Iran, or help Iran with its own domestic refining capacity, by depriving those companies of access to the U.S. market. This will help put needed pressure on Iran to suspend its program and allow for verification of that disarmament.

Time and time again, Iran has been given the opportunity to prove they are not pursuing nuclear weapons and each time they have failed to do so. It is time for the U.S. to take action and send a message that the world will not sit idly by as tyrants in Iran buy time to enrich uranium and ultimately amass a nuclear weapon.

Madam Speaker, I would be remiss if I did not mention the brave Iranian people who are peacefully going to the streets to protest the actions of the current regime. It is not only for our own security but also for these people—the students and dissidents who desire a better future for their nation—that this legislation should be passed.

The status quo when it comes to Iran is no longer a viable option. This bill offers a peaceful, significant course of action that will set the world on a safer course when it comes to Iran. I urge adoption of this important legislation.

Mr. JOHNSON of Georgia. Madam Speaker, nuclear weapons are a plague. If we are to control their spread, international law must mean something. Words must be supported by action.

In recent months, the United States and our allies have engaged in vigorous multilateral diplomacy in an attempt to break through an impasse Iran over its nuclear program.

Rather than engaging in good-faith diplomacy, Iran has stalled and played games.

So today we must authorize President Obama to impose sanctions on Iran's petroleum sector. Iran's leaders must understand that life will not be better if they continue their suppression of the freedom of expression. As we proceed with consideration of this legislation, we should all remember that the sole target of these sanctions is the Iranian government.
Iran's acquisition of nuclear weapons will beget similar programs by Iran's neighbors. A nuclearized Middle East is bad for international security, bad for the global economy, bad for the United States and bad for our allies.

Nuclear weapons are a plague. Here we must draw a red line and stop their spread. Mr. OLSON. Madam Speaker, I rise in strong support of the Iran Refined Petroleum Sanctions Act.

The threat from Iran is real. Just last month, the IAEA censured Iran for its secret nuclear facility. In response, Iran vowed to no longer cooperate with the IAEA and, soon after, announced their plans for 10 additional nuclear enrichment sites. Iran is also the leading state sponsor of terrorism and is supporting extremist organizations in the Middle East and beyond.

It is time for this Congress to say "enough is enough." This legislation sends a clear message to Iran that it will pay a price and will not enjoy the benefits of having the United States as a customer.

I commend Mr. Berman for this fine piece of legislation and urge my colleagues to support H.R. 2194.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I am a strong supporter of H.R. 2194, the Iran Refined Petroleum Sanctions Act. I believe Iran remains the number one national security concern for the international community. Iran's continued pursuit of nuclear capabilities is extremely concerning and remains a serious threat to the United States of America and the entire world. Iran's refusal to respond to the United States' diplomatic engagement is especially disconcerting.

I'd like to thank Chairman Berman for his willingness to add language to this legislation at my request, highlighting Iran's unwillingness to cooperate with the international community and the government's insistence on rejecting the United States' efforts at engagement.

When Iran's secret nuclear facility was revealed in September, my colleagues and I demanded that the Government of Iran immediately disclose the existence of any additional nuclear-related facilities, and provide open-access to its Qom enrichment facility. The Obama Administration set a deadline for Iran to open the facility for inspection. However, Iran did not meet this deadline. Iran was also required to ship its low-enriched uranium stockpile to Russia and France for conversion. Yet again, Iran refused to accept this deal. Iran has systematically refused to live up to any of its international obligations.

When Iran's nuclear program is for peaceful uses, the President's waiver authority, the structure and content of the additional mandatory sanctions, and certain definitions.

Although we have not completed our discussions, I can nevertheless offer my full support to this bill because of the Foreign Affairs Chairman's commitment to continue working with the Ways & Means Committee on these outstanding issues.

In light of that commitment, it is my expectation that this legislation will fit within the confines of the bill that fall within the jurisdiction of my Committee. These conversations have always been productive and continue to be so. The two Committees are still discussing the bill's provisions addressing the President's waiver authority, the structure and content of the additional mandatory sanctions, and certain definitions.

The government of Iran must verifyly suspend, and dismantle its weapons-applicable nuclear program and stop all uranium enrichment activities.

There can be no doubt that Iran poses a significant threat to the United States and our allies in the Middle East and discussions between Ways & Means and Foreign Affairs will continue as this legislation proceeds in the legislative process.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of H.R. 2194—Iran Refined Petroleum Sanctions Act.

This bill requires the President to impose sanctions on any entity that provides Iran with refined petroleum resources, or engages in activity that could contribute to Iran's ability to import such resources.

The government of Iraq lacks sufficient domestic petroleum refining capability, a restriction of gasoline deliveries to Iran will become a painful sanction designed to bring Iran's leaders into compliance with their commitments under the Nuclear Non-Proliferation Treaty. The government of Iran must verifiably suspend, and dismantle its weapons-applicable nuclear program and stop all uranium enrichment activities.

Mr. CAMP. Madam Speaker, I rise in support of H.R. 2194. I am deeply concerned that Iran continues to pursue nuclear capabilities in defiance of the international community. The Iranian leader's abhorrent statements against America and Israel are outrageous.

Both current and previous Administrations view Iran as a profound threat to U.S. national security interests, a view that reflects my position as well.

We must address the situation. I have continued to support efforts to give U.S. President the tools and capabilities needed to prevent Iran from acquiring nuclear weapons, and I continue to do so today.

I wholeheartedly agree with the goal of H.R. 2194. I believe we need to expand sanctions to refined petroleum resources to prevent Iran's nuclear proliferation. However, while domestic sanctions are critical, it is also important that our allies participate in an international coalition so that combating Iran's nuclear proliferation is a multilateral effort.

This bill, like other Iran sanctions bills that have preceded it in this chamber, was referred to the Ways & Means Committee. Usually on Iran bills, Foreign Affairs and Ways & Means discuss and agree jointly on the provisions in the bill that fall within the jurisdiction of my Committee. These conversations have always been productive and continue to be so. The two Committees are still discussing the bill's provisions addressing the President's waiver authority, the structure and content of the additional mandatory sanctions, and certain definitions.

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that Iran has been testing nuclear bomb triggers since at least 2007.

This Administration is engaged in some wishful thinking if they believe that the threat posed by Iran's nuclear weapons program can be negotiated away through engagement and concessions.

Mohammad El-Baradei, the former head of the IAEA said, “Investigations into military aspects of Iran's nuclear program had reached a ‘dead end.’”

We have tried negotiations and inspections to convince the Iranian regime to end its weapons program and we are getting no results.

So, the time has come to take decisive, concrete action and nothing less than overwhelming and crippling sanctions will compel Iran to end the pursuit of nuclear weapons.

This bill provides a powerful stick to force the Iranians to end its illicit nuclear weapons program.

I urge my colleagues to support this bill.

Mr. LIPINSKI. Madam Speaker, I rise today in strong support of H.R. 2194, the Iran Refined Petroleum Sanctions Act. I am proud to be a cosponsor of this important bill, and urge my colleagues in the House, as well as the Senate, to enact this legislation into law without delay.

Iran has for decades presented a serious threat to the security of the United States, our allies, the region, and the international community. Its support for terrorism and other bellicose activities has been a particular challenge to the security of Israel and the entire Middle East. Iran's more recent efforts to develop nuclear weapons elevate these security threats, and must be resisted by all the diplomatic and security institutions of the United States. Furthermore, the reports this week that Iran is pursuing technology specific to nuclear weapons should remove any doubts about Iran's intentions with regard to uranium enrichment, and make clear to me that we must contain this threat immediately.

The Iran Refined Petroleum Sanctions Act will provide the United States with a new lever to impose on Iran's weapons program. Specifically, this bill would allow the President to impose sanctions on any business or individual that makes an investment that contributes to Iran's ability to develop its petroleum resources or import petroleum goods. Iran relies on its oil exports to derive income, and must also import 30–40 percent of its gasoline to meet its needs. Sanctions on petroleum development and the fuel needs of Iran will further cripple its economic development—focused primarily on the elite class that is closest to the regime, and help to fund much of its terrorist and nuclear weapons activities. These far-reaching sanctions, capturing all those who provide a range of associated support to Iran's petroleum needs, will send an important message to the regime that its nuclear weapons ambitions are unacceptable, and that they will be met with serious consequences.

It is very important that Congress pass this bill quickly in order to provide the President the necessary options and legal remedies to deter Iran. There is a point of no-return with nuclear weapons development, and we must engage in all the necessary options to prevent Iran from developing those capabilities. Furthermore, as we have learned with Iran's support for terrorist groups like Hezbollah, should Iran acquire nuclear weapon capabilities, it is all too likely that they will share their weapons and knowledge with any number of dangerous actors. Nuclear weapons proliferation, particularly to non-state actors and those who pose the greatest threats to the security of America, Israel, and other allies, must be stopped at all costs.

At the same time, it is vital that we seek the support of the international community to pressure Iran to stop its nuclear weapons pursuit. We must work with our allies in Europe, as well as with China, Russia, and others to address the threat that Iran presents to the world. But international efforts should not be an alternative to the United States pursuing the strongest sanctions options possible against Iran.

It will be very important in the upcoming year that we continue to proceed with both U.S. sanctions, and also international diplomatic efforts and sanctions to prevent Iran from proceeding with its dangerous and insular nuclear weapons ambitions. Iran must not be allowed to become a nuclear weapons state. We must pursue all available options to prevent that from occurring. It is essential to that goal that we pass the Iran Refined Petroleum Sanctions Act.

Mr. MACK. Madam Speaker, today I rise in strong support of H.R. 2194. This bill seeks to make the Iranian people not just the Iranian government. It will be very important in the upcoming year that we continue to proceed with both U.S. sanctions, and also international diplomatic efforts and sanctions to prevent Iran from proceeding with its dangerous and insular nuclear weapons ambitions. Iran must not be allowed to become a nuclear weapons state. We must pursue all available options to prevent that from occurring. It is essential to that goal that we pass the Iran Refined Petroleum Sanctions Act.

I urge my colleagues to come together in a bipartisan way to support this important legislation.

Mr. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today I will vote against H.R. 2194, the Iran Refined Petroleum Sanctions Act. This legislation seeks to expand economic sanctions against Iran. I believe that the foundation of this act reflects a misguided and self-defeating approach to United States foreign policy. Economic sanctions will target the Iranian government, and send a strong signal that these dangerous acts will not stand.

President Obama promised during his campaign that he would extend an open hand to Iran and has expended precious time and resources towards that goal. However, the international community and this country have talked long enough about Iran's nuclear ambitions; it is time for deeds.

I urge my colleagues to come together in a bipartisan way to support this important legislation.

Mr. ROONEY. Madam Speaker, I rise today in strong support of H.R. 2194, the Iran Refi-

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I have devoted much of my efforts on the committee to promoting transatlantic relations and nonproliferation efforts, and I feel that there is no better way to engage with allies and foes alike than to promote a nuclear nonproliferation regime and ending Iran’s nuclear ambitions once and for all. This reporting requirement will allow the U.S. to weigh the efforts of the G20 members in the fight against nuclear proliferation and will ultimately further secure the United States, Israel, and the global community.

I am confident that this measure will undoubtedly give the Administration the leverage that it needs to negotiate with the Ahmadinejad regime, but the United States will need the support of the international leaders in trade and the energy sector to wean Iran off its nuclear ambitions.

Ms. MOORE of Wisconsin. Madam Speaker, I am concerned about Iran’s irresponsible violations both of its commitments under the Nuclear Nonproliferation Treaty, NPT, and its agreements which it signed with the International Atomic Energy Agency, IAEA.

I share my colleague’s conviction to stop an Iranian regime headed by Ahmadinejad from getting nuclear weapons. However, I think we should do so without crippling the Iranian people (as is noted in this legislation towards the Iranian people by taking to the streets after the 2009 elections), ultimately endangers the region.

While we all recognize that the intention of this act is not to punish the Iranian people, it does not escape me that the impact of these sanctions will result in more suffering for them nonetheless. Upon introducing this bill in April, the Chairman of the Foreign Affairs Committee noted his belief “that this measure could have a powerfully negative impact on the Iranian economy.” For sanctions to be truly crippling, they must deny instant messaging services to the Iranian people that were previously available, citing their duty to comply with U.S. sanctions. Instead, this medium had become a popular way for protesters to get around increasing efforts by the Iranian government to monitor their communications. As a result, my colleagues warned that “Congress must act quickly to ensure that we are not unintentionally doing the repressive work of the Iranian government on its behalf.”

The President is currently working with our international partners not only as part of a renewed diplomatic outreach effort but also to fashion a strong multilateral response if Iran continues to refuse to cooperate with the international community.

In testimony in October, the State Department told Congress that it believes it has the “authorities necessary to take strong action against all those companies, and their international partners, should they prove necessary” to squeeze off financing of Iran’s nuclear weapons efforts.

For example, the Treasury Department can continue to use the authority that it has used for over three years now to blacklist Iranian banks and encourage international banks to avoid doing business with Iran.

As a result, since 2006, the U.S. has taken action against over 100 banks, government entities, companies, and people involved in Iran’s support for terrorism and its proliferation activities including freezing assets and preventing U.S. persons, wherever located, from doing business with them.

Recently, the Department wrote to express its concerns about companion Senate legislation to the bill before us today warning that “during this crucial period of intense diplomacy to impose significant international pressure on Iran” it was concerned that such legislation, “in its current form, might weaken rather than strengthen international unity and support for these efforts.”

In this letter, the Administration appealed for a delay of that bill in order not to undermine “its diplomacy at this critical juncture.”

Israeli officials have also made clear that broad-based international efforts, including for sanctions, are better than the unilateral approach before us today. Very recently, Israeli Defense Minister Ehud Barak noted that “There is a need for tough sanctions . . . something that is well and coherently coordinated to include the Americans, the EU, the Chinese, the Russians, the Indians.”

I also share the concerns that some have that the legislation before the House today will “disempower”—not empower—the President to bring this multination coalition together by taking away or limiting his ability to use sanctions as necessary to assist diplomatic efforts. That’s a very curious definition of “empowerment.”

It’s as curious as saying that it is in the U.S. national security interest and helps diplomacy to make it harder for the President—to use and waive sanctions when he
thinks the timing best serves our efforts to put pressure on Iran.

The President’s flexibility to conduct foreign relations and diplomatic efforts to achieve a strong international consensus against Iran is not a loophole that needs to be closed but a vital tool that needs to be supported. I am concerned that this bill as written would keep our allies from working with us to address the threat from Iran.

Earlier this year, Nicholas Burns, who served under the Administrations of George H.W. Bush, Bill Clinton, and as George W. Bush’s top State Department negotiator in efforts to thwart Iran’s nuclear program, testified in dealing with Iran, “My main recommendation for this committee and the Congress, however, is to permit the President maximum flexibility and maneuverability as he deals with an extraordinarily difficult and complex situation in Iran and in discussions with the international group of countries considering sanctions. It would be unwise to tie the President’s hands in legislation when it is impossible to know how the situation will develop in the coming months.”

An action taken against Iran—including sanctions—should have the broadest possible support in the international community. According to the Administration, “with wide international support, sanctions regimes can be enforced, pressure can be sustained, and Iran’s leaders are less able to shift the blame from themselves to the U.S. for the pains caused by their behavior.” Even the Senate version of this same legislation recognizes the limits of more U.S. only sanctions. In section 111 of S. 2799, it is noted that “in addition, multilateral sanctions are more effective than unilateral sanctions at achieving desired results from countries such as Iran.”

International pressure for Iran to act or to face more forceful international action is building, as evidenced by the recent IAEA report condemning Iran for its Qom enrichment facility, as evidenced by the recent IAEA vote recognizing that current U.S. sanctions can be used (H.R. 957 in the 110th Congress) that make it clear that Iran’s leaders are less able to shift the blame from themselves to the U.S. for the pains caused by their behavior.” Even the Senate version of this same legislation recognizes the limits of more U.S. only sanctions. In section 111 of S. 2799, it is noted that “in addition, multilateral sanctions are more effective than unilateral sanctions at achieving desired results from countries such as Iran.”

International pressure for Iran to act or to face more forceful international action is building, as evidenced by the recent IAEA report condemning Iran for its Qom enrichment facility, as evidenced by the recent IAEA vote recognizing that current U.S. sanctions can be used (H.R. 957 in the 110th Congress) that make it clear that Iran’s leaders are less able to shift the blame from themselves to the U.S. for the pains caused by their behavior.”

The progress in uniting the Security Council is attributable to President Obama’s investment in diplomacy. If Congress moves forward with sanctions that target our allies, that unity may very well collapse.

Sanctions have a place. I am a cosponsor of H.R. 1327, the Iran Enabling Sanctions Act of 2009, which passed the House with my support by a vote of 414–6 on October 29th. There are even provisions of this legislation which are worthy and which I have supported in the past as stand-alone legislation (H.R. 957 in the 110th Congress) that make clear that current U.S. sanctions can be used against financial institutions, insurers, underwriters, guarantors, and any other business organizations, including foreign subsidiaries, that aid investment in Iran’s energy sector.

However, the less united the international community is in applying pressure against Iran, the greater the risk our measures will not have the impact we seek. And given the gravity of the stakes at risk here, that would be truly regrettable.

As noted by Secretary of State Clinton just yesterday, “we have pursued, under President Obama’s direction, a dual-track approach to Iran. We have reached out. We have offered the opportunity to engage in meaningful, serious discussions with our Iranian counterparts . . . The second track of our dual-track strategy is to bring the international community together to stand in a united front against the Iranians.”

I hope that this legislation moves forward in the legislative process, further changes will be made to strengthen this bill in a way that will truly enhance, and not hobble, strong diplomatic efforts to diplomatically engage with Iran as well as to enact multilateral sanctions.

Mr. BERNAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERNAN) that the House suspend the rules and pass the bill, H.R. 2194, as amended.

The question was taken.

YEAS—426

NOES—0

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 974]
Ms. LINDA T. SÁNCHEZ of California changed her vote from "nay" to "yea." So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009

The SPEAKER pro tempore. The unfinanced business is the question on suspending the rules and passing the bill, H.R. 2194, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 2194, as amended.

So (two-thirds being in the affirmative) the ayes have it. 1700

The AYES are as follows:

[Roll No. 975]

AYES—412

Mr. BERMAN. Madam Speaker, I demand a record vote.

A record vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 12, answered "present" 4, not voting 6, as follows:

[Noes—12]

Mr. BLUMENAUER changed his vote from "aye" to "no." So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING PHILIP RANDOLPH FOR HIS LIFELONG LEADERSHIP AND WORK TO END DISCRIMINATION

The SPEAKER pro tempore. The unfinanced business is the question on
CONGRESSIONAL RECORD — HOUSE

December 15, 2009

suspending the rules and agreeing to the resolution H. Res. 150. The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONyers) that the House suspend the rules and agree to the resolution, H. Res. 150.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

[Roll No. 976]

AYES—416

NOES—23

A motion to reconsider was laid on the table.

The result of the vote was announced by the Clerk. There were—aye 416, no 3, not voting 5, as follows:

Mr. TIAHRT. Madam Speaker, on rollcall No. 976 I was unavoidably detained. Had I been present, I would have voted "aye."

HUMAN RIGHTS EQUITY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, S. 1472.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONyers) that the House suspend the rules and pass the bill, S. 1472.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

[Roll No. 997]

AYES—416

NOES—23

ANNOUNCEMENT BY THE SPEAKER pro tempore

The SPEAKER pro tempore (during the vote). There are two minutes remaining on this vote.

1717

MESSRS. MCCARTHY OF California, LAMBORN, COFFMAN of Colorado and ROONEY changed their vote from "aye" to "no."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.
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H14945

Gordon (TN)    Mack   Roeney
Granger       McAfee   Ros-Lehtinen
Graves         Maloney   Ross
Grayson        Melson   Ross
Green, Al       Marchant   Rothman (NJ)
Green, Gene     Markley (CT)   Roybal-Allard
Griffin         Markley (MA)   Royce
Grijalva        Marshall   Rush
Gutierez        Massa   Ryan (OH)
Hall (NY)       Masonson   Ryan (WI)
Hall (TX)       McCarthy (CA)   Salazar
Halvorson       McCarthy (NY)   Sanchez, Linda
Hare           McCauley   Sarbanes
Harman          McClintock   Schakowsky
Harper          McMorris   Schauer
Hastings (FL)  Mc Cotter   Schiff
Hastings (WA)  McDermott   Schmitt
Heinrich        McGovern   Schock
Heller          McHenry   Schrock
Hensarling      McIntyre   Schrader
Hercer          McEnroe   Schuerman
Hereth Sandlini  Mc Mahon   Scott (GA)
Higgins         McMorris   Scott (VA)
Hill            McNerney   Sessions
Himes           Meek (FL)   Shooter
Hixon           Meek (NY)   Sires
Hirozono        Melancon   Skelton
Hodes           Mica   Skinner
Howestra        Michaud   Smarick
Hilden          Miller (FL)   Smith (NE)
Holt            Miller (MI)   Smith (NJ)
Honda           Miller (NC)   Smith (TX)
Hoyer           Miller, George   Snyder
Hunter          Mitchell   Souder
Inglez          Mitchell   Space
Inlee           Molinich   Stark
Israel         Molochan   Stearns
Issa           Moran (KS)   Steinback
Jackson (IL)   Moran (MI)   Stehman
Jackson-Lee    Moran (VA)   Shimkus
Jenkins         Murphy (CT)   Shuler
Johnson (GA)   Murphy (NY)   Simpson
Johnson (IL)   Murphy, Patrick   Sires
Johnson, Sam   Murphy, Tim   Smith
Jones           Nadler (NY)   Smigel
Jordan (OH)    Neal (MA)   Sloane
Kagen           Neely    Stearns
Kanjurski       Neugebauer   Stepon
Kaptur          Nussle   Sullivan
Kennedy         Nye   Sutton
Kildee          Oberstar   Tanner
Kilpatrick (MI)  Obey   Taylor
Kim            Oberstar   Teague
King (NY)       Ogden   Tery
Kingston        Orrin   Tierney
Kirk            Palone   Tonko
Kirkpatrick (AZ)  Paschell   Towns
Kissell         Pastor (AZ)   Tsongas
Kline (MN)      Paul   Turner
Kline (NE)      Penn   Upton
Kosmas          Pence   Van Hoenen
Kratovil        Perrin   Velazquez
Kucinich        Perrillo   Visclosky
Lamborn         Peters   Walden
Lance           Peterson   Wallace
Langevin        Petersen   Walsworth
Larsen (WA)     Pingree (ME)   Wamp
Larson (CT)     Pitts   Wagner
LaTourette      Poe (TX)   Walsch
Latta           Polito   Waters
Leah (CA)       Pomery   Waters (CA)
Lee (NY)        Posey   Waterman
Lee (PA)        Prinz (PA)   Welch
Leeds (CA)     Price (CO)   Westmoreland
Lewis (CA)      Price (GA)   White
Lewis (GA)     Price (MD)   White (MD)
Linder          Pressley   Whitehouse
Lipinski        Pietro   Whitehead
Lobbledo        Rangel   Whittaker
LoBiondo        Rankel   Wilson (CA)
Lochhead        Rangel   Wilson (OH)
Lofgren, Zoe    Richards   Wittman
Lowey           Reisch   Wolf
Lucas           Richardson   Wolch
Luczak          Robertson   Woolsey
Luetkemeyer     Rohrbacher   Yarmuth
Lujan           Roe (TN)   Yarmuth
Lummis          Rogers (AL)   Yearwood
Lungren, Daniel  Rogers (KS)   Young (FL)
E             Rogers (MI)
Lynch           Rogers (MO)   Young (FL)

NOES—3

Browm (GA)    Paul   Young (AK)

NOT VOTING—15

Abercrombie     Deal (GA)   Martha
Barrett (SC)    Diaz-Balart, L.   Radanovich
Capito          Diaz-Balart, M.   Sanchez, Loretta
Clay           Franklin (MA)   Spratt
Davis (CA)     King (IA)   Taus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members now have 2 minutes remaining on the clock.

□ 1725

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED RESOLUTION ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. CONYERS, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 111–378) on the resolution (H. Res. 920) directing the Attorney General to transmit to the House of Representatives all information in the Attorney General’s possession regarding certain matters pertaining to detainees held at Naval Station, Guantanamo Bay, Cuba who were transferred into the United States, which was referred to the House Calendar and ordered to be printed.

787 DREAMLINER’S FIRST SUCCESSFUL FLIGHT

(Mr. DICKS asked and was given permission to address the House for 1 minute.)

Mr. DICKS. I want to inform my colleagues today that out in the great State of Washington, in RICK LARSEN’s district, today the first 787 Dreamliner did its first successful flight.

This is one of the great airplanes built by the United States by the Boeing Company. I want you to know it was built without any launch aid. Not like the A330 that received $5.7 billion in launch aid, this plane was built the old-fashioned way: Boeing put the money in the pot and built the plane, and it flew today.

As we get into the discussion on tankers later this year, I just want to remind everybody that the A330 received $5.7 billion in subsidy. I think it’s wrong. I think we need to go back to the World Trade Organization and make sure that they follow through and make sure that the Europeans stop subsidizing all these Airbus aircraft.

Boeing is a great company in the Pacific Northwest. I’m proud of the 787. There are over 900 orders. And it’s a great airplane.

ANIMAL ANTIBIOTICS

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Madam Speaker, there are those in Congress who want to restrict antibiotic use in animal agriculture. They overlook the good these drugs do to improve both animal and human health. If animal antibiotics are restricted to only treatment of already sick animals, animal disease and death can be expected to increase, while decreasing the abundance and safety of our food supply.

When Denmark banned antibiotics for growth promotion in pigs, animal deaths and disease rose, requiring the use of more drugs for therapeutic purposes. Meanwhile, there was no improvement in human health.

Potential increases in the occurrence of food-borne illnesses in the absence of animal antibiotics are another concern. An Ohio State University study found that pigs raised outdoors without antibiotics had more exposure to food-borne pathogens than those raised in confinement.

Mr. MOON of Kansas asked unanimous consent to remove my name as a cosponsor from H. Res. 648. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

IMMIGRATION REFORM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Madam Speaker, our constituents across the ideological spectrum have told us that our immigration system is broken and it is our responsibility to fix it. Well, we in the United States Congress have taken the first step today with the introduction of a comprehensive immigration reform bill.

This bill would strengthen American families. This bill would stop the undermining of our laws by the presence of 12 million undocumented immigrants. This law will protect our borders. Immigration reform is good for business and good for workers.

Our constituents have made their opinions clear. They are tired of the lack of action in Washington, D.C.

I encourage my colleagues to join me in cosponsoring comprehensive immigration reform to help make America stronger and maintain the integrity of our laws and our Constitution within our borders.

READY MIXED CONCRETE COMPANY DEMONSTRATES ENVIRONMENTAL EXCELLENCE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I want to recognize the demonstrations of environmental excellence by the ready mixed concrete company in my district.
Ms. FOXX. Madam Speaker, I rise today to recognize the Ready Mixed Concrete Company of Statesville, North Carolina, for its commitment to preserving our natural resources and the environment.

The Ready Mixed Concrete Company of Statesville, along with the Ready Mixed Facility in Taylorsville, North Carolina, recently received the National Ready Mixed Concrete Association’s Green-Star certification for its dedication to environmental excellence.

This accomplishment demonstrates how hard this company has worked to adapt its business practices to today’s rapidly changing culture of sustainable business.

These efforts will not only protect the environment, but will also make the Ready Mixed Concrete Company of Statesville a better competitor and employer. That means more good jobs for the people of North Carolina, which is what we need most during these difficult economic times.

HUMANITARIAN SITUATION IN CAMP ASHRAF

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise to address what could develop into a humanitarian catastrophe in Iraq. Residents of Camp Ashraf, opponents of the Iranian regime who found a home in Iraq, appear to have been abandoned by the United States and other nations as they are subjected to unlawful seizure and detention by Iraqi forces.

The Iraqi government must be called upon to respect the human rights of Ashraf residents and to honor its written commitment that it will treat all Ashraf residents humanely. The U.S. Government must ensure that the new democracy that we have helped prop up in Iraq does not forcibly return Ashraf residents to Iran, where they will face certain persecution, torture, and possibly even death. They must not be relocated to any country where they will be persecuted based upon their beliefs.

On a day when we have demonstrated here on the floor our support for the people and pro-democracy forces inside of Iran, let us not forget those in Camp Ashraf, Iraq.

EPA IS DESTROYING THE DEMOCRATIC PROCESS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Madam Speaker, earlier last week, the EPA announced that carbon dioxide is a health hazard and a pollutant that should be regulated under the Clean Air Act. That means that you and I are polluting simply by breathing.

Make no mistake about it, the timing of this announcement was intentional. By issuing the ruling last week, the EPA is attempting to gloss over the inconvenient truth of thousands of emails by climate researchers revealing ways they manipulated or hid evidence that disproves their theories of climate change. Furthermore, the ruling is an attempt to avoid the fact that the American people are opposes to this job-killing cap-and-tax bill that has been stalled in the Senate. Inconveniently, that leaves negotiators in Copenhagen unable to broker a binding agreement.

The EPA is destroying the democratic process and rushing in to legislate where Congress refuses to tread. Will the American people support the administration’s latest effort to regulate even more private companies out of business? I wouldn’t hold my breath.

RECOGNIZING THE OUTSTANDING CAREER OF JERRY HAYES

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Madam Speaker, I rise today to recognize the outstanding career of Jerry Hayes of Huntsville, Alabama.

In the Tennessee Valley, Jerry’s decades of responsible journalism have earned him the respect and trust of hundreds of thousands of people. His 30 years at WHNT News 19 in north Alabama have brought inspiration and guidance to an untold number of aspiring journalists looking to begin their careers.

When he is not in the studio or at the scene of a story, Jerry is bettering the community around him. His work for Tennessee Valley children is near to my heart, and north Alabama parents owe him a debt of gratitude that is almost impossible to repay.

Each year, the National Academy of Television Arts and Sciences recognizes individuals who have made a meaningful contribution to broadcasting by inducting them into the Silver Circle. Jerry epitomizes the type of excellence that the academy looks for, and I congratulate him on this achievement.

Madam Speaker, I would like to thank Mr. Jerry Hayes for his 30 years of service to north Alabama. Our community would not be the same without his dedication to the families of the Tennessee Valley.

MAKING RESEARCH AND DEVELOPMENT TAX CREDIT PERMANENT

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Madam Speaker, we will be voting on two measures in the United States Congress: action for Inaction. I stand here before you today to tell you that we will recover from this economic recession. That is why bipartisan efforts by myself and Congressmen CHRISS LEE have worked across the aisle to make research and development tax credits to companies permanent so that they can manufacture and produce and research their products right here in the United States.

Our legislation creates American jobs and helps companies innovate by giving them an incentive to research and develop right here in the United States. This tax credit is an investment in our Nation’s manufacturers. By making research and development tax permanent, our bill takes critical steps to make the U.S. more competitive because our credit will be comparable to those offered by other countries.

We will recover, and we will be judged by action or inaction. We will recover from this recession by investments into our manufacturing base in this great country.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE PHONE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I rise to speak about H.R. 1110, the PHONE Act, which stands for Preventing Harassment through Outbound Number Enforcement. It will be voted on tomorrow. This bill addresses the growing and serious problems of caller ID fraud that allows the caller to hide their true identity to obtain personal information for use in identity theft and scams.

Answering your phone is like answering your door, you’re letting someone into your home and you need to know that whoever that person says they are is true. Caller ID was originally designed to give you that information so you could decide to answer your phone and have the confidence that you were not taking a call that is unwanted, unsafe, or unknown. That is why I worked across the aisle with Representative BOBBY SCOTT in introducing H.R. 1110, which was first introduced in the 109th Congress. Representative SCOTT took the lead in the 110th Congress, and now we are again working together in the 111th Congress to pass this important bill. I thank Representative SCOTT for his leadership and teamwork in passing this public safety bill.
The legislation is aimed at preventing and prohibiting caller ID spoofing. Spoofing is made available with Internet services that will provide false numbers and even disguise your voice so you can easily fool the person on the other end of the phone. Criminals coax victims into giving up personal information by making it appear that a call is coming from a legitimate institution, such as a bank, doctor’s office, government office, or even a family member.

Misleading caller ID information also allows the spoofer to cause a victim to accept a call they would otherwise avoid, leading to harassment. Even more serious potential dangers exist. A pedophile could stalk a child by stealing a school phone number or the phone number of a friend or child. A sexual predator could use a doctor’s office phone number to call their victim.

The problems with caller ID spoofing are very real. Let me give you a few examples:

There are cases where criminals using stolen credit card numbers call a service such as Western Union. They program the caller ID to appear to originate from the cardholder’s home and make the credit card number to order cash transfers.

Seniors have been misled into believing they missed jury duty. It appeared the local courthouse was calling and victims were asked for Social Security numbers to prevent the arrest. The calls seemed legitimate because the telephone number of the local courthouse showed up on caller ID.

In another example, a SWAT team surrounded a building after it appeared a call came from within stating that a hostage was being held. In fact, the call was coming from another location. The SWAT team showed up on caller ID.

In another example, a SWAT team surrounded a building after it appeared a call came from within stating that a hostage was being held. In fact, the call was coming from another location. The SWAT team showed up expecting to face an armed perpetrator. Luckily, no one was hurt in this one instance, but one can easily imagine what could have happened if an unsuspecting bystander happened to be at that location; a series of misunderstandings could have ended up in tragedy. Unfortunately, this process called “swatting” has occurred dozens of times.

And just this month, there have been two serious cases of caller ID fraud in the news. In Columbia, Maryland, a teenager was arrested for making terroristic threats on the Internet after he called a bomb scare and telling the police he could have tracked down the perpetrator sooner.

This bill will make the act of caller ID fraud a felony, and criminals could see fines of up to $250,000 and jail time up to 5 years if convicted of calling caller ID fraud in perpetrating another crime.

I urge all my colleagues to pass this PHONE Act, H.R. 1110, because criminals must know they cannot use this technology loophole to escape the law and cause further harm to our citizens.

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGovern) is recognized for 5 minutes.

Mr. McGovern. Madam Speaker, I rise today with a number of my colleagues to express our continuing concern about Afghanistan and to support the military effort in Afghanistan by an additional 30,000 troops. Thirty thousand additional Americans put into harm’s way in Afghanistan is a big deal, Madam Speaker, and I am concerned that the House of Representatives will be adjourning for the year without a real, meaningful, substantive debate about this important issue.

I happen to believe that increasing our military presence by 30,000 troops will make it 30,000 times harder to extricate ourselves from this mess. But whatever my colleagues believe about this decision—support, oppose, or noncommittal—we owe it to ourselves and to the people that we represent to have a thorough debate about our policy.

I would urge this administration to submit their supplemental request for this escalation sooner rather than later. We are supposed to provide a forum where the Afghan government admits publicly that it runs on bribery, graft and cronyism which, in turn, fuels the Taliban insurgency.

President Karzai called this conference—not because he campaigned on cleaning up this government—but because of international pressure. He ran a fraudulent election that undermined international support for the war on Afghanistan, and the United States and other international leaders and others in Afghanistan about the best way forward. Madam Speaker, without local support, without the support of the local leaders who have the respect of the Afghan people, nothing we do will work or be sustainable.

I also continue to be deeply troubled about the Karzai government. Today President Karzai is scheduled to convene a three-day conference on corruption and the related economic question. This conference is supposed to provide a forum where the Afghan government admits publicly that it runs on bribery, graft and cronyism which, in turn, fuels the Taliban insurgency.

President Karzai called this conference—not because he campaigned on cleaning up this government—but because of international pressure. He ran a fraudulent election that undermined international support for the war on Afghanistan, and the United States and other international leaders and others in Afghanistan about the best way forward. Madam Speaker, without local support, without the support of the local leaders who have the respect of the Afghan people, nothing we do will work or be sustainable.

I would urge my colleagues to read a recent op-ed in The New York Times by Nicholas Kristof. He points out that for the cost of one U.S. soldier deployed in Afghanistan, we could build 20 schools in Afghanistan. Let me repeat that. For the cost of one American soldier in Afghanistan for a year we could build 20 schools in Afghanistan.

Not only that, it seems that before the administration announced this new escalation, they failed to thoroughly consult with the elders and the local leaders and others in Afghanistan about the best way forward. Madam Speaker, without local support, without the support of the local leaders who have the respect of the Afghan people, nothing we do will work or be sustainable.

In no way do I believe that we should abandon Afghanistan or its people. They have been through far too much trauma over the last several decades. No, I believe that we should abandon our fight against the people who murdered thousands of Americans on September 11, 2001.

Indeed, I am concerned that by committing over 100,000 American troops to nation building in Afghanistan, we will be unable to target those who attacked us, and that is al Qaeda, because al Qaeda no longer has a large presence in Afghanistan. Our top generals say that maybe there are 100 or less al Qaeda still in Afghanistan. They have moved to Pakistan.

I do not believe that the best, most effective way to fight al Qaeda is to increase our military footprint in Afghanistan. In Afghanistan we need a new strategy.

I would urge my colleagues to read a recent op- ed in The New York Times by Nicholas Kristof. He points out that for the cost of one U.S. soldier deployed in Afghanistan, we could build 20 schools in Afghanistan. Let me repeat that. For the cost of one American soldier in Afghanistan for a year we could build 20 schools in Afghanistan.

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President Karzai called this conference—not because he campaigned on cleaning up this government—but because of international pressure. He ran a fraudulent election that undermined international support for the war on Afghanistan, and the United States and other international leaders and others in Afghanistan about the best way forward. Madam Speaker, without local support, without the support of the local leaders who have the respect of the Afghan people, nothing we do will work or be sustainable.

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For the cost of deploying one soldier for one year, it is possible to build about 20 schools.

Another program that is enjoying great success in unrestive Afghanistan is the National Solidarity Program, or N.S.P., which helps villages build projects that they choose—typically schools, clinics, irrigation projects. It has already been described as one of the most successful and least corrupt initiatives in Afghanistan.

“It’s a terrific program,” said George Puslowski, former head of the International Rescue Committee. “But it’s underfunded. And it takes very little: for the cost of one U.S. soldier for a year, you could have the N.S.P. in 20 more villages.”

THE COOLING WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, we debate throughout the world the concept of global warming, but we don’t call it that any more; we call it climate change. All the big leaders of the world are in Denmark talking about how they can figure out a way to control man that man, the evildoer, the polluter of the world, does not continue to pollute our wonderful climate.

The consensus has been for some time that global warming, climate change, continues because the key to the perpetrator. Now we are beginning to learn that may not be true, that there is not a consensus that there is global warming or climate change. We now have heard new evidence that even NASA is involved in not revealing evidence that average temperatures are getting colder. Of course, it goes on the chart, colder and colder, April 28, 1978.

Like I said, Madam Speaker, I believe we were all going to freeze in the dark, and the scientists told us that we were going to freeze in the dark because of the weather patterns. Climates do change, Madam Speaker. In the 1970s it was getting cooler. Now they say it’s getting warmer. Now they just say it’s climate change.

Climates do change. That’s what seasons are. Most of the world up here in the north has seasons. Now, we don’t have seasons in Houston. We have two seasons—we have summer, and we have August. Other than that, the seasons change. In most parts of the world they get warm, they get cold.

We are going to try to trust the world’s climate predictions to a group of people from the 1970s and now, 2000, to predict correctly tomorrow’s weather. You know, people in the weather industry are the only people I know who consistently can be wrong and keep their jobs. But yet, these same people who can’t predict tomorrow’s weather are trying to predict the weather from now on, that climate change is occurring because man is the culprit.

And that’s just the way it is. (From Newsweek, Apr. 28, 1975)

(By Peter Gwynne)

This Cooling World

There are ominous signs that the Earth’s weather patterns have begun to change dramatically and that these changes may be bringing a drastic decline in food production throughout the world. There are ominous signs that the Earth’s weather patterns are changeable.
drastic decline in food production—with seri- ous political implications for just about every nation on earth. The drop in food output could begin quite soon, perhaps only ten years away. Regions destined for the worst impact are the great wheat-producing areas of the world, the U.S.S. R. in the north, along with a number of marginally self-sufficient areas—parts of China, Pakistan, Bangladesh, Indochina and Indonesia—where the growing season is dependent upon the rains brought by the monsoon. The upper and lower ends of the spectrum of predictions has now begun to accumulate so massively that meteorologists are hard- pressed to keep track of it.

In England, farmers have seen their growing season decline by about two weeks since 1950, with a resultant over-all loss in grain production of 10 percent estimated at up to 100,000 tons annually. During the same time, the average temperature around the equator has risen by a fraction of a degree—a fraction that in some areas can mean drought and desola- tion. Last April, in the most devastating outbreak of tornadoes ever recorded, 148 twisters killed more than 300 people and caused as much as $1 billion in damage in thirteen U.S. states.

Trend: To scientists, these incidents represent signs of fundamental changes in the world’s weather. The central fact is that after three quarters of a century of extraordinarily mild conditions, the earth is starting to be cooled down. Meteorologists disagree about the cause and extent of the cooling trend, as well as over its specific impact on local weather conditions. But they are almost unanimous in the view that the trend will reduce agricultural productivity for the rest of the century. If the climatic change is as profound as some of the proponents of the cooling theory believe, then the resulting losses could be catastrophic. “A major climatic change would force economic and social ad- justments on a worldwide scale,” warns a re- search report by the National Academy of Sciences, “because the global patterns of food production and population that have evolved are implicitly dependent on the climate of the present century.”

A survey completed last year by Dr. Mur- ray Mitchell of the National Oceanic and Atmo- spheric Administration reveals a drop of half a degree to ground temperatures in the Northern Hemisphere between 1945 and 1968. According to George Kukla of Colum- bia University, satellite photos indicated a sudden drop in Northern Hemis-phere snow cover in the winter of 1971-72. And a study released last month by two NOAA scientists notes that the amount of sunshine reaching the ground in the contin- ental U.S. diminished by 1.3 percent be- tween 1964 and 1972.

To some, it seems that the relatively small changes in temperature and sunshine can be highly misleading. Reid Bryson of the University of Wisconsin points out that the earth’s atmosphere during the Ice Ages was only about 7 degrees lower than during its warmest eras—and that the present decline has taken the planet about a sixth of the way toward the Ice Age average. Others regard the cooling as a reversion to the “little ice age” conditions that brought bitter winters to much of Europe and north- ern America between 1600 and 1900—years when the Thames used to freeze so solidly that Londoners roasted oxen on the ice and when iceboats sailed the Hudson River al- most to New York City.

Just what causes the onset of major and minor ice ages remains a mystery. “Our knowledge of the mechanisms of climat- ic change is fragmentary and fragmentary,” concedes the National Academy of Sciences report “Not only are the basic sci-

entific questions largely unanswered, but in many cases we do not yet know enough to pose the key questions.”

Extremes: Meteorologists think that they can foresee the aftermath of the return to the norm of the last century. They begin by noting the slight drop in over-all temperature that produces large numbers of torrid days: A single hot day this week could break up the smooth flow of westerly winds over temperate areas. The stagnant air pro- duced in this way causes an increase in ex- tremes of local weather such as droughts, floods, extended dry spells, long freezes, de- layed monsoons and even local temperature increases—all of which have a direct impact on food supplies.

“The world’s food-producing system,” warns Dr. James D. McQuigg of NOAA’s Cen- ter for Climatic and Environmental Assess- ment, “is much more sensitive to the weath- er variable than it was even five years ago.” Furthermore, the growth of world population and creation of new national boundaries make it impossible for starving peoples to migrate from their devastated fields, as they did during past famines.

Climatologists are pessimistic that polit- ical leaders will take any positive action to compensate for the climatic change, or even to allay its effects. They concede that some of the more far-reaching proposals, such as melting the arctic ice cap by covering it with black soot or diverting arctic rivers, might create problems far greater than those they solve. But the scientists see few signs that government leaders anywhere are even prepared to take the simple meas- ures of stockpiling food or of introducing the variables of climatic perturbation into eco- nomic projections of future food supplies. The longer the planners delay, the more dif- ficult will they find it to cope with climatic change once the results become grim reality.

IN MEMORY OF DR. JOHN SHEARER

The SPEAKER pro tempore. Under a previous order of the House, the gentle- woman from California (Ms. Woolsey) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise today to fondly honor my friend, Dr. John Shearer, who passed away on November 18, 2009, at the age of 77 in Petaluma, California.

Publicly, John was a powerful advoca- te for children’s health care and health care reform. He preferred a single-payer system and privately he was a kind, selfless man of great integrity. As a physician, he was expert, com- passionate, and gentle, the kind of doc- tor you would want to have care for your sick child. I should know, because John was our family doctor, and my family adored him.

A native of Kokomo, Indiana, John moved with his family to Detroit and originally trained as a pharmacist. Then he earned his medical degree from Wayne State University in 1962. John married his wife and his family doctor, and my family adored him.

As a physician, John was our family doctor, and his family adored him.

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Iran already possesses enough nuclear fuel to build two nuclear weapons. Even while negotiations were taking place, Iran continued to enrich uranium in defiance of five United Nations Security Council resolutions, increasing its supply of uranium and becoming more and more dangerous each day and every day.

While there are many domestic issues that demand the attention of us in Congress, we must not forget an Iranian call for a world without a United States of America. A nuclear-armed Iran threatens the safety of American troops in the region. It is a threat to Israel’s existence, emboldens terrorist groups Hamas and Hezbollah and leads to a perilous nuclear arms race in the Middle East.

These are all things we cannot accept and must not tolerate.

Passage of the Iran Refined Petroleum Sanctions Act takes an important step to counter the Iranian threat to our national security and to that of our strong democratic ally Israel.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Madam Speaker, to our national security and to that of our President Hamid Karzai indicated just how long that commitment might have to be when he announced that “for another 15 to 20 years Afghanistan will not be a force of that nature and capability with its own resources.”

We are talking about a very extended commitment of more and more American troops and more and more American dollars, ironically, at a time that some of our allies who’ve been in Afghanistan, like the Canadians, like the Dutch, are making plans to withdraw their troops as our troops enter the country.

I have heard from not a few constituents expressing their concern about this decision to escalate the war in Afghanistan. Whether we agree or disagree on whether this is the best approach, we all agree that our objective is to work together to keep our families safer. One person to whom I presented the Veteran of the Year award just last month in Bastrop, Texas, Retired Colonel Bill Stanberry, twice awarded the Legion of Merit and inducted into the Infantry Officers Hall of Fame, offered this observation: “There is no sign or promise of a viable leadership in the government in Afghanistan, an ingredient that is absolutely essential to the success of the program. We are allowing our adversaries to determine the kind of wars we fight and how we fight them. We need to find ways to exploit our strengths and not be lured into battles of war where our substantially weaker adversaries have the advantage by dictating how we fight.”

Our strategic choices in Afghanistan, I believe, are not narrowly limited to either escalating rapidly, as the President has proposed, or departing immediately, but they include more effective ways of using the resources that we have already committed to accomplish our original objectives. And apparently, our Ambassador in Afghanistan, former Lieutenant-General Karl Eikenberry, had some of the same concerns that I do. It is widely reported that he sent at least two classified cables to Washington before the announcement expressing deep concerns about sending more U.S. troops to Afghanistan without a meaningful demonstration by President Karzai, who just had stolen a million votes to stay in power, that his government would be able to tackle corruption and mismanagement that has fueled the Taliban’s rise in strength.

We went to take out al Qaeda, not to change it into Switzerland. Let’s keep that commitment and do it in the most cost-effective way.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, last week we observed another Human Rights Day without freedom in Cuba.

As to be expected, the regime had its thugs out in force to harass and attack all who dared to walk the streets in support of what the people of Cuba and what it represents to the world community. For 2 days, the members of the peaceful Ladies in White group were pursued and harassed by agents of the regime. Marches and peaceful demonstrations in support of human rights and fundamental freedoms came to an abrupt end as state security forces rounded up, detained, and brutally attacked some of the participants.

Yusnaimi Jorge Soca, wife of Dr. Daniel Ferrer, who is one of the many apprehended by the secret police on her way to one of the planned marches at the Villalon Park in Havana. Dr. Ferrer is an Afro-Cuban civil rights leader currently imprisoned by the dictatorship. His alleged crime? “Illegally” purchasing materials to repair damages to his home. The truth? Dr. Ferrer has worked tirelessly to expose the reality of Castro’s apartheid health care system and the abysmal disregard for fundamental freedom and human rights. Yusnaimi was threatened on this Human Rights Day by the Cuban dictatorship, as well as her husband, in an attempt to intimidate them into submission and silence.

Those seeking freedom in Cuba, however, have shown time and time again that they will not waver in the face of repression.

The Castro tyranny does not limit the application of its repressive tactics to the oppressed Cuban people, however. For example, Chris Simpson, Second Secretary of the British Embassy, was also pursued and chased away by the regime’s mob apparatus on Thursday. And on Friday, an American
citizen was detained, likely in response to U.S. efforts to support the inalienable rights of the Cuban people. We are hopeful, Madam Speaker, for his immediate and safe return home soon.

For the people of Cuba, every day is a desperate struggle to maintain a glimmer of hope for a brighter future. Hundreds and hundreds remain behind bars due to their refusal to give up on that brighter future. We must never lose sight of the plight of those living under this dictatorial regime. We must also not turn our backs on these individuals by cutting deals with their oppressors. We must not put principle over profit, security before popularity. Though the Castro tyranny may try to convince the world otherwise, it will never miss an opportunity to tighten its iron grip on liberty.

It is time that the cruel veil of hypocrisy be lifted. The Cuban people are no less worthy of freedom and human rights than any other oppressed population. Nations and organizations and leaders worldwide, they do not hesitate to denounce the genocidal regime in Sudan, and I agree with them, or the brutal military junta in Burma, and I agree with them. However, they remain silent, and I don’t agree with them, when it comes to the plight of those suffering in Cuba. How much more must the Cuban people suffer before the world acts decisively against this cruel regime and its communist leaders?

Those who ignore the struggles of the Cuban people as willful accomplices to their brutal oppressors. As Cuban dissident Dr. Ferrer said in his jail cell in his call for all Cubans to denounce the regime and its communist leaders?

Ms. KAPTUR. Madam Speaker, this week President Obama held yet another White House meeting to jawbone Wall Street bankers. Just a few days ago, in September, he traveled to New York to speak with them. Most of them didn’t even have the courtesy to show up at Federal Hall. Then last week his Treasury Secretary called again on Wall Street’s biggest banks to work out mortgage plans for the over 6 million Americans who have fallen into foreclosure since 2007. Wall Street didn’t do it. They’re just laughing all the way to the bank. They’ll pocket over $140 billion in bonuses this year for themselves.

Yesterday, the President vowed to recover every last dime of taxpayer money that was bestowed on these giants, which now control 40 percent of deposits in our country. Five banks, 40 percent of the deposits. But you know what’s important, which is this: what taxpayer money is he talking about. Just the TARP money? That would be about half a trillion dollars. But that figure does not include the hundreds and hundreds of billions of dollars doled out by the Federal Reserve, which is not a Federal agency, right to the big banks.

What about all the damage those giants continue to do to our mortgage markets and property values despite what we’ve done? What about all the damage those giants continue to do to our mortgage markets and property values? How do we get that money back? The big banks aren’t doing mortgage workouts of any significance despite the President, despite his Secretary of the Treasury, despite those bills that Congress passed. Surely you’ve noticed the big banks tiptoeing through those mortgage tulips all over the country quite adeptly.

What about all the smaller banks they’ve driven out of business? Do those investors get the same deal as Wall Street?

What about the community bond ratings that have dropped across our country? How do we get that money back for our communities?

What about all the Americans who have lost pensions and 401(k) plans? How do they get their money back?

What about all the unemployment? What about all the American who have been hit hard by the economy Wall Street thought was? How do they get their money back?

The President is looking through too narrow a keyhole. What the White House advisers fail to admit is that their approach isn’t working. The TARP should never have been passed by Congress. It protected the wrong people, it served, which is not a Federal agency, the big banks to work out mortgage loans for those investors get the same deal as Wall Street. TARP turns the banking system into a political chessboard by putting the panic of the Treasury Department into the hands of Wall Street. Prudential regulators, rather than using the independent financial regulatory agencies, as has always been done throughout our country. If you’ve got the wrong regulators, replace them, but be independent about it.

So the entire credit system of our country remains frozen up as TARP and Wall Street have sucked dry the confidence of prudent banks in our credit system. Meanwhile, the value of your home is drooping. Inflation is rearing its ugly head, today announced a 1.8 percent inflation increase, double what it was anticipated and the biggest increase in a year. And why wouldn’t it rise, as the fundamentals are all out of whack?"
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WESTERN RESOLVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCLEINTOCK) is recognized for 5 minutes.

Mr. McCLEINTOCK. Madam Speaker, I rise to applaud the passage today of H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009.

Iran’s regime has consistently lied to the world over its nuclear ambitions. Yesterday’s revelation that Iran has been working on nuclear bomb detonators should convince even the most naive officials within our government of Iran’s ultimate intention.

I do not believe that that will dissuade the Iranian regime from its obvious intention to acquire nuclear weapons, or from its stated goal of wiping Israel off the map, or from its unremitting hostility toward our own country; but I do believe that it will send a vital message of growing Western resolve at a critical moment in world history.

Iran should interpret the House action today as an overwhelming expression of American commitment that spans the wide spectrum of political views within our Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DeFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA’S NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. WELCH) is recognized for 5 minutes.

Mr. WELCH. Madam Speaker, I want to address the question of Afghanistan.

The President was confronted with a very serious and difficult decision. The decision that he made, as America knows, is to increase troop strength by 30,000 troops and to also seek the support for an additional 10,000 troops from allies. The question which really confronts America as well as the President is this:

What is the best strategy to protect our homeland from another attack that would be perpetrated by and inspired by al Qaeda?

The question is also whether having a military force of occupation of now 100,000 troops, or even 5 minutes, 100,000 troops, the United States of America in Afghanistan and doing nation-building is a sustainable strategy that will be the one that can protect America from a future attack. I believe that it is not, and there are a couple of reasons.

First of all, as we know, al Qaeda goes where our military is not. There are presently, according to General Jones, 100 al Qaeda in Afghanistan and about 500 in Pakistan. Al Qaeda moves to areas of opportunity. It is not just there. It’s in Yemen. It’s in Somalia. It’s in other parts of the world.

Also, as we know, the Internet is a tool, and some of the folks who have been plotting and planning to do destructive conduct and to hurt our American people live in the United States and in other parts of the world. It is not a threat that is confined to Afghanistan. It is a decentralized threat. So where you have a threat which, by definition, is decentralized and not from a nation state, does it make sense to deploy the vast majority of our troops, 100,000, and the vast majority of our resources, $1 trillion minimum over the next 10 years, to a single country and to then take on the goal of nation-building, of institution building, in Afghanistan? I believe it does not. It is not an effective strategy that is sustainable militarily. It is not an effective strategy that is sustainable financially.

Secondly, the effect of a decision to nation-build in Afghanistan is that, by definition, our military and our government need a functional partner no matter what the shortcomings of that partner may be—hence, the embrace of the Karzai administration, which is, despite the fact that it is losing credibility among its own people, and despite the fact that the election was not only deeply flawed but it is documented that the Karzai Government stole 1 million votes in order to stay in power.

The more work that we do which requires us to line up, to cooperate, to conclude, and some of the folks who have been plotting and planning to attack our troops, the Karzai Government that does not have the support of its people—and every day that we do that—it undercuts the support and the definition of the mission of the American soldier in Afghanistan.

As is well-known, a major problem is Pakistan. What we have seen is that we now have to have a significant alliance with the Pakistani military as the only institution that can provide some measure of security in Pakistan. Because they control the nuclear weapons, this is obviously of great importance to the American people, but the Pakistani military is not sustainable financially.

Number one, it has been an adversary of democratic development in Pakistan, something which is essential to build economic well-being in a country that is absolutely destitute, impoverished and getting poorer.

Number two, the Pakistani military, as reported in The New York Times as recently as today, clarifies that, however urgent it is for the United States to take out the Hakani network, which is in the tribal areas and is crossing into Afghanistan on a regular basis to attack our troops, the Pakistani military regards the Hakani network as its ally in geopolitics in the Afghanistan region. So it will not do what needs to be done to protect the American military and American security and that is to attack the Hakani network—the Afghanistan Taliban. In fact, it has made it explicit that it sees the Hakani network as its ally to keep India at bay.

So what we have is a strategy that depends on nation-building, which has very doubtful prospects of success in an alliance with two “friends” who aren’t there to help us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BREAST CANCER AWARENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Madam Speaker, more than 190,000 women will be diagnosed with breast cancer in the United States this year, and more than 40,000 will die. In the last 20 years, there have been declines in the breast cancer mortality rate, and those declines are attributed to increases in early detection and improvements in breast cancer treatment.

Today, when breast cancer is found before it spreads, the 5-year relative survival rate is 98 percent, but that rate will decline to 84 percent for regional disease and to 23 percent when cancer metastasizes and has spread, to other parts of the body.

In November, the U.S. Preventive Services Task Force released new guidelines for screening mammography. These changes have again reigned the controversy over mammography screening—a debate that has remained for a number years.

However, it is important for us to remember that the Susan G. Komen for the Cure organization agreed that mammograms save lives in women 40 to 49 as well as in women over 50. Additionally, while the USPSTF has chosen to make revisions in its guidelines for screening, patient advocates and professional organizations, not just the Susan G. Komen for the Cure but also the American Cancer Society, the American College of Obstetricians and Gynecology, and the American Society of Clinical Oncology, have reviewed the same evidence and have continued to recommend annual screenings beginning at age 40 for women of average risk.

Our real focus should be on the fact that one-third of the women, some 23
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

(Mr. POLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE GREAT SEAL OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Madam Speaker, I invite you and everyone within the sound of my voice tonight—all Americans—to reach into our pockets. Take out a dollar bill. Turn it around. On the back, you will see the Great Seal of the United States.

Our Founding Fathers had very few ways to communicate with us. They lived before the time of television. They lived before the time of radio. They lived before the time of photography, so they communicate to us through the Constitution. They communicate to us through the Declaration of Independence, through the Federalist Papers, through letters that they wrote, and only one image—and that image is this image—the image on our dollar bill, the image of the Great Seal of the United States.

I invite you to take a close look at it. I have one right here. The one in my pocket is in black and white—or green and white, if you will. The one here is in color. Take a look at it, and you will see the American eagle. You will see that the American eagle is holding arrows on the right, in its claw, and an olive branch on the left. This had deep symbolism to our Founding Fathers. This seal was adopted before the Constitution, itself, was ratified.

The gentleman who had to explain and to support the adoption of this symbol as our country’s Great Seal said that he had the eagle holding arrows and an olive branch to symbolize war and peace. Specifically, what he said was, with regard to that olive branch, he wanted to illustrate the power of peace. He said, “the power of peace,” which is not a phrase we hear very often. We hear a great deal of the power of war, but we don’t hear much about the power of peace.

You will note that the eagle is not looking toward the arrows. The eagle is looking toward the olive branch. The reason the American eagle was placed by our Founding Fathers with an eye on that olive branch was that they allways wanted America to be looking for peace.

I’m sad to say that we have forgotten that, this message from our Founding Fathers from over 200 years ago. We’ve forgotten that, but it’s still here in our pockets today and on our dollar bill to remind us that the Founding Fathers wanted us to be looking not for war but for peace.

What is that power that peace has? The power that peace has is the power to educate your children, the power to maintain your own health and the health of other citizens, and the power to build roads, hospitals, and bridges. The power of our power to destroy all of that.

That is why our Founding Fathers warned us against foreign entanglements and why our Founding Fathers reminded us in the Great Seal to look all the time to peace and not to war. The things that we do now for the past 8 years and things that are unprecedented anywhere in the world. The English stopped occupying other countries in the fifties, half a century ago. The French stopped doing it in the sixties. The Portuguese stopped doing it in the seventies. The Soviet Union stopped doing it in the nineties, too late to save the Soviet Union. And to a large degree the destruction of the Soviet Union came from a disrespect for the power of peace and a worship of the power of war.

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Let’s hope that we recognize that mistake and let’s hope that we don’t repeat it in Iraq and in Afghanistan, wherever the next war might be.

In Washington, D.C., you hear much discussion of leadership. Everyone wants to claim that mantle. I’m a leader, he’s a leader, she’s a leader. Everybody claims it. Well, there is a kind of leadership that we need right now very badly, and that is the leadership that looks just a little bit ahead into the future, recognizes what’s inevitable and tries to make it come sooner. I have no doubt in my mind that one day the war in Afghanistan will be over. I have no doubt in my mind that one day the war in Afghanistan will be over. The question is, when?

We are the strongest country on earth, the strongest country that the earth has ever seen. We end a war when we decide to end it. And I commit to you that that time has come. There is no force on earth that will make us end the war. We have to do it now. We have to fight for the power of peace.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)
we learn about the population’s reaction to the long-term presence of foreign troops on their soil? Could Afghanistan degenerate into a civil war along ethnic and religious lines, as happened in Iraq?

Is the Government of Pakistan a viable partner? Are they serious about helping us? Are elements of their military and security services still supporting the Afghan Taliban who are attacking our troops? What if President Zadari is overthrown, as has happened with other leaders?

Will our allies actually provide the troops the President is requesting? And if they commit 10,000 troops and we have 90,000 troops, will it be seen as an international effort or an American war? If European countries’ troop casualties rise sharply next year, will those nations pull out of Afghanistan and leave our troops to bear the future burden?

Should we pay for the war openly and up front? Or should we commit troops and consider how to pay later? How would we pay for such an escalation, including the long-term costs of caring for our wounded veterans? Is the Department of Veterans Affairs hiring enough psychological counselors to treat the number of veterans who need counseling and treatment for posttraumatic stress disorder? Do we even know how to treat PTSD of veterans who have endured two, three or more combat tours? What should we make of the fact that the estimated $100 billion we’ll spend on the war each year is equal to the cost of the health reform bill each year that we are debating now?

Are there alternatives to the President’s approach that Congress and the Nation should explore? What is truly the best way to secure our country against future terrorist attacks? Are we putting the right emphasis on a military approach to counterterrorism policies? Can extremist leaders transmit their ideology and recruit terrorists over the Internet and via extremist madrassas and youth groups, are we fighting on the right battlefield in Afghanistan? Are we doing enough at home to prevent future tragedies like the one that occurred at Fort Hood?

Fulfilling our constitutional obligations regarding matters of war and peace requires that Congress get answers to these questions and many more, and help the American people get these answers.

THE PLIGHT OF IRANIAN DISSIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join my colleagues as a member of the Subcommittee on the Middle East and South Asia on the House Foreign Affairs Committee. Today our committee debated a very important initiative dealing with Iran sanctions. But it is interesting that we find ourselves in one domino effect after another: Iran, Iraq, and then, by extension, Afghanistan and Pakistan.

Today I rise with a plea to this government to come to the State Department to save those who are now huddled at Camp Ashraf in Iraq: this government that we have propped up, that we have seen thousands of our treasure lost in Iraq so that we could have a democratic government, so that it would have democratic election and its own sovereignty, so it would not be governed and be a puppet of some other country. But yet Iranian dissidents are now huddled, fearful for their lives. In fact, Assistant Secretary of State Jefrey Feldman said, We’re actually more concerned about an Iraqi desire to move Camp Ashraf to someplace else inside Iraq. The expectation is that they would try to forcibly move them to a different location in Iraq and that, too, would be violent.

Iranian authorities under Amnesty International says it must not forcibly relocate 3,400 Iranian opponents and that forced removals of the residents of Camp Ashraf would put them at risk of torture, arbitrary arrest, and other forms of ill treatment and unlawful killing.

I’ve met with Iranians, their families, many of whom are in this camp, a niece, a mother, a brother, and they have no relief. They have no refuge but to us. And this is our interdiction to be able to intervene with the present Iranian Government, seemingly sometimes a puppet of Iran, to not in any way cause the bloodshed and the loss of these dear souls.

All they wanted to do is to be in freedom. Yes, they have disagreement with the present government, but they are refugees in the world order; in the world sense they are refugees, fleeing oppression. And let me tell you where there exists no freedom, there exists no justice and therefore no hope for the Iranian people. The situation is so dire and desperate.

And so it is imperative that this government that we have sent our soldiers to die for, that we have sent our soldiers to die for, don’t have the authority to kill 4,000 Iranian dissidents who simply want to live in peace and alone. I hope that we can reach our government to provide safe solace for them, which is one of the reasons that I supported H.R. 2194, the Nuclear Refueling and Reprocessing, which deals with the question of who might attempt to supply refined gasoline to Iran or prevent them with the materials to enhance their oil refineries. This is to make a firm stance against Iran’s verification, but it is also a stance against its human rights abuses and its penetration in countries around its area, including Iraq, where they cannot seem to be independent enough, that is, the Iraqi Government, that they would do the bidding of the Iranian despotic government and try to move these innocent persons—women, men and children—to a place where they will surely die.

I am grateful in the language that was submitted in this bill, H.R. 2194, that my language was kept that had to do with concerns of human rights in Iran and that this was put in the findings. It is important that we acknowledge that throughout 2009, the Government of Iran has persistently violated the rights of its citizens. Again I believe it is important for the United States to support the dissidents inside Iran who continuously charge the government with an irregular and illegal election. I hope that we can move forward in saving these lives.

Madam Speaker, as I close on Pakistan and Afghanistan, Pakistan is an ally to the United States in trying to bring peace to Afghanistan.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, it was a great honor to speak to the House this afternoon. His remarks will appear hereafter in the Extensions of Remarks.

FRESHMEN REPUBLICAN HOUR

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 60 minutes as the designee of the minority leader.

Mrs. LUMMIS. Thank you, Madam Speaker.

This evening’s Speaker is a fellow freshman and it is an honor to serve with you, Madam Speaker. Thank you for your time this evening as we proceed into Hanukkah and the Christmas season.

We are as freshman Republicans going to spend some time with you reviewing the episodes of the last 12 months: Where are we in terms of America’s fiscal house? Where have we been in the last 12 months? And, more importantly, where are we going as we prepare for the new year 2010?
I am joined this evening by my colleague, LEO NARD LANCE of New Jersey, and we will be joined by other freshman Republican colleagues throughout the next 60 minutes. We look forward to this opportunity to cover these subjects with you this evening.

We began our freshman year by approving a $350 billion TARP extension without accounting for the first half of the TARP.

We then moved into $787 billion stimulus package; $1.1 trillion, if you include interest. And STEVE AUSTRIA, our colleague, will be discussing this evening how that and other bills were shaped by the fact that they were done without the kind of transparency that we expected to see when we came here and which our new President campaigned on.

We then moved into bills that would take over the financial services industry, the automobile industry, the student loan industry, that created the largest tax increase in history by way of an enormous $410 billion addition to the $1.1 trillion bill that also taxed every single American that contributed a tax on every single American that consumes energy. And we passed, about a month ago in this House, a health care bill that created an additional roughly trillion dollars in obligations for this Nation and we want to talk about this fiscal picture this evening.

Before we do, I want to yield to my colleague, MR. AUSTRIA, to discuss the issues of transparency and the issues of the speed in which some of that comprehensive and complicated, lengthy legislation was brought to the floor.

MR. AUSTRIA.

MR. AUSTRIA. I thank the Congresswoman from Wyoming for her hard work here in Congress and for putting this freshman Special Order together this evening. I think it’s a great opportunity for us, as new Members of Congress, to be able to give our points of view as to coming to Congress, as to what we’re seeing and how we think we can do better in the future. I thank you for putting that together.

As our class president, I think you would agree with me that we have a lot of talent that came in with this freshman class on both sides of the aisle. And I think most of us would probably say it’s been very challenging, to say the least, our freshman year, sometimes very frustrating, but we’re all committed to working very hard to represent our constituents, and that means listening to our constituents and understanding what they’re talking about.

And I think this week marks a defining moment for this Congress and our Nation. You know as we, as freshmen, finish our first year in Congress, our national debt continues to grow. It’s now over $22 trillion as government encroach on every aspect of our life. And I fear that this administration and this Congress is committed to creating this outrageous spending and running up debt, that we’re reaching a point of no return, and it will take another piece of our liberty with it.

I served 10 years in the State legislature in Ohio, but I continued to Congress, and in Ohio, we were forced to balance our budget. That meant tough decisions sometimes. We were willing to make those tough decisions. And those 10 years in the State legislature, I think, were a good learning experience and a training ground for Congress, but I don’t think anything could have prepared us for what we’ve seen these first 12 months in Congress. If you think back to when we were sworn in, and when the President came in after his first press conference of the new Executive, President Obama stated, my administration is committed to creating an unprecedented level of openness in government.

In November, Speaker PELOSI pledged to lead the most honest and most open Congress in history. Yet, what we’ve seen in our first year is that, time and time again this congressional leadership has rammed through costly bills, without any devastating consequences for America’s small businesses and working families that no Member of Congress, in many cases, has had an opportunity to even read, and I think that’s outrageous as a freshman in Congress.

If we put things in perspective, the first 4 or 5 months in Congress, we were faced with voting on the second half of the bailouts, the TARP bill, the $700 billion for the financial markets. We were asked to vote on a $400 billion omnibus bill that contained $400 ear marks. We were asked to vote on a stimulus bill, a 1,073-page, nearly trillion dollar stimulus bill that was posted online at 10 p.m. the night before it came up for a vote and that not one Member of Congress had an opportunity to read before we voted on that, and I think that’s unacceptable and outrageous. We should have an opportunity to read the bill before we vote on it. And that bill, as we found out, contained a tremendous amount of misdirection of government spending, expansion of government. It wasn’t targeted on helping small business create jobs, small businesses that can sustain those jobs over the long run.

Then we moved into the month of June and we took up an energy policy known as the climate change bill or cap-and-trade bill. What we saw was at the very end, a 300-page amendment that was tacked on to a 1,200-page bill, which turned out to be a national energy command. It all happened at 3 a.m. in the morning that came up for a vote that, again, the Members of Congress didn’t have an opportunity to read that amendment and fully understand what was in that bill before we voted on it. That’s unacceptable, in my opinion. It was a bill that’s not good for Midwest States like Ohio, that I represent, that have a lot of manufacturing in Ohio, and nearly 90 percent of our energy comes from coal.

This bill, in my opinion, is going to cause unemployment and raise the cost of energy for Ohioans and Americans across this country. And during a time when we’re going through a difficult economic time, that’s unacceptable.

This freshman class then came together, as you know, as the Congresswoman from Wyoming, as you know, because you participated in this, Congresswoman LUMMIS, and that was we had a press conference. We were upset about not having the opportunity to read this bill. And as a freshman class, we came before the national press, and we expressed our concerns about having an opportunity to read the bill before we vote on it and the importance of transparency. And the importance of being able to let the American people know what we’re voting on here in Congress.

What we saw shortly after that—and what we saw a number of times—was Congress the day before or a couple of days before we voted on the health care reform bill. What we saw, what was rolled out shortly after that press conference, was a 2,000-page health care reform bill that we spent days setting up a reading room to try to read through and understand what was in that bill and trying to get that message out to the American public. And what we found was it was a huge spending bill again, a $1 trillion health care reform bill that would raise premiums for many Americans to pay for that, would increase taxes by over $700 billion. Most of that burden is being put on small businesses to pay for the health care reform bill, when we should have been focusing on lowering costs, making it more accessible, or more accessible to families and maintaining that doctor/patient relationship. So we can do better.

And what has all this led to? It’s led to a tremendous amount of debt. You know, we’re now borrowing 50 cents on every dollar that we spend. And I have three teenage boys at home, and I didn’t come to Congress to run up these types of debts. And what we are focusing on is figuring out our Nation’s debt and placing an astronomical amount of debt and burden on the backs of our children and our grandchildren, and that’s unacceptable. And what we’re seeing as a result of this tremendous amount of spending, this runaway spending, this increase amount of debt, is we’re seeing unemployment now reach the highest it’s been in recent decades at over 10 percent, and that’s unacceptable.

It’s time that this administration and this Congress understand that government spending alone is not going to turn this economy around. We need to be helping our small business. We need...
to stop government spending. We need to stop increasing our debt, and we need to be focused on helping those that create jobs across this country, the economic engine across this country, and that is our small businesses. We have to invest in job creation.

I think as a freshman class, you know, we meet on a regular basis, and one of the things that we’ve talked about is how we believe that Americans, that we in Congress should allow Americans, allow small businesses, the taxpayers’ money back to them, give them an opportunity to spend it to invest it back in the economy and be able to create jobs and sustain jobs, but unfortunately, that’s happening here is we’ve got it backwards.

Congress is taking the American people’s tax dollars, and government thinks that it knows how to spend those dollars better than the American people, and they’ve got it backwards. And that’s what’s happening is that this leadership in Congress is brokering deals behind closed doors or not listening to the American people and their constituents. And that message is very clear to me, and that is that more government is not the answer.

And with that, I will yield back to the Congresswoman from Wyoming. And again, I thank you for having this Special Order tonight with our freshman colleagues.

Mrs. LUMMIS. I thank the gentleman from Ohio.

And the consequence of what the gentleman from Ohio pointed out is illustrated in this chart. Here is the Federal budget deficit when we began as Members of Congress. The budget when we came in had a $459 billion deficit, or just under half-a-trillion-dollar deficit. But since we’ve been here, this amount of roughly half a trillion has been increased by almost a trillion, 950 billion in increases from 2008, for a total of over $1.4 trillion in deficits. Now, how did we get there?

Three hundred twenty billion dollars of that, roughly, is from lower tax receipts due to the recession. That’s the roughly 27 million Americans who are either unemployed or underemployed, and they’re paying less in taxes, as are businesses and as are our families. So we’re experiencing lower tax receipts because of our recession.

In addition, the stimulus bill has added $200 billion to our deficit for this year alone, half in spending and half in lower taxes.

Then, an additional $154 billion for bailouts for financial institutions and the auto industry; $91 billion in bailouts for Fannie Mae and Freddie Mac. Those, of course, are the GMAs that do housing programs.

Seventy-three million dollars in unemployment benefits, again, associated with this loss in tax revenue due to the fact that so many Americans are unemployed and the fact that the stimulus dollars that we spent were not adequately weighted towards infrastructure construction like was the bill that Mr. AUSTIN and Mr. LANCE and I cosponsored at the beginning of this year.

And then $112 billion in other accumulated bills throughout the course of this year has gotten us to this point, $1.4 trillion in deficit.

Now I’d like to yield to the gentle- man from New Jersey (Mr. LANCE) to talk more about what are the consequences of all this debt.

Mr. LANCE. Thank you very much, Congresswoman LUMMIS, for your leadership. And certainly, it is a pleasure to be associated with this Special Order. And I commend you for your knowledge about what is occurring here in Washington. It’s also a pleasure, always, to see our distinguished freshman colleague, Congresswoman DAHLKEMPER in the chair. Madam Speaker, I rise today to draw this body’s attention to the ever increasing national debt. In the next day or so, we’re going to be asked to vote to raise our Nation’s statutory debt limit.

Back in April, the Democratic major- ity voted to raise the debt ceiling here in the House by $800 billion, and that would increase it to $13.29 trillion. That bill is still pending in the Senate. Now we are being told that due to the pace of spending of the administration and the congressional majority, an $800 billion increase in the debt will not be enough to get us through this fiscal year. We’ve been told that we will ultimately need to raise the debt limit by nearly $2 trillion, and that will be a total debt ceiling of roughly $14 trillion.

Some blame the previous administra- tion and the previous majority for our current fiscal situation. The fact is that the $2 trillion increase needed for next year is roughly equal to the total budget deficit of 2001 to 2008. It is also true that prior to the onset of the economic crisis, the budget deficit had been decreasing for the previous 3 fiscal years, reaching a low of $160 billion in 2007.

In 2008 then saw a dramatic increase in the deficit as we started dealing with the fiscal crisis, and we hit a $454.8 billion deficit in 2008. Unfortunately, the deficit for fiscal year 2009, which ended on September 30, nearly quadrupled to $2.47 trillion under the stimulus plan, as Congresswoman LUMMIS has explained, and spending in the stimulus bill and other aspects of spending this year. Now we are being told that for 2010, we must go another $2 trillion in deficit.

I implore our colleagues to stand with us in insisting that we get this spending under control and do so now. The pace of irresponsible spending is not only unsustainable; it is dangerous to the long-term viability of our economy and, indeed, it is a matter of na- tional security. This Congress must impose some kind of restriction on spending, and I will not be supporting any increase in our statutory debt limit unless it is directly attached to implementation of a bipartisan com- mission tasked with advising Congress on how to get its spending under control as quickly as possible.

I remain disappointed to hear that a $2 trillion increase may be attached to a bill to fund the military, including funding for our brave men and women currently serving in combat in Iraq and Afghanistan. We all wholeheartedly support our military and believe it should be provided the funding it needs. The attempt to use the military as a political tool to pass a potentially massive increase in our debt limit is terrible public policy. There should be an up-or-down vote on raising our debt ceiling.

As a matter of history, Madam Speaker, in this decade, in 2001 there was a budget surplus of $128 billion; in 2002 the deficit for that year was $157 billion, the next year $777; in the next year $112; the year after that $318; the year after that $248; the year after that $160; and the year after that $454 for a total for the 8 prior years, from 2001 to 2008, of $2 trillion. That is 8 years. I am against doing that. That is a great deal of money.

This year, however, in the fiscal year that ended on September 30, we had a 1-year deficit of $1.47 trillion. That’s $2 trillion over the 8 years between 2001 and 2008. That’s a $2 trillion increase in the debt limit that ended this September 30, roughly $1.5 trillion. And that will be replicated again this year in the fiscal year in which we now find ourselves. Mrs. LUMMIS. Will the gentleman yield briefly?

Mr. LANCE. Certainly.

Mrs. LUMMIS. And the consequence of what you’re just saying, which is so critical to this discussion, is the chart that appears here. The interest pay- ments on that debt create a check- mark. In other words, this is 2008, the beginning of this chart. And we were seeing a bit of a decline in the interest de- fault, that we were paying our interest payments first before we paid for any- thing else. But here we are, today, right here, the end of 2009, and from here on, because of that accumulated $2 trillion that you discussed over the earlier part of this decade, and then, the additional $1.4 tril- lion of this year alone, boy, those interest payments just take right off. And it creates this checkmark effect to the point that at the end of this chart, 2019, U.S. net interest payments over $800 billion.

My gosh, that is as much as the stimu- ulus bill that we passed at the begin- ning of this year.

Mr. LANCE. Thank you, Congresswoman LUMMIS. Madam Speaker, Congresswoman LUMMIS has pointed out what we are going to face over the course of this decade. And we have to pay our interest payments first before we feed any hungry children, before we pay our mortgage and our rent, to get our buildings up, to get our roads built, and for housing for those who need housing and jobs for those who need jobs. Before we even fund the military we have
to fund our debt. It crowds out other needed spending. It also makes it much more difficult for there to be borrowing in the private sector, raising interest rates in the private sector to get this economy moving again.

If it is not actually a matter of national security, because who is purchasing our debt? It is being purchased by foreign nations, by China, by Saudi Arabia and by other nations across the globe. And ultimately, he who pays the piper, calls the tune. And this is a matter of national security. And ultimately the American people will recognize now what Congress has not yet recognized, and that is we have to get our Federal spending under control.

No one in Congress thinks that we can balance the budget this year. However, we need a glide path toward a balanced budget. And instead, we have a rocket in the other direction with ever-rising levels of annual deficits.

The Congressional Budget Office predicts that by the end of this next decade, our total debt may approach $20 trillion. That is simply unacceptable. It places an undue burden on the next generation. For the first time in the history of this country, there is an open question whether the next generation will have a higher quality of life than this generation. The promise of America has always been that each generation works as hard as possible to make sure that our children will have a higher quality of life. Whether or not we will have a second American Century here in the 21st century the way the 20th century was an American Century is now in question based upon this fundamental issue that confronts all of us in Congress, and that is the issue of out-of-control Federal spending and a massive debt that is increasing enormously.

Let me state, Madam Speaker, that in the 1990s, with a Democratic President, President Clinton, and a Republican Congress, we did a better job. In 1997, the annual deficit that year was $21 billion. The next year, there was a surplus of $69 billion, the next year a surplus of $125 billion, the next year a surplus of $236 billion, that’s in year 2000, the last year of the Clinton Presidency, and in the first year of the Presidency of George W. Bush, a surplus of $128 billion.

I want to give credit to President Clinton. And I want to give credit to the Republican Congress then in power. And I think that it is a responsibility of the Presidency and the Congress working together. In the 8 years of the Bush Presidency, 6 years with Republican control of the House and Senate, there was a combined debt in those 8 years, let me repeat, of $2 trillion, and in this last year, the fiscal year that ended on September 30, we had in that 1 year a deficit of over $1.5 trillion. And this year, we’re going to have a massive increase. Why? I believe it’s because the White House to get serious on this issue of annual Federal deficits and the overall Federal debt.

We, the Republican freshmen, want to do our part. We came here to reform the system. We want to reform the system in a bipartisan way. And Congressman LUMMIS is taking the lead for the freshman class on this, in my judgment, the most important issue confronting the Nation, as important as reforming the health care system, as important as the burden that we share with others around the world, including the brave young men and women who fight in Afghanistan and Yemen. This debt issue, is a matter of national security as well as a matter of economic prosperity.

I yield back to the congresswoman. Mrs. LUMMIS. I applaud the gentleman from New Jersey for his view that we need to have tied to an increase in the national debt a mechanism that will begin to address this problem. One of the mechanisms is one that you mentioned that you support, and that would be legislation that I will be introducing to begin to control our debt. I will advise us on this structural deficit. And this chart illustrates why this structural deficit is so much worse than it has ever been.

One of the points on this chart you brought up your discussion, and that was a point right here, this is the years when we had the Clinton Presidency and a Republican Congress, and you saw tax revenues increasing over expenditures as a percentage of gross domestic product. As you can see on the very surpluses that you discussed. But what’s really interesting about this chart is the fact that it runs from the 1970s, actually from the year 1969 to 2009, so it’s a 40-year chart that compares spending to gross domestic product, taxes to gross domestic product, and then the deficit to gross domestic product. And the amazing thing is that when you look at gross domestic product, that is, the value of everything we produce in this country that is, as your constant, so we’re comparing that over 40 years to the way that Congress has spent money, the way that Congress has taken in taxes, and then to the deficit, what you see is remarkable stability, remarkable stability for 40 years. It has always hovered around a little over 20 percent of gross domestic product in terms of spending, and around 18 percent in terms of taxes.

So there has been a structural deficit for all of our 40 years, and 4 percent, meaning for about 40 years we’ve taken in a little bit less in taxes than we’ve spent. And so it has created some deficits over time. But even the deficits have hovered within that average of about 2.4 percent. The average then is this dotted line I drew here, remarkably stable over 40 years.

Now, look at what is happening in the future. These are projections. The sources are the Congressional Budget Office and the Office of Management and Budget. You’re talking about the government agencies that are projecting this. Here is the line for where we begin the next decade starting in January. Spending and taxes separate dramatically. As you can see, the year 2009, which is illustrated by this tremendous separation right here, this is where we are now, and the reason we’ve taken in less taxes is because of the recession. But the reason that we’ve spent so much are all the bills that we discussed from the beginning of this hour. It has just become completely out of the realm of anything we’ve ever seen in the last 40 years.

And it creates a structural deficit, meaning a very, very wide gap going forward between taxes and spending. This gap is projected by CBO to be between 5 and 6 percent. That’s more than twice of what it has ever been over the last 40 years. And it goes on and on from there. And so you can see this projected deficit in the decade coming forward, down here, is an enormous gap over what it has been. That is what you were talking about when you said, will we give our children a better country than we received? And there is a real question about that now. And that is why we have to address it.

I know you’re on a committee where Federal Reserve Chairman Ben Bernanke has come, as am I, and said, you got to come up to deal with this problem, this specific problem, the structural deficit. This is the structural deficit. And it is caused by the mismatch between taxes and spending. And while we as partisans get under each other’s skin by saying, the Republicans, you have spent too much; and the Democrats saying, Republicans, you gave tax cuts at a time when we were at war. Well, we’re both right. And now here we are. I yield back.

Mr. LANCE. Thank you, Congresswoman.

Madam Speaker, the fact that for a generation, spending has been at roughly 20 percent of gross domestic product for 40 years is not noteworthy. And the chart that Congresswoman LUMMIS has is extremely informative and revealing. However, we are entering a new era where as a percentage of gross domestic product, governmental spending is rising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is rising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is raising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is raising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is raising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is raising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is raising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is raising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product, governmental spending is raising dramatically to 25 percent.
We are joined by the gentleman from Colorado, who is on the Small Business Committee. And small businesses in our communities are really hurting, as are community banks.

Among the things that we have talked to the Federal Reserve Chairman is the issue of how community banks sometimes have loans that are performing, that every year the borrower is making the payments, principal and interest. But when bank regulators come in and look at those loans, they look at the asset that is backing that borrower might be a little shaky, so they might require the banks to write down that loan even though it’s performing. I know that the Federal Reserve Chairman says that should not be happening if the regulator is the Federal Reserve because they’ve instructed their regulators not to do that, but we also know there are multiple regulators, including the Department of the Treasury, the Comptroller of the Currency, and some of these regulators are still requiring that these loans be written down. That is a tremendous disservice to our community banks and to their borrowers whose loans are performing.

I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Well, thank you, Congresswoman LUMMIS.

That certainly is the case. I think that smaller banks in the United States are paying the sin of the three of them.

The Comptroller of the Currency has just come down on these banks and has mandated a 20 percent increase in their capital requirements, and that forced them, as well, to pull back on lending. And so credit is really the lifeblood of small business, and small business is the economic engine in terms of jobs for this country.

Small businesses in my district and districts across this country are hard hit in terms of their ability to get extensions on their credit lines and their ability to fund capital purchases. All of these things have led to downward pressure in terms of their ability to be that employer, that engine that drives this economy.

Mrs. LUMMIS. Indeed, we are finding that there are changes in our economy that are going to exacerbate some of the problems that we have discussed. Here is a point that I want to point out that some of the things that I am discussing tonight have been influenced by an article that I read in the National Journal by John Maggs, whom I commend to your attention. The date was Saturday, November 7, 2009, National Journal. The name of the article, 'The Debt Problem is Worse Than You Think,’ not a very uplifting title, but I think very reflective of the problems that we are in and that we, on a bipartisan basis, need to begin to address after the first of the year.

This chart I found to be tremendously interesting. The source, again, is the Congressional Budget Office. Look at how, in the 1970s, which are represented by this quadrant of the chart, then followed by the eighties, nineties, and this first decade of the 21st century, look how much defense accounted for as a percentage of the GDP. The Vietnam War, or, I guess, 1969, probably about the height of the Vietnam War. A tremendous amount was spent on defense and very little on medical care for the indigent and the elderly as a percentage of our Federal budget; social spending, in fact, non-defense discretionary funding—which is, of course, what we spend most of our time talking about here in Congress—have been remarkably stable over that time.

Defense has dropped dramatically over time. Here you see the decade that then caused the buildup into the end of the Cold War. And then you see a declining, the ‘peace dividend’ as we called it, during the 1990s, which allowed Congress and the President to fund capital purchases. All of these approaches retirement and Medicare, that number is just going to go up and up. So unless we address Medicare in particular as part of this commission that you mentioned, we are not going to get there.

I yield to the gentleman from New Jersey.

Mr. LANCE. Thank you very much for yielding, Congresswoman LUMMIS. But what you are seeing is the amount in which Medicare and Medicaid have risen as a portion of our Federal spending and increasing. This is an ever-increasing line, the red line, because of people like the three of us in this country who are aging. And as this massive generation approaches retirement and Medicare, that number is just going to go up and up. So unless we address Medicare in particular as part of this commission that you mentioned, we are not going to get there.
Mr. COFFMAN of Colorado. Yes.

Mrs. LUMMIS. Is it true that the health care bill that passed the House of Representatives a few weeks ago accumulated about 10 years of taxes and fees to pay for 7 years of benefits? And I yield back.

Mr. COFFMAN of Colorado. Yes.

Mrs. LUMMIS. Mr. COFFMAN of Colorado. Yes.

Mrs. LUMMIS. Are you saying that, then, 10 years of taxes are going to begin right away under the House health care bill and the benefits are not going to begin to be paid out until year 2013?

Mr. COFFMAN of Colorado. That’s correct.

Mrs. LUMMIS. And so what happens at the end of 10 years?

Mr. COFFMAN of Colorado. Well, as in all, it seems, programs that Congress starts, unfortunately, historically they’ve been financially disingenuous, because at that point in time, clearly we are moving forward into a deficit situation.

Mr. COFFMAN of Colorado. Welcome to government accounting, and I think that that’s unfortunate.

I would tell you that the American people would grow to understand this particular issue and ought to express their concern to their Members of Congress, because we already have deficits and debts that are out of control, and I believe that can very well choke off the ability for this economy to ever recover because of interest rates and inflation that are derived from deficits, prolonged deficit spending. This is merely going to exacerbate the problem.

Mr. LANCE. This has the potential of bringing about generational conflict, because we rely on the working generation to fund programs through the taxes that they pay, not only the income tax, but also payroll taxes such as Social Security and Medicare. If the next generation, beginning in the workforce, is going to shoulder this tremendous burden regarding our debt, and, in addition, shoulder a tremendous burden regarding Social Security and Medicare and Medicaid, there is the potential of generational conflict.

It is incumbent upon those of us who serve here to make sure that that generational conflict does not occur. It is the height of irresponsibility and, might I suggest, it is, indeed, immoral to put on the back of the generation this ever-increasing Federal debt. This is new in its percentage.

As you have rightly pointed out over the course of the last generation, spending has been at roughly 20 percent of GDP. It has expanded greatly, and the chart indicates, to 25 percent, and some have indicated—some economists have made it, increased it to 30 percent of GDP. That is a dramatic and unprecedented expansion.

The yearly deficit for the fiscal year that just ended on September 30 was the most amount of money, as a yearly deficit, as a percentage of GDP, since 1945 at the very end of World War II, and we were Fighters for our existence and, obviously, during World War II, the most extensive war in the history of the human condition. We were in a situation where we had to have deficit spending.

But the fiscal year that ended on September 30, 2009, had the highest annual deficit as a percentage of GDP since 1945. Let me repeat: That I believe that in this new fiscal year that runs from October 1, 2009, until September 30, 2010, we are likely to have an annual deficit that approaches the $1.5 trillion annual deficit of last year. This is simply unacceptable. Before we raise the debt ceiling, as the majority intends to do in the next week, we should have a fundamental discussion about where we are headed. We certainly should have an up-or-down vote in this regard.

I have written the Speaker of the House for an up-or-down vote. I am joined by freshman Republican colleagues in this request and, instead, we are likely to have a vote that is part of a larger appropriations act for the Defense Department.
Mr. COFFMAN of Colorado. Congresswoman LUMMIS, you and I were both State treasurers; you from the State of Wyoming, myself from the State of Colorado.

One thing that we had, I am sure that you had in the State of Wyoming, was a balanced budget requirement that every year we had to balance the budget. It created a sense of fiscal discipline where you had to make tough decisions in terms of tradeoffs. You simply couldn't spend everything and drive your State into deficits and further into debt.

What is absolutely essential to have in the Congress of the United States is a balanced budget requirement where the tradeoffs have to be made, where hard decisions have to be made, where there has to be a reference point that at the end of the day, revenues have to equal expenditures. Without that, I really believe that we as a country, as a country, I think, for the first time in my life, when we look at these deficits, when you look at the debt, when we think about the future of the country, I know that Democrats have pointed to Republican Congress and the Republican administration as part of it which has morphed into an economic crisis. We do not want that leadership to pass to some other place on Earth, to China, to India or to some other country as a result of these massive Federal deficits year in and year out and an overall Federal deficit now of $12 trillion, rising, because Congress, the bipartisan Congressional Budget Office analysis, to $20 trillion in the course of the next 10 years or so.

Mrs. LUMMIS. The alarm you expressed is shared by others. I would like to quote one sentence from this article to which I referred earlier by John Maggs in the National Journal: “The Debt Problem is Worse Than You Think.” for your reaction.

“If simply put, even alarmists may be underestimating the size of the problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.”

Your reaction? Mr. COFFMAN of Colorado. Well, the tragedy that we have seen in my first year here in Congress, as one of your fellow freshmen here, is that it is all about the politics of the moment. It is all about the immediacy of how can we placate the American people through spending and not the consequences of what's going to happen to the next generation.

The only thing is that it's done at a rapid pace right now that it's going to envelop this generation even before it hits the next generation in terms of its adverse effects. I just think it's extraordinary. Again, I believe that the deficits are such, and I think the American people are beginning to understand, that unless Congress can control its spending, that the ability of this economy to ever fully recover, that the consequences of this level of debt, in terms of higher inflation, in terms of higher interest rates, to still raise this economy’s ability to ever fully recover.

In addition, the situation is so bad that internationally the focus is on the United States and the mismanagement of fiscal policy, where you have a country like China; the largest holder of U.S. public debt, foreign holder of U.S. public debt, stating their concern about what America is doing to itself. Mrs. LUMMIS. Are you prepared to say that the Republicans were wrong when they simultaneously passed Medicare Part D, the Bush tax cuts, and tried to sustain that during wartime. Are you prepared to say that?

Mr. COFFMAN of Colorado. They were absolutely wrong. There is no question about it.

Mrs. LUMMIS. Would you like to ask the gentleman from New Jersey, do you agree with that? Do you think we were wrong?

Mr. LANCE. I campaigned last year against the policies, when it was a Republican President and a Republican-controlled Congress that had these deficits. I point out that over the 8 years there was a $2 trillion deficit. That was too large. It's even larger now, and we have to work in a bipartisan fashion to get this under control.

Let me also say that I commend both the Congresswoman from Wyoming and the Congressman from Colorado, both having been State treasurers, because you had constitutions in your State that required a balanced budget. Unfortunately, in New Jersey, we had a system where we have borrowed without voter approval for about 15 years. That was put to an end last November when we changed our State Constitution. My constitutional amendment, the Lance amendment, that prohibits further borrowing in New Jersey without voter approval.

New Jersey is in the equivalent situation of California, and we have not discussed here the fact that there are quite a few States, including California and New Jersey, that have tremendous annual deficits.

Of course, this comes out of the other pocket of these State legislatures and taxpayers are burdened not only here at the Federal level but at the State level as well.

I certainly agree that we have to work in a bipartisan capacity. I also agree with my colleague from Colorado that simply because, in the first decade of this century, the 8 years from 2001 to 2008, there was a deficit of $2 trillion, that does not mean that we should continue on this route and, indeed, accelerate on this route of irresponsible spending. Two wrongs do not make a right.

I agree with my colleague from Colorado. My late mother, when my twin brother and I were children in the little town of Glen Gardner, Hunterdon County, New Jersey we would say other children are doing this. My late mother would say, I don't care what other kids in Glen Gardner do. You are not going to do that.

We have to acknowledge that, what occurred in the past, recognize that there has been overspending. There is overspending now. It has accelerated, a yearly deficit of $1.5 trillion, to be replaced in my judgment. This will mean leadership will pass to China or to some other Nation in the world. And all of the democratic values we share together, freedom of speech, in which I am now engaged, freedom of association together here on the floor of the House of Representatives, freedom of religion and all of the other values we share together, is ultimately based on American leadership. This is another example of leadership to pass to some other place on Earth, to China, to India or to some other country as a result of these massive Federal deficits year in and year out, and an overall Federal deficit now of $12 trillion, rising. The Lance amendment in New Jersey will help right the ship in New Jersey. We compliment you for that work.

We are now about to begin to summarize. I would ask the gentleman from Colorado to summarize this evening's discussion.

Mr. COFFMAN of Colorado. As freshmen we went to an orientation where part of it was on the financial crisis we were in, and how much this was an economic crisis. And we had economists from all political stripes brief us. They said, You know, that it was right to do a stimulus, it was right to deficit spend, but it had to be very temporary. It had to be done with 2010 being the deficit was expected to improve and you didn't want public-sector borrowing colliding with a greater demand for private sector-borrowing.

It also said that it also needed to be timely and that it needed to be fast-acting. Unfortunately, it hasn't been. Also it needed to be targeted, and they differed about what being targeted was. But it was interesting, the fact that they all felt you had to start controlling the deficit before 2010 or you were going to have dramatic effects on the ability of the economy to fully recover.

It seems that when we look at this $700 billion stimulus bill, more money, I think, will be spent in 2011 than has been spent this year. It hasn't been fast-acting. It certainly isn't temporary, and it goes on, and I would argue that it is not targeted, although the economists differed on what was targeted.

One thing they did say: They questioned if you went to the bureaucracy,
So, though the actions that we’ve taken already, the American Recovery and Reinvestment Act, have been helpful to many, and, in fact, the CBO has estimated, actually found that it has already created or retained 600,000 to 800,000 new jobs. The unemployment rate that is staggering at 10 percent and nearly 16 million Americans out of work. So, far too many Americans across the country are without a job and far too many are facing the uncertain future that we’re bringing. Forty percent of those who are unemployed have been jobless for at least half a year.

So we know, Representative Tonko and I, that we have to put people back to work, and it is not a simple task but it is an ongoing task. In fact, I’d say it’s a mission because, you know, I have heard it said that we’re in a jobless recovery. How is that, Mr. Tonko? Mr. TONKO. Yes, I have. And that certainly doesn’t cut it with the American public, with middle class working families across the country. It simply does not cut it.

But, Representative Sutton, I do want to commend you for the leadership as co-Chair of our task force on job creation. And I found your introductory comments to inspire a lot of thought. Let’s really look at how this started.

We went from a record surplus under the Clinton administration to a record deficit. Had we stayed the course, the deficit reduction plan of President Clinton would have been completed. It would have completed its mission this year. We haven’t seen deficit wipeout except for one Presidency, that of Andrew Jackson. So this could have been an historic year if we had stayed the course, before the recession, before the Bush recession began, the Republican recession began, the reality of what we had an economy that wasn’t working for many Americans already before it went off the cliff.

As we move forward, we have to make sure that we secure an economy that will work for and with ordinary Americans, because we may recall that before the Bush recession began, the Republican recession began, the recession 2001-2002, that was a recession that required us to create those jobs, to funnel the resources to those jobs so as to revitalize our economy.

But it wasn’t just an economic deficit that was created; it was this crisis that was destroying our competitive edge for our businesses so that we can win and retain and grow jobs.

Ms. SUTTON. Ms. SUTTON. Representative Tonko, I know this is your first term, but it’s hard to believe. I have to tell you, we are very inspired to have you here, and you didn’t arrive a moment too soon.

The point that you make about the deficit, turning the surplus that was established under President Clinton into such an extraordinary deficit under the last administration is a point that is a reality and, unfortunately, is one that we have to deal with; right? Because, you know, fighting wars that we’re not paid for and, as you point out, a lot of those costs done offline that weren’t budgeted for.

But it wasn’t just an economic deficit that was created; it was this crisis that was destroying our competitive edge for our businesses so that we can win and retain and grow jobs.

Mr. TONKO. Right. Some were shipped off to a foreign economy. Others simply evaporated. And we saw in record numbers the losses that were out there because they simply could not compete and stay effective.

I meet people every day in my district and I represent a capital region in New York State so that we have the benefit, the buffer, of public sector jobs. But our unemployment numbers are hanging near in excess of 9 percent. This is unacceptable. We need to do more, we need to do better, and we applaud the efforts to date to make that surplus and apply it as a downpayment. But that’s as it’s seen, as a downpayment. There are many more installments to come in order for us to build hope in the lives of people, and that’s what it’s about.

You hear it. We’ve talked about it. I hear it in my district. The fear with
which people speak, the uncertainty of their tomorrow, the need for us to provide jobs for the youngest in society who are being released from higher ed who are in search of employment. Those who have been chronically unemployed, as you point out, before this recession hit and as it hit, chronic unemployment in many of our neighborhoods. All of this has to be taken into a full-picture view and create those situations that allow us to be competitive.

For instance, in the energy-related areas, we can grow jobs of the green collar variety. We can reduce demand for energy in this country. We’re the most prolifically locally through embracing the use of our energy supplies. We send hundreds of billions of dollars into the treasuries of unfriendly nations, those who inspire terrorist activities in our country and around the world. We’re sending billions of dollars there. And do you think we could move forward with an energy security agenda, growing our energy independence, providing for energy audits, creating energy management teams that can go into neighborhoods, allowing jobs for those who have been chronically unemployed or those recently unemployed, training, retraining programs through our community colleges to advance those energy audits and then to do the implementation of the audits as they’re developed? These are great jobs that reduce our demand of energy through an energy efficiency program, allow us to create American jobs as we generate our supply locally through embracing our intellectual capacity as a Nation, inspiring investments in R&D, research and development, and that will also deploy these ideas that are coming from public and private sector R&D centers, put them into working capacity for our Nation’s people.

It’s the cleverness. It’s standing back and having a heart and a soul for our working families. And you know we can do it. You know that we have the capacity. We have the legislative voice. We have the two bodies of the Capitol here in Congress, in working with the White House. We can make it happen, and the will must be there because we have the way and the means to make it happen.

Ms. SUTTON. Well, Representative Tonko, you put it well, and I know that you speak for your constituents and so many people out there in America who are feeling what we’re speaking to and about it as we sit absolutely right here. They know that they cannot wait any longer, that we can’t have inaction because inaction is far too expensive. It’s far too expensive in not only lost wages, in, of course, being held hostage to foreign oil that are unfriendly to us in the area of energy.

We need to pass measures, some of which we already know are tried and true and are necessary. We need to invest in things like our infrastructure, because there are things like our infrastructure that puts people to work right away and also is accomplishing the creation of real value.

You know, one of the things that was pointed out by you and is such an important fact about how we got to this level of a jobs deficit in this country was the loss of manufacturing and the loss of this country’s investment in creating real value, and, instead, so much of our society, Wall Street took hold of the opportunity, with very little hindrance on greed being the operative way of proceeding, and as a result, they ran rampant, creating pretense value, trading and pretend value. For example, bad trade policies and this reckless way on Wall Street, the lack of attention to manufacturing and its importance to the strength of our Nation and, in fact, the national security of our Nation, Ohio, since 2001, lost hundreds of thousands of jobs. That was long before the recession began.

So we know that there are certain things that will help us, and, of course, the job creation task force supports this idea, too, to build and strengthen our Nation’s crumbling infrastructure. And I’m inspired by your words about the innovative spirit and all the potential that exists in this Nation. Well, some of that potential needs to be applied to our legislation, because while some of the ways that we have pursued things in the past are tried and true and we need to move forward in those veins that work, we also need to think creatively.

You talked about the environment. Representative Tonko, you’re well aware that I was the sponsor of the CARS Act, which became known, affectionately, I hope, as the Cash for Clunkers bill. But the thing about Cash for Clunkers was it shot down the old paradigm that it’s either about jobs or the environment. It was about jobs and the environment. And we shored up the jobs in the auto and related industries that people across this country depend upon for their livelihood and the rami-fications, taking people off of unemployment, giving them the dignity and the opportunity to work a job, and at the same time achieving improved environmental integrity and helping consumers to get something that they need during these difficult economic times, and it went right to them.

So it matters where you aim. No more just aiming at Wall Street, because we can’t have a jobless recovery. There’s no such thing. In my view, is there, Mr. Tonko, as a jobless recovery that’s meaningful?

Mr. TONKO. Not at all, Representative Sutton.

Ms. SUTTON. Again, I applaud your efforts with Cash for Clunkers. You were a leader in making that happen. And you talk about the merit that that brought, but let’s talk about the ripple effects that it inspired. Dropping that pebble into the pond and having those ripple effects. And tech minds can create efficient braking systems and efficient cars that can be utilized in the rail transportation corridors. All of that inspires progress, and it allows us to take some of the brightest minds who can help us with the intellect and with the discovery that we need to do to involve a full spectrum of employment—from trades individuals over to the Ph.D.’s. So we cover the full spectrum of jobs out there, and we provide, again, hope for American families.

You know, I think it is important also for us to look at the measures that we can inspire and encourage that find us working with the deployment of these wonderful innovative and ingenious measures that are used now by other nations.

Recently, the SEEC Coalition in Congress, of which I’m a founding member—and it’s a brand new vehicle this year, the Sustainable Energy and Environment Coalition—has been bringing together stakeholders and what a recent former Energy Minister of Denmark in to speak to the group to talk about the innovation that Denmark was doing with its economy on energy-related matters. Afterwards, I spoke to him. And, Speaker, wonder, what he said to me was so telling.

I asked him, What was the inspiration? Where did you reach to get these...
ideas that transformed the energy outcomes for Denmark?

He smiled broadly and said, Many of them are American patents.

We have not provided for that funding mechanism to take the whiz-kid ideas and spin them into the R&D centers—both public and private and at academia. We have not provided the funding to deploy those into manufacturing or into retail use so that we can get the return on investment that was made. The Angel Network, the venture capitalists—that “valley of death” as it is labeled—needs to be addressed. If we do that, we are providing more jobs, not just in R&D, but by inducing wiser manufacturing operations.

You know, you talked about manufacturing and the heyday of which we all know of the manufacturing that was here. I represent a series of mill towns, which is a necklace of communities along the course of the Erie Canal and the Mohawk River. They were the epicenters of invention and those mill towns. Today, those mill towns have gone rusty, but we can save manufacturing in America if we do it smarter. We don’t have to do it cheaper. We need to do it smarter.

With the emergence of nanoscience in this country, there is a nanoscience center in the capital region of New York, which I represent, that just 2 days ago introduced an investment that will allow them to provide for precision characterization and inspection of product line development and manufacturing. This will take us a long way to being the best and the smartest, and that’s the sort of investment that American workers deserve. America’s families can be the hope that brought into the fabric of their families simply by the wisdom that can be inspired with sound public policy here and by the investment of resources that can make things happen.

Mr. SUTTON. That’s exactly right, Representative TONKO.

As you point out, these initiatives have massive effects for the good of the whole. You get the benefit of the R&D jobs, and you get the benefit of all of the spinoff manufacturing. I mean, that is what built this country. That is what built this middle class that we aspire to.

I’m the youngest of six kids from a working class family. My dad worked in a boilermaker factory his whole life. Somewhere, from those roots, in this great country, I was able to come to the House of Representatives of the United States. I take that responsibility so seriously because I know it’s an unlikely story. It’s an unlikely story. It is something that does not born to wealth and privilege can sometimes come, in this great country, to a place like this to be a voice for people out there who only want a chance to do a hard day’s work for a fair wage. We’ve gotten away from that in this Nation.

As to manufacturing, though, we might not make all of the things we used to make, but we will make other new things. We used to make steel to build the windmills, but right now, we’re not using steel or our ingenuity, but there are so many out there in the United States with the capacity to do it and the desire to do it. They’re just looking for a government that will take them on. That’s what we’re talking about—finding ways to work with them to accomplish these goals, to create the opportunity and to build the potential of this country that we all know that it has and that it shall always have.

So it is really a pleasure in the sense that the challenges are hard but that the potential is greater. The potential that we have before us outweighs the difficulties that we face, and we have to make the right case. That is our job here in Congress.

So I am glad to be down here tonight to talk about these issues with you because, among all of the highest of high priorities, in my view right now, as a member of the House, is the issue of people whom I represent, it’s jobs, jobs, and jobs.

Mr. TONKO. Well, Representative SUTTON, anyone who knows you picks that up as the mantra. You share that vision of a renewable form of energy in wind turbines that could be established.

You know, we don’t have the luxury to sit around and let this opportunity pass us by. We will have failed generations of Americans if we do not advance a sound agenda for jobs in the energy arena and across the board with all of these aspects and dynamics of job creation. It’s not like someone else isn’t going to take over, because we are now seeing robust activity in India, in China, in Japan, in Germany, and in other centers around the world. So we have no choice. We cannot be lulled into a false sense of security. As if the recession, deep and long as it is and was, isn’t enough and as if the job loss was not enough, we now are challenged by the actions of others who are moving past us.

So, for many, many fair and just reasons—and maybe it’s something we don’t want to acknowledge—we need to move forward aggressively with a sound jobs agenda that will speak to the heart and soul of this Nation: the working families of this country.

Now, when you talk about energy transformation and jobs that can be created, isn’t it ironic that we will hear on this floor debates about whether carbon emission is a reality in our lives, all while these job opportunities are passing us by? Delay here is costly, perhaps into the millions of billions of dollars of displacement. Let’s talk about job emission. Let’s talk about the job loss because, as we go forward, it will be critically valuable if we can put that focus onto this job package as well as the infrastructure.

While we are talking about energy, watersewer systems and water treatment centers, I would also say that, in my former life just before Congress—my former life just before Congress—I was chief legislative counsel to the legislative body of the New York State Assembly—I went over to NYSERDA and led that authority. It is the New York State Energy Research and Development Authority. NYSERDA had many problems it had worked on with the energy-efficient water treatment centers. So here are ways to help local communities. Water is the commodity. They say, in the next 30 years, it will be transportation, water, and energy. We need to invest in that infrastructure. Let’s do it in a state-of-the-art fashion where we are creating energy-efficient water treatment centers. Let’s invest in these centers, and let’s help local governments grow their job opportunities. One of the marketable strategies is not to have an ambulance, but a water treatment center so that you can have these facilities, that infrastructure, in your midst. I think that is so very important.

As you talk about the American Dream that your dad gave you to dream that took you to noble levels, it began with education and higher education. So investing in the human infrastructure of education, investing in green schools and in improved schools at the school infrastructure, all of this needs to be part of our package. We know that leadership is responding to that jobs agenda. We know that, as a task force, there is a lot of homework to do.

You have rolled up your sleeves as co-Chair with Representative HASTINGS. The two of you are leading a discussion and the others that you are part of, working together to do.

I have a story to tell you: go back to my former life as a legislator. I was here before Congress. And after my years of service in the legislature, I was chairman of the water/sewer system. NYSERDA had many problems it had worked on with the energy-efficient water treatment centers. So as the deficit skyrocketed under the administration, people knew what happened. They know what this recession has brought us. They know what this recession has brought us. And we need to move forward aggressively but effectively and intelligently so as to create the package which is the greatest pronouncement of economic recovery that we can imagine.

Representative SUTTON, it is great to work with you. I am inspired because of the sort of intellect that you bring to this discussion, and that we work with many people with whom we have partnered who have it within their hearts and souls and minds to make a difference.

Ms. SUTTON. Well, I am humbled by your words. You are very generous.

I have to say that there are those out there who, on the other side of the aisle—and sometimes we hear about how bad things are and, Oh, my goodness, but we don’t hear solutions. You know, for how long? It doesn’t take a lot to identify the problems. The American people know what this recession has brought us. They know what happened as the deficit skyrocketed under the
And what you will see is that while we saw for many, many years, while here is where our recession hits in a big way. Yes, as the experts, what was happening as we built up to our big recession? Productivity and GDP were going through the roof, and this line down here with this big gap in between these two, this is what household incomes were.

Mr. TONKO. If you will suffer an interruption, if the gentledammy will yield, I think in simple terms what was going on is that, is doing quite well and maybe perhaps re- alizing a bonanza and others were asked to live with what they’ve got and they stayed flat-lined.

Is that perhaps an easy way to place it?

Ms. SUTTON. That’s a very descrip- tive way of explaining what happened. Wall Street was having a party and the American people were in many cases in the position of using credit even to pay for their most basic needs. Then, of course, we know what happened. There were a lot of people in this country who also were subject to ever-escalating fees and all kinds of issues that they faced as those credit issues mounted, or somebody would have got hit with a health issue. Even those with insurance, we know so many were forced into bankruptcy. Why? Because their wages and everything were way down here. As productivity and GDP, somebody was making a lot of money, but it wasn’t going to people.

Mr. TONKO. And whose pocket was it coming out of but the American working families. And so when we think about this, the work that we have to do, you know, somebody approved that. There be no regulator, no watchdog there be no regulator, no watchdog. Somebody approved that. Somebody said, Let’s create a doughnut hole and let people make a record bonanza on the pharma- ceutical needs that our American sen- sors require. Somebody said. Let’s give a tax break to the upper income strata and that will trickle down. Somehow that chart is telling us that was a fairy tale; it was fiction, not truth.

A number of these elements now come to haunt us. So bringing about regulatory reform in the banking in- dustry, in the financial sector, a step done just a few days ago; making cer- tain there was a tax cut for middle-in- come America in the stimulus package, an historic, largest tax cut for middle- class America, part of the stimulus package; making certain that we now start putting down payments onto those issues like our energy infrastruct- ure, which failed miserably in 2003, where didn’t invest in a domestic agenda; ending this off-line, off-bud- geting of a war in Iraq that now is fi- nally brought on-budget, to have truth and honesty in the budget.

All of this hit at once. And then in- vesting in a stimulus to stop the bleed- ing. We had to bring things under con- trol and now talk about the progress that needs to be made, needs to be struck, in not only bringing about jobs but inspiring an innovation economy, those meaningful jobs that will be unique importance made for America’s needs through her own workers and allow us to clean the envi- ronment, respond to a favorable pro- gressive energy agenda and make smarter outcomes, the outcome at our manufacturing centers, and inspire in- vestments in our public safety workers, our firefighters, our police, and bring back a strength in our education proc- esses. We have to hold on to whatever we do for the future workers; our children are our present and our fu- ture.

All of this needs to be brought into one intelligent package, as you lead us, along with Representative HASTINGS, Representative LARSON and the leader- ship of the House under Speaker PELOSI. As we go forward, this will be very important now to create a smart investment out of what was a huge ca- tastrophe where we went again, to re- peat myself, from the largest surplus to the lowest deficit, the greatest def- icit, and where we could have, had it stayed on course, reduced the deficit to zero in this given calendar year. What a tragedy for all of America, and now the task of building a smart response has begun through the task force and through the leadership of the House.

Ms. SUTTON. Representative TONKO has put it very well in identifying that there are many facets to what we have to do to provide the economic oppor- tunities that the American people need and deserve.

What we see here is that even before the recession, they weren’t getting the economic opportunity that they need and they deserve, because their wages were flat, while those at the top were. As I say, reveling in the process and their productivity, the productivity of the American worker.

Mr. TONKO. If I can just ask you to point on the chart what year where we’re starting to see the dip for the average household income for Americans. It’s in the year 2000, 2001, where it real- ly begins to dip and just continued to decline throughout that 8-year period or so that really inflicted pain upon American household incomes.

Ms. SUTTON. The gentleman from New York is right. It goes completely flat before it falls off the cliff. It has been a struggle for a long time, in no small part because of what you point out. I have heard it said that there was no sheriff and so people robbed the banks. Well, then there was no sheriff and the banks robbed the people. We saw some of that in recent times.

And the American people are smart. They knew what was going on and they know how the economy was working for them. Now it was working a lit- tle better than it is for a lot of people now, but the reality is they still de- serve better. And so we don’t really want to necessarily go back to this place where there’s a big gap and all the wealth is concentrated necessarily up here with the American people still not able to get by working two or three jobs.

But it doesn’t have to be that way. We want people to make money in this country. We want capitalism to flour- ish in this country. We want to facili- tate that. But people who work and...
contribute should be paid a fair wage, and they need to know the security of a job that is going to be there, that opportunity will be there for themselves and for their families, that they will have access to the health care coverage that they need.

That’s a point I will yield on.

Mr. TONKO. Representative SUTTON, I will say this. Interestingly in that flat-lining of the red curve on your chart is that period, that 10-year stretch, where we saw how health insurance premiums more than double while that income, that average household income, remained flat. What a painful experience.

And then we all know through anecdotal evidence of the many stories of catastrophic situations where people were hit with—I can think of an example quickly—a 37 percent increase in insurance premiums over 2 years, and left with now one wage earner in a married couple household where they have to pick up $18,000 in medical expenses.

This recovery requires bringing health care into a reformed situation, where there’s affordability, accessibility and care, recognizing that our Nation’s employers and the families are all benefited by flattening and then bending that health care insurance premium curve. There are so many pieces to the puzzle that are only going to come together when this House, this majority, has advanced as high priorities: energy reform, health care insurance reform, job creation and retention, making certain that services are provided in our communities, relief to State governments. All of this is part of a package that will be put together in a very academically, sound manner.

And when we do that, I think the working families will be inspired by the state of attention that they will get because they have not received that degree of empathy, that sensitivity to their struggle and we have allowed this to go far too long. Finally now the recession, we hope, has stopped, the bleeding has been stopped, and we go forward now with the act of rebuilding, rebuilding an economy, but we need to do it cleverly. We need to do it in a way that responds to many of the policies out there that will drive this Nation in terms of smart outcomes, smart growth, vitalizing from doing nothing or not taking aggressive action, that brought us the Republican recession. The reality of it is, well, you know, no health care reform really wasn’t working for the American people whose costs continued to skyrocket; and if we do nothing, the costs are going to continue to skyrocket.

The same is true about energy. There are those who may argue about the merits of what we do, but to do nothing is going to result in the same results that we are seeing right now. We are hurting because we have not reduced the cost of energy. We need to address all of these.

You've pointed out a lot of the things that we need to do, in investing, research and development and innovation and infrastructure. You've pointed out how other countries in the midst of this global recession are doing that. That, too, is a factor that we can’t ignore, we cannot afford these days. And to those who participated in bringing us the Republican recession that ended not only in such an increase in the deficit in this country but also resulted in the jobs deficit in this country, that idea of the three Rs: Representative TONKO, will stand here and say that it should be all about jobs, that we should be working on jobs.

Well, we are working on jobs. And I know that the CBO has said that through the ARRA, that we have saved or created 600,000 to 1.6 million jobs. And I say to those who have been complacent about jobs, who didn’t vote for the American Recovery and Reinvestment Act, that we have saved or created 600,000 to 1.6 million jobs. And we’re going to do it.

Mr. TONKO. Representative SUTTON, your leadership in this regard, Representative HASTINGS, working with Representatives LANDOFT and Speaker PELOSI, Chairman MILLER and our Majority Leader STENY HOYER, everyone coming together, working through the committee structure, putting this together in a forum that allows us to share only some of vision, keen vision, we’re going to make this happen. We’re going to have a wonderful comeback. I believe.

Ms. SUTTON. I thank the gentleman again for his generous words and his points that are right on the mark.

You started out by talking about the costs of health care and how they’ve been just skyrocketing as the American workers’ wages and American families have been flat. The burden that has placed on people and the fact of the matter has led so many into bankruptcy. We all know these stories. We all know about those who can’t get the care they need when they need it, and it is heartbreaking.

We hear people out there, some of the same people who brought us the Republican recession and this economy where wages were so flat for ordinary Americans, and they talk about how we shouldn’t do this health care reform. The reality of it is, well, you know, no health care reform really wasn’t working for the American people whose costs continue to skyrocket; and if we do nothing, the costs are going to continue to skyrocket.

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huge mess to have cleaned up. And now we go forward and, inspired by the many stories that are real in the lives of people that will inspire our process to respond to people, I think is so key, is so elemental. Elemental statements are made that various factors that drove job reductions in certain communities can be addressed simply by doing it in a wise and sensitive manner.

There are the tools at our fingertips. We are creating that package that will respond to it. This will not be, if we have our say as a majority, I believe, a jobless recovery that is not going to render any sort of hope for people. It resonates with a flatness, with a pain more than a flatness. And so the charts tell it all. The American workers tell it even better when they are left without a job, the dignity of work. We need to be inspired by the past history that spoke to us, the years of Franklin Roosevelt, when a CCC and a works program, a WPA were developed, it built this Nation and it responded infrastructure-wise to the needs of communities across this country, coast to coast. We have a pioneer spirit of which I spoke that was centered in the mill towns along the stretch of the Erie Canal that gave a westward movement, that brought itself first to Ohio, our neighbors to the West, and then inspired an entire world. We created product designs and invention and innovation that drove a wonderful agenda.

Our hearts are full of the pioneer spirit. It’s the American way to solve problems. That’s truly the American spirit, and we can do it with the great agenda here.

Representative SUTTON. It has been so wonderful to be able to join you this evening and to work with you side by side on the task force for creating jobs. We have a voice that will resonate on behalf of the working families in this Nation, and we will talk about taking that curve and swinging it upward so that it’s not a flat line in the lives of people, because while that red line looks painful, it’s even more painful in the pocket when people realize that the job lost and the dollars lost and the opportunities lost are simply so real in their lives that they’re counting on us to do our job and do it with tremendous sensitivity. I thank you for your leadership. It’s been a pleasure to join you this evening.

Ms. SUTTON. Representative Tonko, we thank you for your leadership of all those you represent in New York and all those you speak for across the country. This is something that we can do in this great Nation, and we can do it together. We can do it. All of us within this Chamber have an interest in seeing our country prosper, and that’s what the job creation task force is all about. And we will all back. We will be working in the meantime to make sure that we realize and we do our part to put forward the economic opportunity that the people that, as I said, we’re so very honored to serve and represent, what they need and what they deserve.

JOBS AND THE RECOVERY

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker’s announced policy of January 6, 2009, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes.

Mr. WALDEN. Well, it’s that season. The Christmas season is upon us. And I sort of sat back and I’ve been at the Nutcracker, because I haven’t seen that much spin since the sugar plum fairies in the Nutcracker.

Let’s talk about jobs and the recovery. Let’s talk about fact and fact. When the American Recovery Act, the stimulus, was raced through this floor on a totally partisan move, we were told to expect that with the stimulus, as you can see here in this chart to my left, that this is what would happen to unemployment.

Now, remember, when the year started and President Obama took office and the Democrats claimed control of the Senate with a 60-seat margin, that can overrun any filibuster—60 seats—and a 40-seat in the House means they are unparalled in their power and control and ability to pass anything they want anytime they want and sign it into law.

When the year started, unemployment was at 3.5 percent in January of this year. High, by national standards. No doubt about it. Highest it had been in many years. We were headed into a recession. No doubt about it. We’d been through unprecedented times. But we were told if the American taxpayers would just go out and loan the Congress, actually it’s not the American taxpayers yet, it’s our kids and grandkids that get to pay it back later. Right now we’re going to the Chinese and the Japanese and the oil-producing countries and you’re going to loan us the money? But that’s the dirty little secret here. If you’ll loan us that $800 billion, whatever it was, here’s where unemployment will end up. It’s going to just barely go up and come out at about 8 percent. Oh, and by the way, we were told by some of the Democrats who were all for this that if we didn’t pass the stimulus into law, that unemployment would go clear up to here.

Now let’s look at what really happened. Many of us on the Republican side of the aisle said, That isn’t going to work. Just throwing more taxpayer money you don’t have, borrowing more money from foreign countries that already have loaned us more than they want to, and throwing that out in rapid succession may create a few jobs, but the long-term implications are dangerous for the future of this country because of debt. And you’re not going to create that many jobs. Sure, in a year or two you can’t help create jobs. Maybe some of those because a lot of them are created right here in the Washington, D.C. area, not out in real America, and are not sustainable. But we were told if we pass it, here’s where we’ll be with unemployment, at about 8 percent. If we don’t pass it, gosh, we’ll end up almost at 9 percent.

So they rushed it through here. The stimulus rushed through here. And now what are we at? We’re over 10 percent unemployment. That’s the red line. You see, some of us on the Republican side of the aisle actually come out of the private sector. We have signed the fronts of payroll checks like I have and my wife has. For 21, almost 22 years we were small business owners. We took over a very small family business, got it out of debt, on its feet and we grew it in 20 years. We employed 15 to 17 people in small communities in Oregon. I know what it’s like to be a small business owner and comply with the heavy hand of government regulation and the burdens of taxation on all the levels of government you would think ought to happen because you know best how to create jobs. What a farce that is.

So we see what happens when you throw money at a problem. You waste it, and you don’t create jobs. You see, Republicans did have an alternative. My friends and colleagues who were on the floor here earlier said that we had no alternative. Well, they know that’s really not the case at all. In fact, the Congressional Budget Office evaluated both of our plans and said the Republican alternative would create twice the jobs at half the cost.

Now, there are a lot of smart Christmas shoppers out there. And men and women, come closer. There are a lot of smart shoppers out there who look for bargains, and they say, If I could get twice the product at half the cost, that’s a bargain. Unless you all in this room and downtown, then you want to spend twice as much and get half as much. You want to tell the American people, Pass my plan and our kids and grandkids, actually borrowed from the Chinese, the Japanese, the oil-producing countries and saying, Can you loan us the money? But that’s the dirty little secret here. Actually, no, they said it wouldn’t go above 8. That’s right. They said it wouldn’t go above 8.

Whoa. It was at 7.6 and now it’s at over 10. And let’s talk about what happened to that stimulus. So how did they spend the money? There was an interesting report out in The Hill—$6 million borrowed from your kids and grandkids, actually borrowed from the Chinese, the Japanese, the oil-producing countries that buy our debt, and our kids and grandkids will get to repay this with interest. Six million of those dollars went to now Secretary of State Hillary Clinton’s pollster, Mark Penn, current Secretary of State Hillary Clinton’s pollster. We were told that wasn’t true. It was not. This is not a fairy tale. Two firms run by Mark Penn, current Secretary of State Clinton’s former Presidential campaign pollster, received a total of $5.97 million in taxpayer funds from the Democrat stimulus that you heard created all these jobs, solved all these problems. Burston-Marsteller, a public relations and communications firm run by

December 15, 2009
Penn, received the funding to advertise the analog to digital television switch in 2008, reportedly saving three jobs at the firm. Three jobs. $6 million. Of the $3.97 million, $2.8 million was also allocated to Penn’s campaign polling firm, Penn, Schoen and Berland. At the end of the year, they spent $6 million to save three jobs. $6 million, three jobs.

How many of you go home to your constituents and say, in a town meeting, can you loan me $6 million, because I’ve got a brilliant way to create green energy jobs and the Minneapolis manufacturing plant that would have created 360 jobs by 2011. But they couldn’t, trying to get to something we call positive torturing how many of you watch every nickel. You don’t let $95,000 go out the door to study Viking-era pollen in Iceland. Viking-era pollen in Iceland, $95,000. Having been a small business owner, like 12-year-old kids that can figure out how to make the DVD not blink and the VCR not blink. But anyway, $6 million, two jobs. Two million on a dance theater.

Oh, this one you’ll like. Los Angeles Times. The Minneapolis city council recently voted to use Federal stimulus funds to convert a vacant, 99-year-old theater into a center of dance instead of funding a solar energy panel manufacturing plant that would have created seven times as many jobs. Now my friends who’ve got 12-year-old kids that can figure out how to make the DVD not blink and the VCR not blink. But anyway, $6 million, two jobs. Two million on a dance theater.

Interestingly, in the spring newsletter, the theater estimated that completing the project would actually only cost $2 million and create 48 permanent jobs, according to the city.

We are looking at some of the other plans coming out of this Congress, these plans however, increase premiums on employers, drive up the cost curve on those of us who are trying to figure out how to make health care more affordable. The Democrats’ plan actually drives up the cost curve, drives up the premium, puts mandates on individuals and taxes on small businesses and will cost millions of jobs long term and make America less competitive. Don’t think capital doesn’t flow any more? You don’t think we live in a global economy? For heaven’s sakes. You don’t think we need to be on our best game and have the most efficient pool of talent available to us if you want to run a business? No. I sit here in amazement. I have spent all-nighters in my business trying to make it work. I have struggled trying to pay the bills, get up early in the morning, trying to figure it all out, trying to cut your costs, trying to create your jobs, save jobs during tough times. We were in business 22 years. I have seen the good times, and we were successful in the end. I have seen the bad times, and I know what that’s like.

But I also know that it’s important how you spend your money. FOX News reported recently the National Institutes of Health received $8.2 billion in stimulus funds. I’m all for the National Institutes of Health. However, NIH is conducting a $65,472 study on the relationship between HIV and sex in St. Petersburg, Russia. You think I’m making this stuff up, don’t you? $65,472 to study the relationship between HIV and sex in St. Petersburg, Russia. I won’t even go there. $700,000 on how taxes, trade, and politics affects tobacco sales in Thailand, Malaysia, Vietnam, and other nations in Southeast Asia. $73,000—you’ll like this one— to study whether the Asian tradition of dragon boat racing will enhance the lives of cancer survivors—$73,000 to look at whether or not dragon boat racing enhances the lives of cancer survivors.

Why don’t we put it into screenings? Oh, that’s right. This is the administration that says, women don’t really need to do breast screenings nearly as often or maybe at all. That’s a report out of this summer edition. How absurd is that? Put your money in dragon boat racing, don’t do mammograms. This doesn’t make sense to me. And I don’t think it makes sense to Americans.

We are looking at some of the other spending. How about this one: $67,726 in taxpayer money to send staff to a customer service seminar, the Green Bay
Press-Gazette reports. The Oneida Bingo and Casino outside of Green Bay, Wisconsin, used a Federal stimulus grant to send their staff to a customer service seminar. The 2-day seminar was held at a local technical college to teach the casino staff how to handle customer complaints.

These are the investments. Do you see why some of us, why every Republican voted against that stimulus? We knew it was going to be wasted.

Now let’s turn to the Congressional Budget Office because they said in the first year or two you can’t spend that much money and not create a few jobs, even though they are probably short term. So I give them that. What they look at after that, though, is the debt service cost that actually becomes in the out years, years 3, 4, 5, 6, 7, 8, 9, 10, a debt drag on the economy. It will cost us jobs because you can’t borrow $800 billion and not have to pay it back. Even the Federal Government needed to borrow a little bit.

Let’s talk about the debt, because I think that is the single biggest threat to our country’s future, to my son’s future, to your children’s future, is this enormous theft, intergenerational theft. You think it’s called it, where we’re taking money from them. Actually we’re just stealing their credit card, and we’re using it like there is no necessity to ever pay it back, to buy things today that they cannot afford. At $1.4 trillion, this year’s deficit is more than three times that of a year ago. I want that number to sink in: $1.4 trillion dollars this year is triple what it was last year. Oh, and who was President last year? That’s right, George W. Bush was. So they want to blame the prior administration. And certainly we all had our complaints at times with any administration. But the facts are these: $455 billion deficit at the beginning of this last fiscal year: this fiscal year, under Democrat control, House, Senate, White House, $1.4 trillion.

As a share of the economy, it’s 10 percent of gross domestic product. That is the highest level since World War II. Deficits, however, went up under both parties. That’s why we need a constitutional amendment to require a balanced budget. The House originates these things and probably great grandkids’ credit cards and spent like there was no reason not to. And they’re going to get the bill.

According to The Washington Post, when adjusted for the inflation, World War II, the Korean War, the interstate highway system, the Vietnam War, the current budget deficit added up to $6 trillion. We are now at 12, and we are headed to 20. In comparison, the government will borrow $9 trillion over the next decade.

Now, let’s go to a bill that just came up in this House. It’s called the omnibus. Whenever you hear that word, shutter your children’s eyes and ears. Omnibus. It’s really a bad thing. American families are hurting. Ten percent unemployment. Democrat leadership responds with a massive spending bill last Thursday. Last Thursday this came forward. And let me talk to you about that bill; 2,500 pages, nearly half a trillion dollars in spending, 5,000 earmarks on hundreds of projects, and we who have the minority leadership, we in the House of Representatives—do you know how much time we were given to read it?

Now I’m not Evelyn Wood. It takes me a little more, I’m not a great speed reader. We were given 2 days to read the bill since the conference report was filed. □ 2100

Two days. Half a trillion dollars was spent. Two thousand five hundred pages, 5,000 earmarks, and we were given 2 days.

The omnibus contained appropriation bills—$468.8 billion for those keeping the racetracks open, $9.7 billion for those wanting to give the jobs to your friends. The Democrats—do you know how much time did we have?

The House originated the $12 trillion… 9 trillion… 8 trillion… 7 trillion… 6 trillion… 5 trillion… 4 trillion… 3 trillion… 2 trillion… 1 trillion. Every man, woman and child in America is responsible for at least $39,000, and it’s going up to $45,000. Under the President’s budget, the debt is projected to be up to 20 percent of GDP by 2019. In comparison: under the President, $1 trillion in spending, 5,000 earmarks on hundreds of projects. In comparison to the Democrats, we in the House of Representatives—do you know how much time we were given to read it?

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stimulus bill that we heard about earlier. So when you heard about this stimulus, the American Recovery Act and how evil it was the Republicans didn’t vote for it, remember where a lot of that money went; it went back into that government. It didn’t go out into rural America. It didn’t go out into rural America. Some of it did, certainly, but it did not go very far outside of Washington.

So here is the final tally: The omnibus spending bill I just referenced brings in spending for nondefense, nonveterans discretionary programs to a level 85 percent higher than 2 years ago.

Mr. POLIS. Will the gentleman yield for a procedural motion?

Mr. WALDEN. I will be happy to yield to my colleague.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–379) on the resolution (H. Res. 973) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

JOBS AND THE RECOVERY—Continued

The SPEAKER pro tempore. The gentleman from Oregon may proceed.

Mr. WALDEN. Mr. Speaker, I assume that is the rule coming out of the Rules Committee that provides for same-day consideration of four pieces of legislation. Would that be correct?

PARLIAMENTARY INQUIRY

Mr. WALDEN. Could I ask a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WALDEN. Does clause 6(a) provide for same-day consideration of the bill?

The SPEAKER pro tempore. The gentleman is correct that clause 6(a) of rule XIII addresses same-day consideration of a rule.

Mr. WALDEN. Thank you.

So what you’ve heard there is a procedural action that has importance because it comes right in the point I’m talking about with the omnibus, where we had 2 days to consider a bill that costs American taxpayers half a trillion dollars.

What is coming up next are the four “go home” bills. These are the four bills we’ve got to pass in order to wind things up before Christmas, and they will take these up tomorrow. I haven’t seen any of them. Nobody here has seen them. Maybe they have in the Rules Committee which just apparently has finished its work, but we haven’t seen them. They will raise the debt. They will spend—well, I don’t know. I’m told one of them is going to spend tens of billions of dollars; I don’t know how much, don’t know where.

There will probably be a continuing resolution to fund the government because the Democrats, who control the House by a huge 40-vote margin, 41, the Senate with 60 votes, and the White House, even with that massive, overwhelming, powerful control, couldn’t pass the budget bills by the time the fiscal year ended.

Now, in America, in real America—that’s the area outside the Beltway of Washington—if you don’t pay your bill on time, what happens? What happens? You get an interest penalty. What happens? Somebody says, hey, you’re behind on paying your bill. When it happens here, nothing happens—except it will come November of 2010. I predict, because I think Americans have had enough of this.

But what happens here is they didn’t do their work, they didn’t finish the process, they didn’t pass the budgets, they didn’t meet the deadlines. So now we’ve punted into 2010 for the budget. Both parties have done this. That’s why we need to reform the process. But, hey, they control 60 in the Senate; that gets you past any filibuster, 60 votes. They control the House with a huge margin, and the White House has not even met those margins, with single-party powerful control of both Chambers of Congress and the White House could they pass the budget bills. That’s why you had the omnibus at the end of the week where they lumped six of them together and jacked up the spending by 10, 12 percent.

So here’s the final tally: The omnibus brings the new spending for non-defense, nonveterans discretionary programs to 85 percent higher than just 2 years ago; 85 percent higher spending by the Federal Government. You want to know where your money is going? Out of your paycheck, into this body, and out into the bureaucracy.

So it should come as no surprise during this time—which tracks with the recession that has eliminated 2.9 million American jobs—the salaries of government bureaucrats have exploded. According to a story in USA Today, Federal employees’ salaries from $100,000 or more jumped from 14 percent to 19 percent of civil servants during the recession’s first 18 months. And you wonder where the money is going.

Let’s go back to the Republican plan. You do everything you can. You reduce your energy consumption, maybe you’ve weatherized and caulked, done all the things to reduce your energy consumption, maybe you’ve put in the fluorescent lights—and I think Oregon has been a real leader in that effort—to reduce your energy consumption, maybe you’ve put in the fluorescent lights—and I think Oregon has been a real leader in that effort—to reduce your energy consumption, maybe you’ve put in the fluorescent lights—and I think Oregon has been a real leader in that effort—and you don’t have any of your air conditioning in the summer. You do everything you could.

December 15, 2009

CONGRESSIONAL RECORD—HOUSE H14969
May 8, 2010

H14970

CONGRESSIONAL RECORD — HOUSE

December 15, 2009

Maybe you can adjust for that. But here’s what it does when you go to the gas station. There are estimates out there that say the cap-and-tax bill that Speaker Pelosi and others in this Chamber passed will drive up the cost of gasoline in America by $5 to $10, 70—some say as much as $1. Nobody really knows for sure until it takes effect.

Explain this to me. This is like bad Santa. Explain this to me. This isn’t the person I want. I don’t want higher gasoline prices. Don’t you think that had an effect on our economy? It certainly did on the families I talked to at Grants Pass and Medford and John Day across my district that commute great distances.

You know, if you’re a farmer or a rancher, you saw what it did to the price of your fertilizer when natural gas went up. You saw what it did when diesel went up to $5 a gallon. We should be accessing America’s great energy resources, not importing them. We should be working toward new fuel-efficient vehicles and backing up that research. I actually drive hybrids on both coasts. I’m fortunate in that respect. I want to reduce my fuel intake and consumption, and I just don’t like sending the money overseas where we get a lot of our fuel, frankly. I want to do my part. I am fortunate and able to do that now. A lot of people aren’t; they can’t buy new cars right now. They might not even have a job. My State is like the sixth highest unemployment in the country. I’ve got five counties that are lingering right at 20 percent unemployment. This is tough.

Rather than access our great oil and reserves that—by the way, there are estimates that at the peak price of gasoline in this country, that America’s great oil and gas reserves, if not blocked by Congress, the Congress-controlled Congress, if we had access to those, it would produce a value of $60 trillion. Now, that was at the peak of the value of gas and oil, certainly, but let’s say it’s off by half and it’s only $30 trillion. Remember that debt we talked about earlier, the debt that could be $20 trillion? What if we actually developed our own oil and gas resources in America, became less dependent on Hugo Chavez and Venezuela or some of the other countries that frankly aren’t friendly to us? What if we stopped funding some of the things they do that actually work against our way of life by not spending money on oil? What if we developed our own resources? And they will say, well, it will take you 10 years. Well, let’s get started. That’s my view. Let’s get started. While we work on a transitional vehicle that doesn’t have to use oil and gas, which I’m all for; but in the meantime, there are a lot of working Americans that have to take that pickup truck and pull horse trailer and go out and do their work on the cattle ranch. There are a lot of people hauling things back and forth so that our economy functions: $3, $4 and $5 diesel about killed them economically.

So why don’t we access our great oil and gas reserves? We should. And we generate revenue to the government that, if you had a fiscally responsible Congress, you could pay down the debt and pay down the debt before our kids come of age and our grandchildren come of age. That is the Christmas present I would like to see. That actually would be like sort of good Santa as opposed to bad Santa. Bad Santa says, you’re telling me we’re telling you we’re telling you. We’re going to rely on foreign imports for oil and gas. We’re going to jack up your electricity rates. That’s not Christmas like I know it.

I want a real Christmas, where we put people back to work in the private sector, not trying to figure out something about Viking era pollen in Iceland—that’s where some of your stimulus money went—or jobs that last a day or two or a week or two and then you go away and they’re gone. I want permanent, family-wage jobs. This country can get back on its feet if we get this Congress out of the way.

But as I talk to business people, I hear time and again, I can’t keep pace with the change coming out of Washington. You’re changing everything related to energy. I don’t know what those costs are going to be. I don’t know where you’re headed, I don’t know how I’m going to deal with that. And here we are, hobbled by the Federal Government, same sort of thing. Is the government going to run all this? Am I going to run all this? What’s that going to cost me? Am I going to pay a penalty? There’s another couple million jobs projected to go away with the government takeover of health care.

And the debt. People who do have some money and want to invest in a start-up company are sitting on the sidelines because they don’t know what is going to happen on tax policy. Do the tax reductions that spurred a very strong economy go away or do they stay? Do people who have some level of wealth lose it all to the Federal Government on New Year’s Day of 2011?

Do their kids get to continue the family farm or family business, or does the tax man show up with the under-taxer? That’s the choice. That’s the choice.

It doesn’t have to be that way. We can create real jobs in this country.

Let me tell you about the other real jobs, real jobs, the tax man and all that. That is in the great Northwest woods. Now, you have heard me on this floor before advocate for bipartisan legislative changes, changes in the law that have achieved broad support in this Congress to allow us to go out and be good stewards of the Federal Forests. Teddy Roosevelt created these forests in 1905. He began that process with the great forest reserves.

He said in a speech in Utah that the purpose of these reserves was twofold: to make sure that we had good clean water for agriculture, and that we had timber for homemaking, homebuilding. Now, those are the two purposes he outlined in a speech in Utah at about that period. Those are the purposes. Now, we know we have evolved since then. Clearly, though, we have not evolved from wanting good, clean water, healthy green forests. We do not want that.

The choice that the liberals have made in this government and in this Congress is away from active management to locking things up and calling it management, calling it preservation. How do you do a result, you have forests across the West that are overgrown and choked. They can’t breathe. You are standing on their air hose.

Meanwhile, you have all this ladder fuel. It is the biggest clear them because for 100 years we have suppressed fire. Smokey Bear worked, convinced us we can go stop forest fires. We spend tens of millions, hundreds of millions of dollars, whatever the figure is every year to fight fire. I believe, of the Forest Service budget now goes to fight fire when we should be doing the work on the ground to prevent fire. We should get these forests back into balance, get that ladder fuel out of there.

It used to burn up naturally, but we started fighting fire, we allowed it to grow up, and we quit managing. The outcome is like your yard when you never prune or clean or weed or mow or do any of that. It just becomes a mess and out of balance until something catastrophic happens. The catastrophic thing that happens is fire.

Fire is the great equalizer of the forest. It is the biggest clear-them out there, and it is devastating when there is such a fuel load as exists today. The fires burn and they release enormous amounts of carbon, not only carbon dioxide but also all kinds of pollutants into the atmosphere that particulates that are equivalent to vast volumes of automobiles on the highways.

Now, you are not going to stop every fire. Nature has a wonderful way of continuing to participate in the management process. We can get out and protect our watersheds and we can put people back to work, because this really is about jobs, jobs in the woods.

In my district, where we have 20 percent unemployment and it is probably actually higher than that in some areas because people have given up—we are sixth in the country with unemployment—the policies of the Federal Government on Federal land have been so cut that we have lost the jobs. We have lost the mills. In some communities, they are close to losing hope. Nothing this Congress has done has helped them in a measurable, sustainable way.

Last week, my colleague from Washington State, BRIAN BAIRD, who, unfortunately, just announced his retirement from this body, he and STEPHANIE...
HERSETH SANDLIN from South Dakota, WALT MINNICK from Idaho, CATHY McMORRIS RODGERS from Washington State and others who care about our great forests, offered up legislation to take a successful law we passed in a bipartisan way and get it away from what the Democrats call tit-for-tat or what they call tit-for-tat class 2 and 3 forestlands and allow our professional scientists, biologists, geologists, hydrologists, all the people involved in forest management to get out there, get unshackled from the courtroom and get it off limits for Federal forests for active management and harvest, for the most part. Instead, we import wood from countries that have virtually no environmental, enforced environmental rules. As a result of that, the problem is made worse somewhere else. Rather than responsibly managing our forests, we let them go up in smoke. We have catastrophic, destructive wildfire that does terrible damage to our watersheds and habitat, kills firefighters, kills people in their homes, burns up their homes.

There is so much we could be doing if we got an economic model that works. It’s not just because we don’t spend enough Federal money. You know, one of the things that drives me over the top, over the edge, off the cliff, is when people say to me, If I just had more government money or more government employees, I could solve that problem.

We are at a debt load that is unsustainable. Not every problem demands a government solution from Washington, D.C. In fact, we should be more creative than that. You know, spending somebody else’s money isn’t that hard. In fact, you can throw it away, as we have seen with a lot of the stimulus money. Throw it away, the causes and programs that study in pollen from Vikings. I have got to find out about those Vikings with pollen. I don’t know if you have used Clorox or not, but something was going on there.

You can throw money out the door, flush it away. Those of us who have been in the private sector, small business, know that every dollar is hard to get. Making a profit isn’t easy; it’s tough. That’s why you are so tight with your funds.

You know that the good times come and the good times go. If you are successful enough, you try and set aside a reserve. When the Congress, oh, my gosh, it is out of control in terms of the spending and the deficits.

You know, the omnibus that passed last week, the bill that spent a half a trillion dollars, we had 2 days to even think about it. It’s just not the way to legislate. It’s not responsible. It’s not becoming of this body. It is not how we operate, regardless of which party is in control. Right now, the Democrats are in control, so they get the glory and they get the responsibility, and it needs to change in terms of how we operate.

My colleague, BRIAN BAIRD from Washington State, and several Members on both sides of the aisle supported an effort to get it some reform that said we should change the rules of how this House operates so that the American people, the Members of Congress, and the press could see legislation on the Internet, the great equalizer of information, on the Internet at least 72 hours before it comes up for a vote on this House floor. We are talking 72 hours. Now, I think it ought to be 2 or 3 weeks, by the way.

Remember, this omnibus spending bill was 2,500 pages. Nobody in here read it all. I read it, I voted against it, by the way, because I think it’s irresponsible. I wasn’t alone. I think every Republican voted against it, just like we did against the stimulus. This stuff is not responsible, folks. Where are the alternatives we have offered, not on that one, because I don’t think we were allowed to, but certainly on the others. On health care and on energy and on creating jobs, we have offered real alternatives, and we will talk more about those in subsequent evenings.

This notion that we should have 72 hours should be bipartisan. I say to my colleagues, I guarantee you, if that resolution to change how we operate in this assembly were to come up for a vote and it said we get 72 hours, these bills go on the Internet for 72 hours so the whole world can read them and understand them—and, by the way, give us impact statements on them before we vote on them. That’s a concept that’s novel. If that resolution were brought to this floor and the yeas and nays were called for, I doubt there would be a dissenting vote. Does anyone in here think there would be a dissenting vote? Nobody would want to go back to a town hall and say, No, you shouldn’t have 72 hours to read the bills.

You know, I began to ask this question when we were taking up the cap-and-trade bill, cap-and-tax bill, the global warming and climate change bill in the Energy and Commerce Committee, the administration Cabinet secretaries who came before us to tell us the necessity of this legislation. I asked a simple question of every single witness that came before us: Have you read this bill? Have you read this bill? With one exception, and that person was right at the last moment. Yet, I am sitting here today and I think maybe saw it coming, everyone said, Well, no. Well, no, I haven’t really read the bill, but I know the concept.

We ought to have at least 72 hours to read the bills. That ought to change. Now, I know when I filed a discharge petition, and that goes in a box over here—or, actually, not in a box. They keep track of it over here on a ledger. Anyway, it is over here. I know the House, which is a simple majority, to go sign that petition and then it comes up for a vote. But the Democrat leadership in the House has made it very clear to their Members not to sign the petition. Only six of them have signed the petition, and six that signed it. The others have buckled at their knees, apparently, and refused. They have walked away. It’s available today to be signed, tonight, tomorrow, when we come back in January. The American people are watching. They know that this would be a good thing. They know that this would be a good thing.

We now have the omnibus which has arrived. When we talk about 2,500 pages of spending, this is it. This puppy is 2,500 pages of spending. This is what the Congress was given 2 days to work its way through. This is half a trillion dollars. Have you ever looked at half a trillion dollars? This is it, right here, half a trillion. Come on down, we will get it half price, half a trillion dollars.

Do you wonder why the deficit is so big? No time to consider this thoughtfully, thoroughly, you rush it through. Rush it through, 2,500 pages.

The stimulus, the Recovery Act that spent $787 billion. You know, I told you we had 2 days to consider this omnibus spending bill, 2 whole days, count them. When the stimulus bill passed in February of this year, the House was given 12 hours to review it, 12 hours. It was 1,073 pages, 1,072 pages, spent $787 billion. Remember, that’s where that Viking pollen study in Iceland comes from or the sidewalk around a casino or sending casino workers to sort of sensitivity training. Don’t be so rough on the slot machine. Be nicer to the craps table. I don’t know.

Cap-and-trade, passed in June; $846 billion is the cost of that bill, according to the Congressional Budget Office, 1,428 pages, 1,428 pages, spent $846 billion. You know, one in here think there would be a dissenting vote? Nobody would want to go back to a town hall and say, No, you shouldn’t have 72 hours to read the bills.

Now, I know when I filed a discharge petition, and that goes in a box over here—or, actually, not in a box. They keep track of it over here on a ledger. Anyway, it is over here. I know the House, which is a simple majority, to go sign that petition and then it comes up for a vote. But the Democrat leadership in the House has made it very clear to their Members not to sign the petition. Only six of them have signed the petition, and six that signed it. The others have buckled at their knees, apparently, and refused. They have walked away. It’s available today to be signed, tonight, tomorrow, when we come back in January. The American people are watching. They know that this would be a good thing. They know that this would be a good thing.
we started voting on that bill. Remember, I am including the all-night hours, all-night hours.

According to a newspaper here on the Hill, actually, The Hill, Democratic leaders have waived transparency rules at least 24 times to rush votes this year alone, 24 times. Twelve of those bills were available for less than 24 hours.

This omnibus bill back here, half a trillion in spending, just this last week passed 221–201, no Republicans voting for the bill. Increased funding for Federal agencies, 12 percent. Some as much as much as 33 percent. The final tally for this omnibus new spending for nondefense, nonveteran discretionary programs took it up to a level of 85 percent higher than 2 years ago. Eighty-five percent higher than 2 years ago.

It's a freight train without brakes. This is a runaway train that's headed off a cliff, and it's going to take Americans with it if we don't put a stop to it. You cannot continue down this path. You cannot continue down this path.

We tried to figure out how some of this money has been spent. The press is doing its job. The New Orleans Times-Picayune. Details: Louisiana has seven congressional districts. So Louisianans visiting recovery.gov, that's the Web site where all this stuff is posted so there's great transparency and accountability. Remember, this was the Web site the President and the Vice President, JOE BIDEN, said by golly, you're going to see it all out there. So Louisianans visiting recovery.gov found themselves just skeptical but truly puzzled to see nearly $5 million was listed as headed to Louisiana's Eighth Congressional District. There are only seven. Not eight; seven. That site also listed the 12th, the 26th, the 45th, the 14th, the 32nd, and, my favorite, 00. I don't know if that's 007 or if it's—i don't know.

According to Ed Pound, Director of Communications for recovery.gov, the site relies on self-reporting by recipients of the stimulus money.

This is oversight? This is transparency? I mean, this is a government that can't figure out who's going to the White House for dinner that's spending your money, and this is transparency. Pound said information from FederalReporting.gov has been simply transferred to recovery.gov. And no one checks to verify its accuracy or to take note of the fact that Utah doesn't really have seven congressional districts—just three. South Dakota has one, not 10.

Pound: "We're not certifying the accuracy of the information. We know what the problem is and we are trying to fix it." he said. Asked why recipients would pluck random numbers to fill in for their congressional district, Pound replied, and this is my favorite, "Who knows, man. Who really knows. There are 123 counties out there." Somebody should know. It's your money. Well, again, it's not really your money yet because we borrowed it. Congress borrowed it from the Chinese, the Japanese, all kinds of lenders, oil producers now paying exorbitant prices to for the crude oil because we don't access our own resources here. They're the ones doing it.

Tallahassee County, Alabama, claimed to have saved 5,000 jobs at only $42,000 in stimulus funds. That's 5,000 jobs, $42,000 in expenditures. Now they're efficient. That would be $8.40 a job. Now there are some cheap places to work, but I don't even think Alabama is paying their people $8.40 a job, though; so there's something wrong there.

Belmont Metropolitan Housing Authority in Ohio reported 16,120 jobs saved or created for $1.3 million. Now, that's in efficiency congratulations to Belmont. That's $80.64 a job.

Folks, the government is not the creator of jobs, not jobs that are sustainable, because you have to take money away from those who have it to redistribute it, and it's not being done very efficiently, affordably, transparently, or with accountability.

And how long do these jobs last? I want jobs created out in the private sector that fund the government, and by that I mean if you have a vibrant private sector, people are paying taxes. If businesses are making a profit, they're going to pay a tax, pay a lot of tax. Individuals earning a salary, earning a wage, they're paying tax. Ask them. That's what funds government. It's not the other way around. And that's the difference between many of us in this body is there are those who believe every problem needs a Federal solution and those who believe that costs now or in the future. That's why you need a balanced budget, a requirement in the Constitution to keep both parties in check.

We need to get this house back in order, and I mean the global house, the U.S. itself, how money is spent, how it's allocated, what we do with it. This is obscene. It really is. All I see is just one government takeover after another.

Now, is there room to do more oversight where it's necessary, fix markets where they're broken? Yes. Will we debate how far you go in that? We should. But we should do that in an open and public manner. I have served on some nonprofit boards, a hospital board, a business association board, and we'd have vigorous debates, but we always did it with the notion of common good. We'd bring what we had to the table, and we would try to find a solution. And I thank you, my colleagues, for letting me share those comments with you tonight.
advancing post-secondary educational opportunity.

That's why this evening, Mr. Speaker, I'm so happy to be joined by my dear friend and colleague from Virginia, Representative BOBBY SCOTT, who also serves on the Labor and Education Committee and I'm sure will give us some valuable information about the importance of preparing the next generation of students.

Mr. SCOTT of Virginia. I thank the gentleman from Wisconsin for talking about education and talking about the importance of educating all of our young children.

Quality education is more important today than ever before with the rapid development of a global marketplace. We find that we're competing not just with cities across a State or even cities across the Nation but cities all over the world.

We can't compete with other countries on things like lower wages. These are people who work in other countries for wages that we can't compete with. We can't necessarily compete in terms of location. You don't have to work right next to your coworkers anymore. If you cross the border right next to your coworkers, you can work across the globe from your coworkers. And in manufacturing, if you manufacture something, you don't have to be that close to your customers. You can ship things overnight from almost anywhere. And when you think about it, when you're trying to get a plant financed, there used to be a time where you had to locate the plant in the United States because you needed financing. Now with worldwide banking, you can put that plant anywhere that you want. These are big changes.

The one reason that businesses would want to locate in the United States or in a particular community is because they know they can find well-educated workers. So education becomes the competitive advantage. And when you start looking at the location, you know you can get the good workers. You know that the communities will benefit by having a good education. We know these communities that invest heavily in education suffer less crime. Pay less welfare, and we know the individuals benefit, the students benefit with a good education. There's an old adage that says "the more you learn, the more you earn." The more education you have, the higher your income will be. So we need to focus on education if we're going to maintain our competitiveness.

But, unfortunately, we're finding that we're slipping in terms of math and science on any international basis. We used to be fairly high. We're kind of drifting down. We're kind of in the middle of the pack right now but dropping. We used to be number one in graduating our students from high school. Now we're dropping. We used to be number one in those going to college and graduating our students from high school. We used to be number one in those going to college. We used to be number one in graduating our students from high school. We used to be number one by far. If you look at the health of our students, that's going to be about it. We need to focus on education, in elementary and in secondary, and are making sure that all of our students have access to college. That means we have to make sure that they have the knowledge to be successful, and we need to make sure that we are making those investments, not just in higher education but also in K through 12, in elementary and secondary, and are making sure that all of our students have access to college.

One of the things we also have to do is to make sure they have the support, and not only the encouragement, to go to college. They need the financial access but also the support so they can stay in college. That's why the Federal TRIO Programs are so important—Talent Search, Upward Bound, Upward Bound Math and Science, Veterans Upward Bound, and Student Support Services. Once they get into college, there are additional support centers. There's the Ronald E. McNair Post-Baccalaureate Achievement Program.

The TRIO Programs encourage low-income and first-generation students to think in terms of college. For many of them, it's just not an expectation in their families, so they think, after high school, that's going to be about it. We need to instill upon them an expectation that, if you can do the work, you ought to continue your education. The TRIO Programs are so important in making sure they have not only the financial access but the support once they get there so that they can graduate.

Ms. MOORE of Wisconsin. Will the gentleman yield, please?

Mr. SCOTT of Virginia. I will yield.

Ms. MOORE of Wisconsin. This administration has been very good on financial aid, and this Congress has been great in providing financial aid. As a matter of fact, between fiscal years 2001 and 2009, the Pell Grants has seen an increase of over $27 billion. Now, these TRIO Programs that you talk about have a funding level of $853 million. That is less than $1 billion to the Pell Grant of $27 billion.

While providing financial aid to students is a great strategy, can you tell me why you think it is so important to fund these TRIO Programs in addition to the Pell Grants? What's the big enough investment in Pell?

Mr. SCOTT of Virginia. We're not making enough of an investment in Pell. We need to make those investments because the cost of college is going up, even more than the increases in Pell Grants. We have done a lot in Pell Grants in the last few years. After several years of no increases, we have made significant increases in Pell Grants, but the Pell Grant still does not pay as much of a portion of your education as it used to. It used to be that, with a Pell Grant, you could almost pay your entire tuition—room and board—at a State college. Now it's about 30 percent, and you've got to come up with the rest. With a Pell Grant, people back in the early '70s could work 15 hours a week at a little part-time job and could work their way through college. Today, even with a Pell Grant and while working 40 hours a week, it is still very difficult to work your way through college. We need to make sure that these opportunities are there.

Even though you have financial access with the Pell Grants, with the student loans, and with the scholarships, you also have to think about the support services that you need. These are so important, and that's why we need to make sure that the TRIO Program funding goes up as much as the funding for financial access, like Pell Grants and student loans. We have to recognize that the investments we make in education are so important and that, if we don't make these investments, we end up paying the bill anyway.

I serve not only on the Education and Labor Committee, but I also serve on the Judiciary Committee, where I chair the Subcommittee on Crime. We know that there is a strong correlation between those who drop out of school and those who end up in the criminal justice system. The high school dropouts are much more likely to end up in prison. Those who graduate from high school and those who go to college are much less likely to get caught up in the criminal justice system. When you look at all of the costs of incarceration not only in terms of affordable wage, if we had made the investments in education to get young people on the right track and to keep
them on the right track, we wouldn’t have had to make those expenditures in the criminal justice and social service programs.

So education is extremely important, and it is a much more intelligent use of taxpayer money investing in education rather than waiting for young people to drop out of school and to mess up, to join a gang and then get into a bidding war as to how much time they’re going to serve in prison. I saw in the last couple of days in New York, for every juvenile incarcerated, they spend about $200,000 a year locking up juveniles. California had the same number—over $200,000 per year per juvenile. You can just think of what kind of education could have been provided a few years before to make sure that the young people got on the right track and stayed on the right track. So investments in education are not only good for the economy and are not only good for the community, but they are not going to cost any more money than they cost when you look at the costs of failing to educate the next generation.

Ms. MOORE of Wisconsin. Will the gentleman yield?

Mr. SCOTT of Virginia. I yield.

Ms. MOORE of Wisconsin. I come from a community where there has been a great deal of discussion about the failures of students on the fourth-grade reading tests and about the failures of students on the eighth-grade math tests. I really didn’t expect to hear in your description of how the TRIO Programs really provide an intervention, as it were, in, admittedly, a systematically failed process up through middle school.

The TRIO Programs, as I have come to understand them, literally intervene in kids’ lives in middle schools through the Upper Bound program, for example, and through Talent Search. They really identify that next generation of students who have the capability and the capacity to go to college and to really keep our country on top. Many countries do this. They have done it for generations. They have identified kids in middle schools. Despite the incapacity of the families, based on their incomes, to put their kids in private schools or to give them tutoring, the TRIO Programs intervene in middle school, and put them on a college track. Here are some of the data and statistics that I want you to respond to.

First of all, of the kids of low-income students—and I’m not talking about any particular race or anything because, as I understand it, 37 percent of those students enrolled in TRIO are white students; 35 percent are African Americans, so persons are Hispanics are Native Americans; 22,000 of these students in TRIO are disabled students; and 25,000 are veterans.

So here we have a really diverse group of students who take advantage of these TRIO programs, but they now have one thing in common—they are all low-income students. They are all students who are disadvantaged by not having wealthy parents who can send them to prep schools. These are students we are depending on to become that next generation of engineers, scientists, and biologists. They are the people who are going to correct the conditions of our lakes, of our forests, and who will be the innovators. These are the low-income students in our country, only 41 percent enroll in college, and after 6 years in these Student Support Services, we find that almost 31 percent of these students actually attain a bachelor’s degree. Yet, only 10 percent of them graduate from college when you have only given them Pell Grants.

I guess that is one of the problems that you have tried to share with us today, which is: If you are going to spend $27 billion and are going to make that kind of important investment in financial aid, it is sure important to give those students the wraparound services that they need, perhaps some remediation in math and in reading, so that they can succeed in some support services.

If you will indulge me, Mr. SCOTT, I will tell you a little story.

I was pregnant at 18 years old when I graduated from high school, and I was not headed to college. As a matter of fact, I was at the then-Boys’ Club—it was not the Boys and Girls Club. I was at the Boys’ Club, watching the boys play basketball, when a young man walked up to me and said, The director of the Educational Opportunity Program in Marquette is looking for you, and he said he wants you to come down there right away. That’s how I ended up in college—18 years old, pregnant.

What these programs do is they actually interrupt the poverty cycle. They actually interrupted the sociological outcome for me to just be a welfare mom, receiving food stamps, with no hope of ever making an important contribution to society.

So I think that, if we are looking at a long-term bang for our buck, these TRIO Programs and increasing the funding for these TRIO Programs will certainly do that because we cannot afford the downward slide that you have described.

I’m not sure that people have really understood the seriousness of this. You mentioned that we were probably in the middle of the pack. According to the Economic Cooperation and Development, we are about 15th among 29 industrialized countries in college completion rates. That really has consequences, because when you look at China and at Japan and at South Korea, these are countries that are now the innovators in the world. They are producing the engineers. There used to be a time when you saw Chinese students sitting in American universities. You don’t really see that anymore. They are staying at home and gaining their baccalaureate degrees.

Now, President Obama has indicated that he has a goal of producing the highest proportion of college graduates in the world by 2020. To reach that goal, this Pell Grant increase is a part of that program. He also wants to expand the reach of community colleges, wants to invest Federal money in research and data collection and in other amendments to the student loan program, and wants to simplify the student aid process.

The gentleman from Virginia, those are very good intentions, and you’re experienced on the Education and Labor Committee, but I guess I’d like you to respond to whether or not just simply providing financial aid and collecting data will get us there.

Mr. SCOTT of Virginia. Thank you.

If the gentlelady would yield, one of the things we need to do is to make sure that we get all of our students headed toward college. You mentioned the impact of finances and the income of parents. One factor is that many parents never went to college, so there may be a certain expectation that children will go to college. If your parents went to college, there is really an expectation that you are going to go to college. Too, it’s not a question of whether you are going to college. After you graduate from high school, it’s which college are you going to go to. There is just an expectation.

Ms. MOORE of Wisconsin. Right.

Mr. SCOTT of Virginia. When you have parents who did not go to college—and this is one of the main focuses of the TRIO Programs—they want to develop that expectation.

When I was in college, I was an Upward Bound counselor, and I could see in the Upward Bound program the profound change in attitude that young people had as the summer went on. At the beginning of the summer, I remember you could ask young people, What are your plans for the future? They would start telling you their plans for the weekend, later in the program, ask, What are your plans for the future? They’d tell you what courses they needed to take in high school to make sure they could get into college, and they’d tell you the courses that they’d have to take in college in order to get into law school or into medical school. They had planned their futures a lot farther along than just the weekend.

When you have a different perspective and when you start having an expectation that “my future includes college,” a lot of things happen. One, you are less likely to use drugs and to get caught up in delinquency because you know that will adversely affect your future.

So just the fact that you’re looking at a future, you will much more likely get on the right track and stay on the right track to actually achieve those goals.

Ms. MOORE of Wisconsin. Will the gentleman yield?

Mr. SCOTT of Virginia. I yield.
Ms. MOORE of Wisconsin. Gentleman, you indicated, I heard you say that we need to get all of our kids prepared to go to college. And I'm wondering if we aren't concerned about class warfare. We talked about those parents, not low-income parents. They've gone to college. They've had a college fund for their children early on. And perhaps these are parents who might feel somewhat resentful that there's a program out there that provides support for low-income students, as I indicated, I mean, 41 percent of low-income students, just—I mean, if you're not an athlete and you can win a scholarship, you know, if you're not summa cum laude, valedictorian of your high school, you might not have access to scholarship funds.

What would you say to those parents who do have a baccalaureate degree about the need to make sure we give access to college? Mr. SCOTT of Virginia. Well, one of the things we found in our work in Education and Labor and on the Crime Subcommittee is that so many of our young people are not graduating from high school. In some States, in some schools, we've called drop-out factories, half the children that go to those schools fail to graduate. And so it's important, if we're going to have any kind of society, that we encourage young people to go to college because at least that means they'll get through high school. If you do not pay for education, you will pay for welfare and crime. And so it's important for us, as a society, to make sure that we invest in education so we won't have as much to pay for in crime and welfare, and also, we'll have an educated workforce so that when businesses come to the community and consider moving their businesses to your community, you'll have a well-educated workforce to show how you also demonstrate that if they bring their business here, their workers will have access to a good education. So it's in everybody's best interest to have a well-educated workforce and to make the investments in education.

The Pell Grants make sure that everybody can have access. A significant reduction in interest on student loans has taken place in the last few years. There are a lot of things that we're doing. We've made significant investments in colleges and how they can help their students. There are a lot of things that we've been doing, but the main focus has got to be to get young people into college, and once they get into college, to make sure they've got the support services that the TRIO programs will provide to make sure that they can actually graduate.

Ms. MOORE of Wisconsin. I was just looking at an article that was published in Forbes Magazine recently, called Investing in America's Future, and one of the points that the author made was that in California, two-fifths of the State's jobs are expected to require college degrees by the year 2020. But the number of adults with those credentials will fall short. So it's not just a matter of providing an opportunity for middle-class and upper-class students. We've been joined by Congresswoman SHEILA JACKSON-LEE, who has spoken often about the need for businesses to have an educated workforce. I've heard her speak very passionately about how there are so many requests among our business leaders for foreign students to come into the country because we don't have an educated workforce. And so, gentleman, I'd like you to respond to that.

Mr. SCOTT of Virginia. You mentioned two-fifths require college. But even more than that require some education past the high school level, some kind of training, some kind of education, maybe not the 4-year college, but a 2-year college, or maybe some career training course so that you could learn your trade. There used to be a time when you could get a low-skilled job, keep it for 40 years and then retire. The jobs of today require continual learning, lifelong learning. You've got to be retrained. A lot of jobs have become obsolete. Instead of one job for a long time, most people will have four or five or six jobs during their careers. It's important to make sure that you can learn and you have lifelong learning at the heart of the new jobs. Most, 40 percent require college, but virtually all of them, good jobs, will require some kind of education past the high school level. Ms. MOORE of Wisconsin. Thank you so much.

I'm so happy this evening that we've been joined by Congresswoman SHEILA JACKSON-LEE from Houston, Texas, and I would yield to her at this time.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentlelady from the great State of Wisconsin for her persistence in the work that I found her doing when I visited her district some several years ago. She has been persistent and consistent, and I'm delighted to join her this evening, along with my friend and colleague from Virginia. I served with BOBBY SCOTT as the Chairman of the Subcommittee on Crime. But he has redefined that committee, and he realizes, with his experience on the Education and Labor Committee, that we are going down the wrong direction. And I combine the idea of steering people away from a life of crime or the mistakes that we've made in the criminal justice system with the poor response that we have given to our education system. I really think that we have, or we took our education system for granted. It was there. We were at a point in our lives in the 19th century, the 20th century, most particularly here in America, changing in the economy and we were at the cutting edge of invention. We had television; we were doing transistor radios; we did the telephone. We were really, if you will, at the peak of the envy of all the world, and we took for granted that individuals would start school, public school, by the way, and they would finish school and some would finish high school, but they would still be at an economic level that they could provide for their families. And others went to college. And so I'm listening to this discussion about our international competitiveness, and I read this sentence to you: America no longer has the smartest students or the smartest workforce in the world.

I would take issue with that and say that we have the smart people, but we have not cultivated them and provided them the support system that a TRIO provides, a steering. It's almost as if you had a playing field and you told people to just get out on that playing field. There were no guidelines, there were no bases to make, there were no touchdowns to make, and what would we yield? You'd have results. But if you had some guidelines, if you told them that they had to go from one point to the next, that they had to kick the ball into the field goal area, or they had to make a touchdown, or they to had hit a home run. And that's why I've come to the floor today, because I want to share these statistics, but I want to refute these statistics and I want to say, it's time now to go back to the old, to reinvest in our education as if we cared about it.

So let me share with you some numbers that may have already been put into the RECORD, but I believe it's important, that show the 2007 trends in international mathematics and science study, which is really a baby of mine. I've been on or served on the Science Committee for 12 years. In that, my emphasis was math and science and NASA and what NASA can do to inspire our young people to want to be scientists and mathematicians. It means the math knowledge of fourth and eighth graders.

Our students don't perform like those in competitor nations. Only 10 percent of U.S. fourth graders and 6 percent of U.S. eighth graders scored at or above the international average in math. That means that 94 percent of our eighth graders are getting beat by countries like Singapore, Hong Kong, England and Russia, and Kazakhstani students scored better in math than our own fourth graders. What does that mean? It means that there is a legitimate argument for TRIO because TRIO provides the kind of road map that gives you the support systems that really cause students who come from disadvantaged backgrounds to get to the finish line, to be able to kick the goal, to make the touchdown, to make the home run.

And I believe that we've been lax in the funding. It's always easy to cut funding for the vulnerable. We don't have to worry about any funding for

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the vulnerable because their voices cannot be heard. We know that just across the country, the University of either Southern California or Berkeley has students who have been picketing and sitting in for weeks because of tuition increases. We know that low-income, first-generation students are more disadvantaged as they raise tuition costs and they don’t have support systems.

So, for example, here is what TRIO has done, college going rates for TRIO versus non-TRIO students: All low-income, 33 percent enrolled in college; Upward Bound participants, 77.3 percent; Pell, 30 percent; receive Pell but no support, 21 percent, way down; receive neither Pell nor support, 8.9 percent. They just don’t make it.

Ms. MOORE of Wisconsin. Will the gentlelady yield?

Ms. JACKSON-LEE of Texas. I’ll be happy to yield.

Ms. MOORE of Wisconsin. This is the question I have for my colleagues here. If it’s so clear, as you’ve indicated, gentlelady from Texas, that TRIO works, if it’s so clear, as the gentleman from Virginia has indicated, that we need to continue to remain globally competitive and to continue to be the innovative country and to really develop a way to develop and create new revenues for our country, we’re not going to just cut spending and raise taxes and have that be adequate for remaining a first-class nation.

If it’s true that we don’t have enough upper-class students who are graduating from college that we can afford to ignore low-income white students, low-income African American students, low-income Hispanic students, low-income Asian students, disabled students and veterans who are in these programs, if we can’t afford to ignore them, we’ve got to grab them and educate them so that we can meet those goals and that bar, why has TRIO been flat-funded?

What are the consequences of the fact that TRIO was flat funded during fiscal year 2006 and 2008, and what it means in the academic year 2009, a minute increase in 2010 and, God bless him, our Appropriations Chair, DAVE OBEY, added $20 million to TRIO this cycle, but after all of the negotiations with the Senate, only $5 million was retained in that program. What are the consequences of reducing these vital services to TRIO students and our remaining competitiveness of the world? We need at least $200 million for this program.

Ms. JACKSON-LEE of Texas. You are eloquent in crafting the frustration that you experience and so many of us experience. And do you know what the answer is? They just don’t get it. Not the friends and allies who work so hard, the chairman of the Appropriations Committee on the House side, so many Members who understand what TRIO means, but the overall thinkers about education and how to cut dollars just don’t get it.

TRIO costs an average of about $1,000 per student per year, $1,000. Pell is estimated to spend approximately $25 billion helping over 7 million students get aid. The combination of a TRIO effort for each of these programs is so staggeringly, and let me just retrace that word and not utilize “tragedy,” but when you look at it and you say we are the country that spent the 20th century just inventing about everything the world now uses, when we think of China, we are glad that it has made gigantic steps of development. It is still a developing nation, and a lot of what China has made its economic rise on has been what we invented in the 20th century and now they make it in a cheaper manner.

So what are we losing is we are losing the genius of our invention and inventiveness. H-1B is what you’re talking about. The H-1B visas have become the popular response. So I’m not going to work overseas. Our children don’t know math and science. Forget about it. We’ll just import thousands upon thousands.

I have no quarrel with them. We just stood today and introduced a comprehensive reform bill. There is no quarrel with the idea that this Nation is a nation of laws and immigrants, but there is a quarrel when we throw to the side those disabled, those veterans, those disadvantaged students, those children who have a single parent who would not have the ability to be able to follow through on college.

So what do we lose? Again, we lose the ability to invent for the next generation, the minds of those that are going to be at the cutting edge of finding the right kind of cure for HIV/AIDS or stopping the H1N1 pandemic or finding a cure for cancer or being able to fix crumbling bridges. This is what we lose. And, frankly, I believe we are long overdue for the reckoning that comes with the idea that we are ignoring our children.

I would like to just use as an example the fact what we call AP classes and so many students who are going to be at the cutting edge of finding the right kind of cure for HIV/AIDS or stopping the H1N1 pandemic or finding a cure for cancer or being able to fix crumbling bridges. That’s all about budget. We don’t respect or appreciate how much money good education can generate, and I think that we lose our rightful competitive place in the world. And I went much rather invest $1,000 in TRIO than $1,000 in making war and taking a chance of losing one of our bright young men or bright young women who has gone on the front lines. We appreciate them.

But what I’m saying is we should give equal opportunity for those who are either after their military service or in the midst of their military service or that want to go to school, we should give them the opportunity to do so, and that is what TRIO is all about.

Ms. MOORE of Wisconsin. Will the gentlelady yield?

Ms. JACKSON-LEE of Texas. I’d be happy to yield.

Ms. MOORE of Wisconsin. My colleague Representative SCOTT is a great mentor of mine. He serves on the Budget Committee, and he is an expert on one of the subjects that really consumes a great deal of time on this floor and in our committees, and that’s the subject of the budget deficit and how we dig ourselves out of this hole. And I guess I was wondering if he would share—I’m sort of surprising him with this question, but I guess I would like for him to talk about the revenue options or the cutting options or how we got into this fiscal hole that we are in and what the role of educating and having an educated workforce will have on us ever being able to approach some sort of deficit reduction.

And I will yield to the gentleman.

Mr. SCOTT of Virginia. There are direct consequences of spending more money on education, one of which is that the average income of those who have invested in education income will go up, better known from a budget perspective as more taxable income. And so those that you invest in and have more taxable income will be able to help fund the government. That is one plus side.

On the minus side, if you do not educate the people, they are much more likely to be involved in crime and welfare, better known as expenditures. So instead of getting more revenue, you end up with more expenditures.

So we need to make sure that we make these investments in education so more and more of our students go on to college. And we know what works. We know that TRIO works. The TRIO programs, the Talent Search, Upward Bound, Upward Bound Math-Science, and Veterans Upward Bound all help students think about college and get them on track to college.

The Student Support Services, Educational Opportunity Centers, and the Ronald E. McNair Postbaccalaureate Achievement Programs help students once they get to college. They are involved in those programs and are much more likely to graduate and complete than the plus side. Making sure they will be much more contributing members of society. And we know they work. There are currently 2,800 TRIO programs that are serving 850,000 low-income and first-generation students. Now, you can only imagine that without TRIO, many of these students wouldn’t even be thinking about college. And if you just look around the country, many of these programs have waiting lists, young people that are trying to get the help of a TRIO program, but because they haven’t funded them adequately, there are not enough slots and they have to languish and perhaps not get an education because
they didn’t get the services that they needed.

We need to make sure those investments are there. If you’re looking long term in the budget, we need to make sure that people are self-sufficient, not depending on government. The investments we make in education in the long-term budget perspective are investments that need to be made.

Ms. MOORE of Wisconsin. Thank you so much for that, gentleman. That is so important.

You know, the Department of Education really bears this out. They say a high school dropout earns about $18,000 a year—of course that’s if they’re not costing us money in the prison system—a high school graduate, $26,000 a year, an associates degree, $38,000, and a bachelor’s degree, $65,000. When we consider our aging baby boomers, we certainly are going to need to make sure, and I know, the Department of Education has ever taken place.

Mr. SCOTT of Virginia. And if we don’t make the investments that we’re talking about today, this may be the first generation that has a lower achievement of education than their previous generation. Right now, many children of college-educated parents are not going to college. We are very close to having this generation less educated than last. That will be the first time in American history that has ever taken place.

Ms. MOORE of Wisconsin. Wow. Before I yield to the gentlelady, I just want to say that old adage, “pennywise and pound foolish.” I started this hour out by talking about all of the competing problems that we discuss on this floor, the cost of the war and cost of health care, costs of Medicare and Social Security entitlement programs, the cost of escalating the war in Afghanistan, the great recession where, at its height, 700,000 jobs were lost in a single month, the bailout funds for the “too big to fail” institutions.

And so if we allow ourselves to get mired down in this and decide that $200 million for an education program is just too much money, that would be the perfect place to talk about pennywise and pound foolish, wouldn’t you agree, gentleman?

Mr. SCOTT of Virginia. I would agree. And I have introduced, as you know, the Youth Promise Act, which looks at a comprehensive approach to investing in our young people, getting them on the right track, keeping them on the right track rather than waiting for them to drop out of school, mess up, and then spend all the money on incarceration.

If we take a comprehensive approach, we have found that you are more likely to save the long run money and certainly even in the short run. Comprehensive approaches to juvenile crime, one in Pennsylvania where they spent $60 million investing in young people—in a couple of years they figured they saved $300 million. Those kinds of results happen all over the country when you take a comprehensive approach, making sure young people can get on the right track and stay on the right track and get out of what the Children’s Defense Fund calls the cradle-to-prison pipeline and get into the cradle-to-college or cradle-to-workforce pipelines. Those pipelines, the college and workforce pipelines are actually cheaper to construct than a cradle-to-prison pipeline where you spend huge sums of money locking people up. You don’t get the benefit of the increased earnings; you just end up spending all the money on crime and welfare.

So if we make the right investments in getting young people on the right track and keeping them on the right track, we not only have a better society, but they do better. Ms. MOORE of Wisconsin. Thank you so much. That was just amazing information.

The gentlelady from Texas, I would love to hear what you have to say on this matter.

Ms. JACKSON-LEE of Texas. Well, I think this discussion should be a roadmap, but it also should be a primer, a tutorial for us not heading toward a fiscal disaster that we are heading toward. We should heed some of the comments that have been made.

I would like to build on this issue of the criminal justice system, which has just grown exponentially. I would say to the gentlelady that there are at least 1 million persons in our prison system throughout the Nation. It is known to be the largest prison system in the civilized world. It is called the “prison industrial complex” because there is so much money spent in incarcerating persons, and it does not seem that we have gotten it again to invest on the front end.

So I would just like to share with you, according to the National Center for Education Statistics, which studies the math skills of 15-year-olds throughout several industrialized countries, our United States students ranked 25th internationally. Why? Probably not embraced by the TRIO concept, the support system concept. High school graduates, only 75 percent. I realize that TRIO goes forward into the college area, but it means that these students are not support early.

High school graduation, only 75 percent of first-year high school students graduate within 4 years; 25 percent of our students are left behind. Today, 1 in 10 24-year-olds still lack a high school degree. The Alliance for Excellent Education, 76 percent of white students graduate in a 4-year period, compared with 55 percent of Hispanic students and 51 percent of African American students. There lies the crux of the need for TRIO, because we need that kind of inspiration.

Let me just finish. The Alliance estimates that high school dropouts from the class of 2008—listen to this number—will cost the United States $319 billion in lost wages over their lifetime. Is there any defense for not supporting TRIO, for not funding it to the max so that we can draw these students through the high school period into the college and then see them graduate and invest that $319 billion into the economic engine of this economy, and on the other side, having skills that are marketable skills?

I started out by saying that we have been cited as not having the smartest students in this century or this time frame. I said, no, these are smart students; we just have not given them the rules, we have not laid out the plan, we have not directed them, we have not provided them the TRIO support system that can be so helpful in providing the kind of economic engine for America.

So in this climate of high unemployment and all of this talk about creating jobs, and plans, we cannot afford America’s education system for our children.

Ms. MOORE of Wisconsin. Thank you so much, gentlelady from Houston, Texas. And thank you, my dear friend and colleague on the Budget Committee and also on the Education and Labor Committee.

Before we close out this hour, I just want to sort of summarize what we have said here this evening. We really admire this Congress and our President for really revamping tuition and making adequate tuition a priority. It has been so important to revisit how we make student loans so that we don’t just provide funding for bankers, that we actually use those funds for students, to simplify student forms. It is even important to invest in research about educational outcomes.

It has been very, very important to have seen the dramatic increase in the Pell Grant because, without this tuition assistance, it would not be able to make it. Tuition assistance is a vital component in helping low-income and first-generation college students or any students get through college. Without these dollars, higher education would be unattainable for millions of students who rely on Pell to pay the bills. But all too often, Pell is a wasted investment for our low-income kids because they don’t have access to guidance counselors and tutors and the other type of support that comes with the TRIO programs.

It doesn’t do the student or our country much good if we spend millions on first-year Pell recipients only to have those students drop out after their second or third year. That’s not a sound investment. A sound investment is making sure that when we commit to providing educational resources for our most vulnerable kids, we give them all the tools to successfully see that journey through.

That’s why we’re here today. This Congress has drastically increased vital funding for Pell Grants. I have been and will continue to be a staunch
More importantly, our country, our beloved country that we love so much, and love so dearly, and a country that has given us an amazing life-style of modern living is at risk if we don’t educate the future workforce. We have got to start with our tiny tots in early education, but that’s a more long-term goal. Right now we are having an emergency, an emergency; students are either not graduating from high school or they are graduating with deficiencies.

In order to step up, we need a TRIO program, a modest amount of funding, $200 million in the scheme of things, nothing like we are spending on all the other crises in this country, that would help these programs serve those students who are on waiting lists.

With that, I would yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. I want to thank the gentlewoman from Wisconsin for her hard work. She has benefitted from the TRIO Program, so she knows firsthand as I do, as a counselor in college. I spent 3 years as a counselor in the Upward Bound Program, noticing the profound change from the beginning of the program to the end of the program.

We need to make sure these opportunities and this guidance is made available to all students to make sure they can get into college and then support services once they get there so that they can graduate. These are important programs.

I thank the gentlelady for organizing this Special Order and I thank the gentlelady from Texas for joining us.

Ms. JACKSON-LEE of Texas. If I may say a word of appreciation for you and say a picture is worth a thousand words, these tall bars, if they can be seen, show what happens to Upward Bound participants, Upward Bound Math and Science and Talent Search, much higher than the little low bar here that shows students without assistance.

One last point is that one in nine African American men age 20 to 34 are behind bars. Black men are more likely (at the request of Mr. BOEHNER) for today until 3:30 p.m. on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. YOUNG of Florida (at the request of Mr. MCAFEE) at 11 o’clock and 16 minutes p.m.

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MAFFEI) at 11 o’clock and 16 minutes p.m.

Mr. NADLER, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WELCH, for 5 minutes, today.

The motion was agreed to; accordingly (at 11 o’clock and 17 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MAFFEI) at 11 o’clock and 16 minutes p.m.

Mr. MURPHY of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 16, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from
the Speaker’s table and referred as follows:


5077. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a draft proposed rule — Ames National Wildlife Refuge; Special Areas for Wildlife, 15 U.S.C. 78ggg; to the Committee on Appropriations.

5078. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Clothianidin; Pesticide Toleration [EPA-HQ-OPP-2008-0945; FRL-8793-6] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5079. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement: Whistleblower Protections for Contractor Employees [DFARS Case 2008-DE01] (RIN: 0750-AO09) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5080. A letter from the Under Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of July 1, 2009 through September 30, 2009, pursuant to Public Law 109-364, section 349; to the Committee on Armed Services.


5086. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department’s final rule — New Animal Drug Application [Docket No.: FDA-2009-N-0436] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


5096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Protection of Stratospheric Ozone: Adjustments to the Allowance System for the 2008 Federal Fiscal Year; Implementation 349; to the Committee on Energy and Commerce.

5097. A letter from the Acting, Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department’s final rule — Implementation of the Wassennaar Arrangement’s (WA) Export Control Nationalization Plan to Reduce Interstate Trans 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

5098. A letter from the Associate Director, PAI, Department of the Treasury, transmitting the Department’s final rule — Glob 801(a)(1)(A); to the Committee on Foreign Af

5099. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the personnel report for the Library of Congress, the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Triggering, Pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5100. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2009, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.


5105. A letter from the Chairman, National Labor Relations Board, transmitting the Board's semiannual report from the Office of the Inspector General for the period ending September 30, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

5106. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5107. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #4, #5, #6, and #7 (Docket No.: 09000176-AM1700) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5108. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries for the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska (Docket No.: 09100089-4056-01-02) (RIN: 0648-XT79) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5109. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area (Docket No.: 08101413-5901-02) (RIN: 0648-XT17) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5110. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area (Docket No.: 06101413-5907-02) (RIN: 0648-XT79) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5111. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area (Docket No.: 08101413-5901-02) (RIN: 0648-XT17) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5112. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area (Docket No.: 06101413-5907-02) (RIN: 0648-XT79) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.
case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:
H. Res. 970. A resolution congratulating Flint native, University of Alabama sophomore, and running back Mark Ingram on winning the 2009 Heisman Trophy and both his academic and athletic achievements; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself, Mrs. MYRICK, Mr. ADERHOLT, Mr. ALEXANDER, Mr. ARCUHI, Mr. BACA, Mrs. BACHMANN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOCCURRI, Ms. BORDALLO, Mr. BOREN, Mr. BOUNTY, Mr. BRAY of Iowa, Mr. BRIGHT, Ms. CORRINE Brown of Florida, Mr. BURTON of Indiana, Mr. BUTLERFIELD, Mr. CALVET, Mr. CAREY, Mr. CARDOZA, Mr. CARNEY, Ms. CASTOR of Florida, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONDOLLY of Virginia, Mr. CROWLEY, Mr. CULBerson, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Ms. DEGETTe, Ms. DELAURiE, Mr. LINDON of Hawaii, Mr. LITTMAN of Florida, Mr. MARIO DIAz-BALART of Florida, Mr. DINGELL, Mrs. EMERSON, Mr. ENGER, Mr. FARE, Mr. FOSTER, Mr. FULTON, Mr. GINGRy, Mr. GRANGER, Mr. GRAYSON, Mr. GRIFFITH, Mr. HALL of New York, Mr. HALL of Colorado, Mr. HASTINGS of Florida, Mr. HENRICH, Mr. HELLEr, Mrs. HERSHIT SANDLIN, Mr. HodERs, Mr. HODEN, Mr. ISRAEL, Mr. JENNEX BERNiNE JOHNSON of Texas, Mr. JOHN- son of Georgia, Mr. KILDEE, Mr. KIL- HOY, Mr. KIND, Mr. KLEIN of Florida, Mr. KNOTOPOULOS, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LUEKEMEYER, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBiONDO, Mrs. LOWEY, Mr. LYNCH, Mr. MARKey of Colorado, Ms. MATSi, Ms. MCCollUM, Mr. McGOVERN, Mrs. McHORRi RODRiGERS, Mr. McNERNiNE, Mr. MEEK of Florida, Mr. MELANCON, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. PATRiCk J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. O'GRADY, Mr. O'LEary, Mr. O'REILlY, Mr. PETERS, Mr. POLiS of Colorado, Mr. PUTNAM, Mr. RANiEL, Mr. ROS-LiGHTiNEN, Mr. SCHAuR, Mrs. SCHMITT, Mr. S PRODUCTS of Georgia, Mr. SestAK, Ms. SHeA-PORTER, Mr. SHErMAN, Mr. SPACE, Mr. STUPAK, Mr. SUTTON, Mr. TANNER, Mr. THOMPSON of Pennsylvania, Ms. TRONGA, Mr. WALZ, Mr. WEiNER, Mr. WExLKEr, Mr. WILson of Ohio, Ms. WOOLSEY, Mr. WOOLSEY, Mr. WOOLSEY, Mr. WOODRiGUE, Mr. NADLEr of New York, Mr. NYE, Mr. OF Indiana, Ms. EDWARDS of Maryland, Mrs. DHiLKErMeyer, Mr. KOsMAT, Mr. KOl of Massachusetts, Ms. HAHMiN, Mr. ACKERMAN, Mr. ACKERMAN of New York, Mr. TEAGUE, Mr. MCAiMON, Mr. MAFFrI, Mr. MiChELL, Mr. KAGEN, Mr. MURTHA, Mr. Wu, Mr. DAVIS OF IlliNOIS, Mr. BUCHANAN, and Ms. HiRONo):
H. Res. 971. A resolution expressing the sense of the House of Representatives regarding guidelines for breastfeeding during conflict for women ages 40 to 49; to the Committee on Energy and Commerce. Considered and agreed to.

By Mr. DAVIS of Alabama (for himself, Mr. BonNER, Mr. GRIFFITH, Mr. RoGERs OF Alabama, Mr. ADERHOLT, and Mr. COX):
H. Res. 972. A resolution commending Uni- versity of Alabama Running Back Mark
Ingram on winning the 2009 Heisman Trophy; to the Committee on Education and Labor.

By Mr. ALEXANDER:

H. Res. 974. A resolution urging the Administra-
tion of the Environmental Protection Agency to reevaluate the endangerment and cause or contribute findings regarding greenhouse gases signed on December 7, 2009; to the Committee on Energy and Commerce.

By Ms. SCHWARZT (for herself, Mr. HOLDEN, Mr. BURGESS, Mr. MEEK of Florida, Mr. Pastor of Arizona, Mr. CLEAVER, Mr. GEHLHAUER, Mr. HASTINGS of Florida, Mr. MOORE of Kansas, Mr. BLUMENAUER, Ms. VAELIÁNQUES, Ms. LEE of California, Ms. KAPTUR, Mr. PATTAT, Mr. SERRANO, Mr. MEeks of New York, Mr. PLATTs, Mr. ELLISON, Mr. RANGEL, Ms. MATSUI, Ms. CHU, Mrs. DAHLKEMPER, Mr. HONDA, Mr. DAVIS of Illinois, Ms. SUTTON, Ms. CASTOR of Florida, Ms. WATSON, Mr. INSLEE, Mr. McGovern, Ms. CLARKE, Mr. CARDOZA, Mr. HINCHY, and Ms. WOOLSEY).

H. Res. 975. A resolution recognizing the potential for a national fresh food financing initiative to provide an effective and eco-
nomically sustainable solution to the prob-
lem of limited access to healthy foods in un-
derserved urban, suburban, and rural low-in-
come communities, while also improving health and stimulating local economic develop-
ment; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Ms. EDWARDS of Maryland, Mr. DOYLE, and Mr. DelFAzIO.

H.R. 219: Mr. BOOZMAN.

H.R. 240: Mr. Bishop of Utah.

H.R. 305: Ms. Pingree of Maine.

H.R. 391: Mrs. Bono Mack and Mr. COSTELLO, Mr. ELLSWORTH, Mr. FlemING, Mr. TOPE, Mr. CALDERON, Mr. CardOza, Mr. HINCHY, and Ms. WOOLSEY.

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBEY

H.R. 3414, a bill to permit continued finan-
cing of government operation, does not con-
tain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. OBRY

H.J. Res. 64, making further continuing ap-
propriations for the fiscal year 2010, and for other purposes, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and reso-
lutions as follows:

H. Res. 648: Mr. DOUGETT.
Senate

The Senate met at 10 a.m. and was called to order by the Honorable Roland W. Burris, a Senator from the State of Illinois.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Loving God, You know our weaknesses and the extent of our failure to love You and one another. Look upon us with mercy and use us to heal the hurt in our world. Establish the labor of our lawmakers, strengthening them to honor You by serving others. Let Your life-giving Spirit move them to feel greater compassion for those in need. Use them to remove barriers that divide us, as they help all to live in greater justice and peace. Lord, give our Senators a daily respect and submission to Your will and commands. We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Roland W. Burris led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Roland W. Burris, a Senator from the State of Illinois, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. Burris thereupon assumed the chair as Acting President pro tempore.

NOTICE
If the 111th Congress, 1st Session, adjourns sine die on or before December 23, 2009, a final issue of the Congressional Record for the 111th Congress, 1st Session, will be published on Thursday, December 31, 2009, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2009, and will be delivered on Monday, January 4, 2010.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators’ statements should also be formatted according to the instructions at http://webster/secretary/cong_record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Record@Sec.Senate.gov”.

Members of the House of Representatives’ statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

Charles E. Schumer, Chairman.
RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of H.R. 3590, the health reform bill. There will be 5 hours for debate prior to votes in relation to the following amendments and motions: Baucus, Dorgan, Lautenberg. We can never determine for sure, Mr. President, but it appears the votes should start between 5 and 6 o’clock. The Senate will be in recess from 12:15 until 3:15 p.m. today for the weekly caucus luncheons.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE REFORM

Mr. McCONNELL. Mr. President, with Americans now really focusing in on the health care debate, it is important to take a step back and recall where we started because somewhere along the way, Democratic leaders took the ball.

It is a good time to remember what this reform debate was all about. The goal of this legislation, by all accounts—everyone agreed—the goal was to lower the cost of health care. This is what the President had to say. It is a direct quote:

The bill I sign—

According to the President—

must . . . slow the growth of health care costs in the long run.

That was on July 22 of this year. Yet here we are, nearly 5 months later, and the administration’s own scorekeeper, the CMS—also affectionately known as the Centurion—says the Democratic bill will actually drive costs up, exactly the opposite of what the debate was all about in the beginning, and exactly opposed to what the President indicated on July 22 that he would not sign such a bill.

Now, remember, the purpose of reform was to lower people’s insurance premiums as well. Here is what the President had to say about that, a direct quote:

I have made a solemn pledge—

that I will sign a universal health care bill into law by the end of my first term as President that will . . . cut the cost of a typical family’s premiums by up to $2500 a year.

Yet now we are being told by the administration’s own nonpartisan scorekeeper—also the CMS Actuary—that new fees for drugs, devices, and insurance plans will drive up insurance premiums.

The purpose of reform was also to ease the burden on taxpayers. Here is what the President had to say about that:

No family making less than $250,000 a year will see their taxes go up.

That was the President on September 12, 2008: “No family”—not a one—“no family making less than $250,000 a year will see any form of tax increase.”

Yet now we are told by the independent analysts, such as the Joint Committee on Taxation, that taxes will actually go up on those same taxpayers, those making under $250,000 a year.

People who like the plans they have were told they would be able to keep them. Here is what the President had to say about that:

If you like your current plan—

“You if you like your current plan”—

you will be able to keep it.

Then he said:

Let me repeat that: If you like your plan, you’ll be able to keep it.

That was July 21, 2009, just this summer. Yet now we are told by the independent analysts, such as the Congressional Budget Office, that millions of Americans will lose their employer-based coverage and that millions of seniors will lose their extra benefits cut by half.

Americans are looking at this, and they are truly outraged. The American people are outraged at what is happening. They cannot understand what we are doing. The latest CNN poll says 61 percent of Americans oppose this bill; 61 percent of the American people are saying don’t pass this bill.

This bill is completely out of touch with the American public. Think about it: 1 out of 10 working Americans is looking for a job, and yet the majority seeks to pass a bill that makes the existing problems worse.

Yet Democratic leaders in Washington are still insisting that we pass this bill.

Even as opposition grows, supporters of the bill are making plans and cutting deals to make this bill the law of the land. Yet the American people are not for this bill.

Seniors will see their extra benefits cut. Americans will lose their employer-based coverage. Millions of Americans will lose their employer-based coverage and that millions of seniors will lose their extra benefits cut by half.

The purpose of reform was also to ease the burden on taxpayers. Here is what the President had to say about that:

You get the impression that the supporters of this bill think it is about them, about them and their legacies. Well, this is not about them. This is about all American people. This is not about making history. This is about doing the right thing for every single American’s health care.

Americans have a message: Higher premiums, higher taxes, higher health care costs are not what they signed up for. This is not what they were promised.

This is not reform. Yes, doing nothing is not an option, but making current problems worse is worse.

TRIBUTE TO JACKIE HAYS

Mr. MCCONNELL. Mr. President, I rise to wish a fond farewell to one of the Nation’s finest television news anchors, Louisville’s own Jackie Hays. After more than three decades in broadcasting, most of it spent in Louisville, Jackie will be retiring, and people throughout Kentucky are sorry to see her go.

The level of respect Jackie has earned in the community is reflected in the many awards she has won over the years. She has received 16—16—Best of Louisville awards, including numerous honors as Best Female News Anchor.

In 2005, she was named “Best of the Best” by Louisville Magazine. She has also received the Standing Ovation Award for Women in Radio and Television, and Emmy nominations for her work both in Louisville and Philadelphia.

Jackie has had a lot of wonderful experiences in her career, all in pursuit of getting the best story for her viewers. She reported live from the scene of the bombing at the 1996 Summer Olympics in Atlanta. She interviewed two Presidents; one of them was Ronald Reagan over lunch. And, of course, she has been a fixture in Louisville homes on the first Saturday of every May, as she has anchored coverage of the Kentucky Derby 25 times.

Once she went up in an F/A–18 Hornet with the Blue Angels, a U.S. Navy flying acrobatic team that has performed in the Kentucky Derby Festival. She flew at 600 knots—that is nearly 700 miles an hour—and was subjected to seven times the normal force of gravity. She may have blacked out briefly with all that force—as the instructor told her most people do—but for the thrill of the ride, and to better tell the story to her viewers, she says it was worth it.

Jackie was born in Paris, TN, right over the border from Murray, KY, and she attended Murray State University on a special Presidential academic scholarship. She was named the outstanding senior in radio and television and began her broadcasting career at a Paducah station while still a senior in college.

After graduating with highest honors, she went on to a full-time position, until moving to Louisville in 1980 to work for WAVE. Over 5 years, she briefly went to work in Philadelphia, but in 1988 she returned to Kentucky and River City where she has stayed ever since.

For the last 21 years, since returning to Louisville, Jackie has been with WAVE–3 News. She is currently the anchor of that channel’s 5 p.m. and 6 p.m. newscasts.
After 32 years in broadcasting, Jackie has earned a well-deserved rest, and I know she is looking forward to spending more time with her husband Paul, their two daughters, and their dogs. Jackie and Paul are avid horse riders, and I hope they just got a new horse named Chaps.

But Jackie will be greatly missed by the people of Louisville and the surrounding area. Every day, through the television, viewers have welcomed her into their homes. Now we should stop and acknowledge that we have welcomed her into our community and our lives as well. So I just wanted to take this moment to thank her for her incredible career on behalf of Kentuckians everywhere.

Mr. President, I yield the floor.

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyer's credit, to provide for the importation of prescription drugs, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Dorgan modified amendment No. 2793 (to amendment No. 2786), to provide for the importation of prescription drugs.

Crapo motion to commit the bill to the Committee on Finance, with instructions.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 5 hours for debate, with 2 hours equally divided between the Senator from Montana, Mr. BAUCUS, and the Senator from Idaho, Mr. CRAPO; and the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Upon disposition of these amendments and the motion, the next two Senators to be recognized to offer amendments and motions. We have 14 amendments and motions. We have 14 amendments and motions.

AMENDMENT NO. 3183 TO AMENDMENT NO. 2786

Mr. President, under the previous order, it is in order for this Senator to offer a side-by-side amendment to the motion to commit, offered by the Senator from Idaho, Mr. CRAPO, and pursuant to that order, I call up my amendment No. 3183.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3183.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect middle class families from tax increases)

At the appropriate place, insert the following:

SEC. 1. PROTECTING MIDDLE CLASS FAMILIES FROM TAX INCREASES.

It is the sense of the Senate that the President and the Congress should reject any procedural maneuver that would raise taxes on middle class families, such as a motion to commit the pending legislation to the Committee on Finance, which is designed to kill legislation that provides tax credits to American workers and families, including the affordability tax credit and the small business tax credit.

Mr. BAUCUS. Mr. President, during the Presidential campaign, President Obama promised not to raise taxes on Americans who earn less than $200,000 a year or American families who earn less than $250,000 a year. That was his promise. This bill keeps his promise. This bill will provide tax credits to help American families, workers, and small businesses to buy quality health insurance plans through new fair and competitive marketplaces called insurance exchanges.

The Congressional Budget Office expects that by the year 2019, 25 million Americans will buy health insurance plans through the new exchanges. The majority of these Americans—about 19 million—will receive tax credits; that is, tax reductions, or help paying their copays and other out-of-pocket costs. These tax credits will reduce their health insurance costs by nearly 60 percent.

This bill does not raise taxes on the middle class. This bill is a tax cut for Americans.

Over the next 10 years, the health care reform bill will provide $441 billion in tax credits to buy health insurance for American families, workers, and small businesses—$441 billion in tax credits. Americans affected by the major tax provisions of this bill will receive an overall tax cut of 1.3 percent in the year 2017. That is a total of $40 billion. That is an average of almost $450 for every taxpayer affected. That same year, 2017, low- and middle-income taxpayers who earn between $20,000 and $30,000 a year will see an average Federal tax cut of nearly 37 percent. I will repeat that. I think it is astounding. People with incomes between $20,000 and $30,000 a year will receive an average Federal tax decrease of nearly 37 percent. In that same year, 2017, the average taxpayer making less than $50,000 a year will receive a tax credit of more than $1,300. In 2019, 2 years later, that tax cut will grow to more than $1,500.

Without this tax cut, many individuals and families will continue to forgo health care because it costs too much. We make it easier for people to buy health care with those tax cuts.

In addition to a tax cut, this bill also represents increased wages in the pockets of millions of Americans. Even my colleague from Idaho agrees that, as a result of this bill, Americans will see increased wages. He said that exact thing on the floor last week. As a result of this bill, many Americans will see increased wages.

Senator CRAPO gave the example of an employee, the value of whose health insurance decreased but whose overall compensation did not decrease. As a result, the employee would receive additional wages.

Why are workers going to complain that they are paying more in wages because they have more money in their pocket? If incomes are going up, their wages are going up. Clearly, their taxes are going to go up correspondingly, but obviously the taxes are not going to go up as much as the wages, period.

I have a letter from the Congressional Budget Office, dated November 18, that states just that. On page 18, the Congressional Budget Office says:

If employers increase or decrease the amount of compensation paid in the form of health insurance (relative to current law projection), the Congressional Budget Office projects that the average American family will be about $25,000 better off in 2019, $50,000 better off in 2017. This bill is a tax cut for Americans.

But Jackie will be greatly missed by the people of Louisville and the surrounding area. Every day, through the television, viewers have welcomed her into their homes. Now we should stop and acknowledge that we have welcomed her into our community and our lives as well. So I just wanted to take this moment to thank her for her incredible career on behalf of Kentuckians everywhere.

Mr. President, I yield the floor.
I have a chart behind me that shows that very point for each of the years this bill is in effect. Looking, first, over to the left—the chart shows from 2013 up to 2019, but on the far left, the green is the percent of total tax revenue to increased wages. That is wages increasing. The white is the percent of total tax revenue due to excise taxes, the increased taxes the person will have to pay. Wages far outstrip the taxes. The increase in wages is far greater, according to the Congressional Budget Office and the Joint Committee on Taxation.

Just to repeat, as that chart illustrates, the overwhelming majority of revenue raised from the high-cost insurance excise tax will come from increased wages. Only 17.5 percent of the revenue will be attributable to the excise tax. The rest, more than 82 percent, will come from employees getting more than their compensation wages and less in inefficient health coverage. I urge all of us to reconsider the Crapo motion to commit for what it is—and what is that? It is an attempt to kill health care reform. That is all it is—and what is that? It is an attempt to kill health care reform. That is all it is.
It is a motion to commit the bill to the Finance Committee and have the Finance Committee make the bill comply with the President’s pledge. Here is the pledge:

I can make a firm pledge... no family making less than $250,000 will see their taxes increase under this plan. Not a penny more, not a nickel more, not an extra dime.

I heard my colleague from Montana say the bill complies with this pledge. If that were true, then there would be no harm in having the Finance Committee scour through it and make sure it does and refer the bill back to make sure it doesn’t tax the middle class.

The reality is, it is very clear this legislation violates this pledge of the President. As a matter of fact, there are over $493 billion of new taxes in this bill meant to offset the $2.5 trillion cost that will come from 10 years of implementation of spending in the bill.

If you will look at the next chart, at the graph on taxes, the first 10 years—this includes the fees also imposed that CBO and Joint Tax said will be passed right through to the consumers. There are $704 billion of taxes and fees in the first 10 years of the bill. If you look at the 10 years of full implementation, meaning when the spending actually starts, the taxes and fees are actually $1.28 trillion.

My colleague says this is a net tax cut bill, and it complies with the President’s pledge because when you take all of the refundable tax credits in the bill and offset against the tax increases, there is a net reduction in tax. In the first place, that is not true when you take into account the fees. I don’t think that is what the President was talking about. He didn’t mean, did he, that you will not see your taxes go up more than someone else’s taxes go down. People in America they would not see their taxes go up.

Yet what this bill does, according to the Joint Tax analysis, is, by 2019, at least 73 million American households earning below $200,000 will face a tax increase.

If that is not violating the President’s pledge, I don’t know what is—even if you take the numbers that the majority is trying to use and claim that those are tax cuts.

My colleague from Idaho, Mr. CRAPO, What is refundable tax credits? Mr. ENSIGN. Would the CBO—which is nonpartisan provide a welfare payment the same as these so-called tax credits? Mr. CRAPO. Yes, that is right. A payment of a subsidy to an individual in the United States would be scored as a Federal outlay, or spending, as is a refundable tax credit paid to an individual who has no tax liability.

Let’s assume we even accept the argument that is a tax cut. Even if you offset all of that, remember the chart a minute ago that said 73 million people would pay taxes. Even if you give them credit for that argument, there are still going to be 42 million people making less than $200,000 a year who will face a net tax increase. That is a violation of the President’s pledge.

All this motion does is send the bill back to the Finance Committee, which writes tax policy, to correct that. The motion helps this bill comply with the President’s pledge.

The Senator from Montana also used another example, trying to say some of these people who are paying more taxes are getting higher wages. This is the game that is going on. The employer of these people the Senator was talking about today provides a salary and health care to that employee. In this example, it is $50,000 of wages and $10,000 of health care benefits. This bill will now impose a hefty 40- or 45-percent tax on this health care plan because it is too good of a health care plan.

What CBO and Joint Tax tell us is that because of that immense tax—40 to 45-percent tax—the employer is just going to cut the health care plan down to where it is not taxed anymore and provide those dollars with an increased wage. So this young lady will get maybe $53,000 in wages instead of $50,000 and only $7,000 of health insurance, and her net employment compensation will still be the same, $46,000,000,000 on an expense of only $3,000. So her net employment package will go down not up, and 73 million Americans like her will end up with a smaller employment package, less health care benefits, and increased Federal tax liability. That is the way the bill works.

For issue after issue, there are taxes after taxes in this bill that will be paid by the people in this country who earn less than those on the threshold the President identified. That is why we simply ask that the bill be sent to the Finance Committee to have this violation of the President’s pledge, this bad policy of increasing taxes on the middle class in America to pay for a huge new government entitlement program, be removed from the bill.

Mr. BARRASSO. Mr. President, I ask my colleague this: I was reading a national publication yesterday, and the headline is “Making Nightmare Out Of Health Care.” It says: This also says the proposed overhaul contains, at last count, 13 different tax hikes. It goes on to say the Joint Tax Committee said that for any one person who may end up paying lower taxes, there will be nearly four times as many—close to 70 million people—who will pay higher taxes.

That is why I have been waiting for a week now to vote for the CBO motion. This was introduced last Tuesday. A whole week has passed, and the Democrats have been filibustering and preventing us from voting on this very important amendment, which the American people agree with—that we ought to eliminate these taxes and stick with what the President promised the American people.

As a result of the President’s promises, I read a recent CNN poll. It says that 61 percent of Americans oppose this bill the Democrats are proposing. It gets to the specific question of tax increases and the President’s promise. It says:

Do you think your taxes would or would not increase if this bill passes?

And 85 percent of the Americans polled said they believe their taxes will go up.

I ask my friend from Idaho—it seems to me the American people get it; they realize they are going to be hit hard with this $500 billion of tax increases, 13 different taxes, which will get put on the backs of the hard-working people of our country.

Why is it that we are not allowed to vote on this motion? I will vote for it. I appreciate the Senator from Idaho bringing this motion forward because, clearly, the support of the American people is behind him.

Mr. CRAPO. I thank my colleague. I have some statistics on this point. The Joint Tax Committee analyzed just the four biggest tax provisions—not all of them—and they concluded that only 7 percent of Americans would be receiving these so-called tax cuts, which are really spending subsidies but have been characterized as a tax cut in order to argue that the bill doesn’t increase taxes. Only 7 percent of Americans will receive those, which represents about 19 million people, but 157 million people—almost 8 times that amount—who get health insurance through their employer will not be eligible for these credits. They will pay, on average, somewhere between $593 to $670 a year, depending on their income categories, in new taxes that are put on their shoulders in this.

I notice that my colleague from Tennessee wants to say something.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Idaho...
for his amendment to help the President keep his commitment. That is basically what it is. I would think our friends on the other side would all want to join us in that. The President said he would not raise taxes on people making $250,000 a year. It is amazing to hear the comments that I have just heard. The whole construction of the bill—when we think about it, regardless of whatever the Democrats decide to do about the so-called Cadillac, the price still seems determined—at least the majority leadership seems determined—to engage in this political kamikaze mission toward a historic mistake. There is all this talk about history. But there are lots of different kinds of history.

A lot of historic mistakes have been made about taxes. For example, there was the Smoot-Hawley tariff of 1930, which was a big tax. It sounded like a good idea. President Hoover, a Republican, recommended it to protect American jobs by keeping out cheaper foreign products. That led us into the Great Depression. It was a historic mistake. More recently, there was the boat luxury tax. This sounds good. It was part of the budget deal of 1990. Congress put a 10 percent luxury tax on boats costing more than $100,000. Sound familiar? We were going to hit the rich people. But it got the working people, not the rich people. The unintended consequence was that it sank the boat industry, costing 7,600 jobs, according to the Joint Economic Commission, and Congress repealed that historic mistake. There was also the Medicare Catastrophic Coverage Act of 1988, another good-sounding goal, to help older people reduce the risk for illness-related catastrophic financial losses. But a lot of our senior Americans resented it so they started the spending days. They figured out how long they had to delay it so they could claim it would not go into effect. But the tax subsidies, these payments to folks who do not have a tax liability, those are not received for 1,479 days; isn't that correct?

Mr. CRAP. The Senator from Nevada is correct. The fact is, the taxes start on day one of the bill. The spending, which is what these alleged tax cuts are that my colleague from the other side was talking about, does not start until 2014. And what is just one of the gimmicks in the bill in order to claim it does not drive up the budget—have 10 years of tax increases and only 6 years of spending to offset against it. I think that is how they got away with that. They figured out how long they had to delay it so they could claim it would not drive up the deficit.

Mr. ENSIGN. I want to address one of these taxes, the so-called Cadillac tax that the President put into this bill. The problem is, they did not index it for inflation. As time goes forward, with the red line as the threshold, the Democrats indexed it for what is called the C-R-A-P-O price index plus 1 percent. That goes up a little bit. The problem is, medical inflation is going up much faster. What happens is—the blue line is the average plan in the United States—that is how fast it is going to rise, not just the high end but much higher. At this point, it starts catching most of the plans in the United States. This 40-percent tax on the unions are running ads against right now is going to start getting almost all Americans’ plans in the future. That is the reason a lot of people do not realize this is a tax. It may not get them today, but it is going to get them eventually. What is going to happen is this tax will be passed on to them in lower benefits.

Mr. CRAP. The Senator from Nevada is correct. Before I toss the floor to the Senator from Texas who wants to make some comments, I point out that the point the Senator made is statistically made by Joint Tax.

By 2019, at least 73 million American households—

That is not 73 million Americans, that is 73 million American households—earning below $200,000 are going to face these tax increases.

Mrs. HUTCHISON. If I may respond to the Senator from Idaho. I was thinking, when the Senator from Tennessee was talking, about the luxury taxes and how everyone thought that felt so good to have a tax against luxury boats. And who suffered? The workers. Then there was the catastrophic Medicare coverage which was a tax on seniors who had that coverage. Seniors erupted, and that was repealed.

That is then followed on by what the Senator from Nevada talks about—the Cadillac plan, which is the high-end plan of coverage.

I thought, maybe Congress has learned something. Maybe the Democrats are on to something. They have listened to the history of all these good-sounding taxes on rich people or people who buy expensive things. As the Senator from Nevada has pointed out, they have now learned they probably ought to go ahead and tax both ends instead of just the high end because the costs are going to go up, and medical equipment, which is essential for seniors, especially for everyone who needs some form of equipment, the equipment manufacturers are going to have to raise their premiums; the drug companies are going to have to raise their prices starting in 3 weeks from now. Every person in America is going to pay taxes in the form of higher prices starting in 3 weeks.

The Senator from South Dakota and I are sponsoring legislation because the next question will be: Oh, my goodness, if we are going to be taxed in 3 weeks, surely we are going to have some sort of benefit offered in 3 weeks, some sort of low-cost health plan or option. Three weeks, surely. Oh, no, we are not to have any plan that would offer options to people—not in 2010, not in 2011, no, not in 2012, not in 2013, but 2014.

So all these higher prices are going to kick in January, and then we are going to have the Cadillac plan that the Senator from Nevada mentioned in 2013, all being paid before one supposed benefit would be available. If this is not a bait-and-switch, I have never seen one. In January, and then we are going to have the Cadillac plan that the Senator from Nevada mentioned in 2013, all being paid before one supposed benefit would be available. If this is not a bait-and-switch, I have never seen one.
tranche right now to very simply say: Whatever the bill is in the end, there will be no taxes until there is a plan. Not one dime of taxes could take effect until there is actually some sort of plan available that would, hopefully, give benefit of the benefits to people, which is what is being promised.

I ask the Senator from South Dakota if that is his understanding, that we would at least draw a line. Whereas Senator CRAPO’s motion, which I support with everyone on the floor talking this morning supports, is to say there will be no taxes to anyone who makes under $200,000. But even if there are taxes in the end, they will not take effect until there is some sort of plan available for people that is going to help Americans who do not have coverage and for whom we are not able to lower the cost, which is what the Republicans are trying to do. At least we would set that deadline.

I ask the Senator from South Dakota what he has been hearing about this bill.

Mr. THUNE. My colleague from Texas is exactly right. Her motion and the motion I am cosponsoring, which we hope to vote on next, will be a follow-on to the motion the Senator from Idaho is offering.

It seems a basic principle and a matter of fairness to the American people that if you are going to create public policy, that you do it in a way that treats people fairly and does not raise their taxes before a single dollar of the premium tax credits and the exchanges that are designed to create the new insurance product for people would take effect. That is what this bill does.

The motion of the Senator from Idaho commits all of the tax increases—and I will support that wholeheartedly, and I hope my colleagues in the Senate will do the same because these tax increases are the absolute worst we can do at a time when we have an economy in recession and we are asking small businesses to lead us out of the recession. Seventy percent of jobs in the country are created by small businesses. It is much higher in my State of South Dakota. These tax increases could not be more poorly timed in terms of getting the economy restarted and creating jobs for Americans and getting them back to work. Since most people get their insurance—at least through their employer, one of the best things you can do to provide insurance is to put people back to work. This bill has the opposite effect. It is a job killer because of all of the tax increases. Every small business organization has said that.

That is why it is so important we support the motion of the Senator from Idaho.

Senator HUTCHISON and I will also offer a motion—hopefully, we will get a vote at least, and that will delay the tax increases until such time as the benefits begin. It essentially aligns the revenue increases and the benefits so they are synchronized and you do not have this period of 10 years where you are taxing people for 10 but only delivering a benefit for 6. Again, I think that violates a basic principle of fairness most Americans should expect when it comes to their elected leaders making public policy which will have a profound impact on them and their lives. I certainly hope we get a vote on that motion, and I hope our colleagues will support it. To me, it is unconscionable that you would raise taxes by $72 billion in the next 2 years, up until the year 2014 before the premium subsidies and the exchanges kick in which would deliver the benefits that are supposed to be delivered under this bill. The Senator from Texas and I look forward to getting a vote on that motion.

I hope we can win on the Crapo motion later today.

I appreciate my colleagues being here to point out how important it is that the president is willing to talk about unemployment but also that we do not do things that are counter to job creation at a time when we are asking small businesses to get out there and create jobs and make investments.

Mr. BARRASSO. The Senator from Idaho had a picture of a woman making $50,000 and the health benefits that resulted. My concern is not just her taxes; my concern is also her job. It is also a fact that she would still have a job.

What I hear from the people of Wyoming is: Don’t raise my taxes, don’t cut my Medicare, don’t make matters worse than they are right now in this economy where we have 10-percent unemployment.

Like the Senator from South Dakota, I am a member of the National Federation of Independent Business. I have been a member for years. They are telling us that as these taxes are raised and collected in 2010, 2011, 2012, 2013, in 2010 we are going to lose 400,000 jobs in America, and in 2011 another 400,000, and another 400,000 after that, and another 400,000 continue to be collected. So, that would be losing in this country 1.6 million jobs as a result of these increased taxes all Americans are going to have to pay.

I ask the Senator from Idaho, isn’t it even more critical that we pass his motion in addition to the fact that we do not want these taxes? They are going to hurt our economy across the board.

Mr. CRAPO. The Senator from West Virginia exactly right. It is the wrong thing to do when our economy needs to be strengthened and restarted, if you will, to apply a huge amount of new taxes.

Let’s take the example we talked about earlier. This young lady, under the bill in the Senate right now, will not only see her health benefits go down, but the net value of her compensation package will go down. She will get a little extra wages in order to offset the reduction of her health care benefits, but those will be taxed and her net compensation package will go down.

The point here is this—and it is a little bit ironic that today the Democratic caucus is going to be meeting with the President at the White House in yet one more closed-door meeting where they are going to be trying to re-draft the bill in order to get around some of the reasons why, hopefully, they will let the American people see to debate before they try to vote on it again.

It is ironic, as Democrats come out of that caucus, if they do not support this motion, they will be violating two of the President’s pledges. One, after meeting with him, they will be violating his pledge not to tax Americans who make less than $200,000—$250,000 for a family—as well as his pledge: If you like it, you can keep it.

This young lady, if she likes her package, cannot keep it. She will not have that option. Her $10,000 health care package will be reduced at least $2,000 to the minimum new government defined benefit and probably a little more than that. She will see a 20- to 30-percent reduction in her health care package against her will. I would be willing to bet she would prefer to keep the one she has, not what the Americans in the insurance they are getting through their employers.

Mr. ENSIGN. I would like to ask the Senator from Idaho a question. These are the nine taxes we know for sure will be being raised. There are the Cadillac plan, a separate insurance tax, an employer tax, a drug tax, a lab tax, a medical device tax, a failure to buy insurance tax, the cosmetic surgery tax, and the increased employee Medicare tax.

In our States, people think we will pass a sales tax, and the business will just pay the sales tax. I ask the Senator from Idaho, who actually pays the sales tax? Who have the Congressional Budget Office and the Joint Committee on Taxation, which are both non-partisan, said are going to pay these taxes?

Mr. CRAPO. The Senator was there when the Joint Tax and CBO experts were asked this question. They squarely and directly said these taxes and fees will be passed on, virtually 100 percent, to consumers, which means two things. First, the ones that are taxes will just be taxes passed on to the consumer. What you are seeing shown in the picture of the young lady that we looked at. The ones that are fees will simply be passed on in the form of higher costs for medical services or higher premiums, which is one of the reasons why, contrary to the assertions by the other side, this bill will drive up the cost of health care and will drive up the cost of premiums, not down.

Mr. ENSIGN. The last thing I would like to point out goes along with the Senator’s chart. This is what the Joint Committee on Taxation had said: 84 percent of all the taxes being paid in this bill are being paid by those making less than $200,000 a year. If this is
Mr. CRAPPO. It is actually 7 percent. Mr. THUNE. That is precisely why the arguments made by the other side that somehow this is a tax cut sort of defy what I think most Americans have come to expect when they get a tax cut; that is, that they get to keep more of what they earn. What we are talking about is a payment that will be made to an insurance company, a tax credit for premium subsidies that will go to an insurance company. There will be very few, if any, as a percentage of the total population, who will actually derive any sort of benefit. My understanding is, about 10 percent of all Americans will get some benefit from the premium subsidies that will go to the insurance company, not directly to the taxpayer; is that correct?

Mr. CRAPO. It is actually 7 percent. Mr. THUNE. So we have a very small number of Americans who will derive a benefit. But you have a whole lot of Americans who actually be paying the freight. The Senator mentioned earlier—I saw his chart—that 73 million Americans are going to end up with higher taxes as a result. Many of the premium tax credits, if you could give credit to the taxpayers receiving this, which you can’t because it goes to the insurance company, but if you could, three-quarters of that will go to the people with income above $250,000, not the high income tax liability. It seems as if the advertising on this is very inconsistent with reality and the facts. The fact is, most Americans will see taxes and premiums go up. Very few Americans are going to get any benefit to help them to subsidize their premium cost, and that will go directly to the insurance company. I understand the Senator from Idaho and the Senator from Nevada are both members of the Finance Committee. They have been involved with this from the beginning. That is my understanding of this, which is hard to fathom how that constitutes a tax cut.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Idaho has consumed 25 minutes. Mr. ALEXANDER. I agree with the Senator from South Dakota. People who might be watching this must be thinking: Wait a minute. Let me ask the two members of the Finance Committee: What the Democrats are trying to do is to say that we have a Medicare cut and that a tax increase is not a tax increase and that a premium increase is not a premium increase. Isn’t it true that when the bill is fully implemented, there will be nearly $1 trillion in Medicare cuts, and isn’t it true that there will be nearly about $1 trillion, when fully implemented, in new taxes? Isn’t it true the Congressional Budget Office has said that all will be passed on to people? Isn’t it true that all the taxes start in January, if the bill passes? Isn’t it also true the Congressional Budget Office has said premium is going to continue to go up and, for people in the individual market, they will go up even more? Isn’t that also true?

Mr. CRAPPO. I will respond first. The Senator from Tennessee is exactly right. Again, on this chart, these are the tax increases for the first 10 years of the bill, and this chart includes the fees and penalties that are charged as well. The total there is $704 billion. If you start when the bill becomes implemented or is started to be implemented, in 2014, to compare taxes to spending, the actual taxes and fees that will be collected are almost $1.3 trillion.

Mr. ENSIGN. There is no question. I could, three-quarters of that will go to individuals who make less than $250,000, not your payroll taxes, not your capital gains taxes, not any of your taxes. You will not see any of your taxes increase one single dime. But there are hundreds of billions of dollars in tax increases in this bill, going to fall squarely to the backs of the middle class.

Our motion simply says: Let’s fix that and take it out. The bottom line is, those who are saying that is not the case are trying in the first case to say that there are subsidies in the bill that almost equal the amount of these taxes and, therefore, it is a net tax cut. First, subsidies are not tax cuts. Three-quarters of them go to individuals who have no tax liability. The other one-quarter does not reduce the tax liability of the individuals who are getting the insurance subsidy. Even if you accept all of that argument, the President was not saying you will not see new taxes go up in January. The President was not saying: We will not cut or not increase your taxes by more than we will cut someone else’s taxes. I don’t think anybody expected that was what he was saying. The President was saying he would not raise taxes in this bill. This bill violates that pledge.

Therefore, Members should support the motion to send this bill back to the Finance Committee to fix that glaring problem. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. DURBIN. I ask unanimous consent to speak on the CONGRESSIONAL RECORD — SENATE December 15, 2009
time allotted to the chairman of the Finance Committee relative to his amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Mr. President, there has been a lot of talk about taxes and health care. What we are discussing is this bill. It is a large bill, over 2,000 pages, but we needed all these pages because we are tackling one of the biggest problems facing America. How can we take a health care system that consumes $1 out of every $6 or $7 in our economy and change it for the better, keeping what is good but changing those things that are not so good? One of the things that concerns most of us is the cost of health insurance premiums. Ten years ago, an average family of four paid $6,000 a year for health insurance. Now that is up to $12,000. If we are not careful, in 8 years it is projected to double again to $24,000 a year for health care premiums. Think about that. That is $2,000 a month for a family for just paying for your health insurance, nothing else. That is beyond the reach of individuals and beyond the reach of a lot of businesses. Even today, businesses are dropping people from their health insurance.

We now have some 50 million Americans without health insurance, and more and more businesses are just putting their hands up and saying: We can't go any further in paying higher premiums.

Individuals who go out on the open market know what they run into. You know you will run into the highest possible premiums and rank discrimination. Try to buy a health insurance policy if you have any history of illness. They will tell you: We are not covering that. Cancer in your background; we will not cover it. That is what people face. This current system is unsustainable. We have tackled it, and we said we are going to put the time in to change it for the better. This is our bill.

I would like to hold up in my other hand the Republican plan for health care reform, but it doesn't exist. They don't have a plan. They have speeches. They have press releases. They have charts. But they don't have a plan. I am talking about a plan that has gone through the rigors of being carefully reviewed by the Congressional Budget Office. A plan that is comprehensive, something that addresses all the problems in this system in a responsible way.

They have bills. They have ideas. I don't want to say anything negative about them, though I may disagree with them. But they don't even come close to being a comprehensive plan. Many of the critics on the other side come to the floor every day and give speeches about what is wrong with the Democratic health care plan because they don't have one. If they had, they would have heard about it. You would have thought it would have been the first amendment offered by the Republican side, if they truly have such a plan. Of course, they don't.

What does this plan do? First, it makes health insurance more affordable. We have the Congressional Budget Office telling us: Yes, the projected premiums are going to flatten; it is going to come down a little. It doesn't mean that automatically people are going to see their premiums coming down next year, but they may not go up as fast. And over time, we won't see them doubling as quickly as had been predicted.

Secondly, this is a plan which is going to mean that 31 million Americans who currently have no health insurance will have health insurance. That is pretty important. In all the criticism I have heard from the other side of the aisle, there has not been a single proposal from the Republican side that would expand in any significant way the amount of coverage for Americans when it comes to health insurance. Americans who will at least have the peace of mind of knowing when they go to bed in the evening that if tomorrow there is a bad diagnosis or a terrible accident, they will be covered; they will have health insurance coverage and protection.

There is another element too. We know that right now the health insurance companies really have the upper hand when it comes to negotiating for coverage. You know what I am talking about. Your doctor says: I think you need the following procedure, but I have to check with your insurance company. Think about that. We may be the only Nation on Earth where a clerk working for an insurance company has the last word about life-or-death medical care. That is what is going on today.

This bill makes significant changes when it comes to health insurance. It protects individuals from being discriminated against because of pre-existing conditions, makes sure the companies can't run away from coverage when you need them the most, and extends the coverage and protection for children and families. These are important things that are going to mean a lot to people across America.

But now comes the Republican side of the aisle and says: Oh, but they didn't say when it comes to paying your taxes. It is all about your taxes going up. Well, I am afraid that is not quite right. The criticism I have heard on the floor about this bill ignores the obvious: this bill provides the most significant tax cuts in the history of this country—$440 billion in cuts over the next 10 years. What kind of tax cuts? If you are making less than $80,000 a year, this bill says: We will be there to help you pay the premiums. That doesn't exist today. If you don't have coverage under Medicaid, for the buying health insurance and your income is below $80,000 a year—we are providing tax cuts to millions of Americans so they can afford their health insurance, the biggest tax cut, I think, in the last 20 years or more. In addition, there are tax breaks for smaller businesses. If you have 25 or fewer employees, we will help you and your business provide health insurance for your employees. That is significant.

In fact, the Joint Committee on Taxation takes a look at the new taxes charged and the tax cuts that are in the bill, and they say Americans will pay 1.5 percent less in taxes in 2017 as a result of the burden on Americans starts to come down while insurance coverage goes up.

But don't forget the hidden tax we pay today. When people show up at the hospital without health insurance, they get care. They see a doctor, they may have x rays and all the procedures and all the medicines. But if they can't pay, the hospital charges the other patients. We all pay. About $1,000 a year is paid by families now for those who are uninsured. As more and more Americans are covered, that burden stops shifting over to those who have insurance, and that is a good thing. That hidden tax is largely ignored by the other side of the aisle, but we know it is a real burden to the best doctors and hospitals in America. That is significant.

Secondly, this is a plan which is going to mean that 31 million Americans who currently have no health insurance will be going to the floor every day and give speeches about what is wrong with the Democratic health care plan because they don't have one. If they had, they would have heard about it. You would have thought it would have been the first amendment offered by the Republican side, if they truly have such a plan. Of course, they don't.

What does this plan do? First, it makes health insurance more affordable. We have the Congressional Budget Office telling us: Yes, the projected premiums are going to flatten; it is going to come down a little. It doesn't mean that automatically people are going to see their premiums coming down next year, but they may not go up as fast. And over time, we won't see them doubling as quickly as had been predicted.

Secondly, this is a plan which is going to mean that 31 million Americans who currently have no health insurance will have health insurance. That is pretty important. In all the criticism I have heard from the other side of the aisle, there has not been a single proposal from the Republican side that would expand in any significant way the amount of coverage for Americans when it comes to health insurance. Americans who will at least have the peace of mind of knowing when they go to bed in the evening that if tomorrow there is a bad diagnosis or a terrible accident, they will be covered; they will have health insurance coverage and protection.

There is another element too. We know that right now the health insurance companies really have the upper hand when it comes to negotiating for coverage. You know what I am talking about. Your doctor says: I think you need the following procedure, but I have to check with your insurance company. Think about that. We may be the only Nation on Earth where a clerk working for an insurance company has the last word about life-or-death medical care. That is what is going on today.

This bill makes significant changes when it comes to health insurance. It protects individuals from being discriminated against because of pre-existing conditions, makes sure the companies can't run away from coverage when you need them the most, and extends the coverage and protection for children and families. These are important things that are going to mean a lot to people across America. But now comes the Republican side of the aisle and says: Oh, but they didn't say when it comes to paying your taxes. It is all about your taxes going up. Well, I am afraid that is not quite right. The criticism I have heard on the floor about this bill ignores the obvious: this bill provides the most significant tax cuts in the history of this country—$440 billion in cuts over the next 10 years. What kind of tax cuts? If you are making less than $80,000 a year, this bill says: We will be there to help you pay the premiums. That doesn't exist today. If you don't have coverage under Medicaid, for the buying health insurance and your income is below $80,000 a year—we are providing tax cuts to millions of Americans so they can afford their health insurance, the biggest tax cut, I think, in the last 20 years or more. In addition, there are tax breaks for smaller businesses. If you have 25 or fewer employees, we will help you and your business provide health insurance for your employees. That is significant.

In fact, the Joint Committee on Taxation takes a look at the new taxes charged and the tax cuts that are in the bill, and they say Americans will pay 1.5 percent less in taxes in 2017 as a result of the burden on Americans starts to come down while insurance coverage goes up.

But don't forget the hidden tax we pay today. When people show up at the hospital without health insurance, they get care. They see a doctor, they may have x rays and all the procedures and all the medicines. But if they can't pay, the hospital charges the other patients. We all pay. About $1,000 a year is paid by families now for those who are uninsured. As more and more Americans are covered, that burden stops shifting over to those who have insurance, and that is a good thing. That hidden tax is largely ignored by the other side of the aisle, but we know it is a real burden to the best doctors and hospitals in America. That is significant.

We also think these tax credits will make insurance more affordable. The Joint Committee on Taxation says that by 2017, these tax credits in the bill will reduce taxes by $40 billion a year for 31 million Americans.

We also hear a lot said about the excise tax on insurance policies at the higher levels. That is a tax not on individuals but on the insurance companies as a disincentive to keep running up the cost of premiums and instead try to bring efficiency and cost-effectiveness into quality care.

Health reform is good for our economy too. A lot of businesses that are trying to offer health insurance find they lose their edge as the cost goes up. So as we start bringing cost down, it means more competition, more job creation, and a greater economy.

I can understand why the other side of the aisle has spent most of their time finding fault with this bill. In fact, that is part of their responsibility in the Senate. But I had hoped, at the end of the day, they would have offered their substitute, their idea on how we can truly achieve health care reform. The fact that they have not reflects one of two things: It is a very tough job to do. This is a big bill, it took a lot of work, and perhaps they couldn't come up with a bill themselves. As an alternative, maybe they like the current system too. They may like the health insurance companies and the way they treat Americans. They may think it is okay that the cost of premiums will continue to skyrocket beyond our reach. Most Americans disagree, and I do.

I yield the floor.
Mr. CARPER. Mr. President, I ask unanimous consent to speak on time under the control of the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, let me follow up on some of the comments of my colleague from Illinois. I am always struck, when I am back home—and I addressed the home-builders yesterday—and the extent of the misinformation and confusion. When I actually talk to people about the underlying legislation before us, as our deputy leader has done here again today, there is a lot to like about the legislation—a lot to like about the legislation.

One of the pieces that hasn't been focused on a whole lot and that I want to mention deals with how do we better ensure that people who are sick get well and people who are not sick don't become sick as it applies to the use of pharmaceutical medicines.

Our legislation calls for doing a number of things. First, people could actually be healthy, stay healthy, or get well by taking certain pharmaceuticals, we would all save money in the end. But under the current system, unfortunately, too many people in this country who could be helped by pharmaceuticals don't actually get to see a primary care doctor. We don't do a very good job in primary care in this country.

One of the things that will flow from our legislation is better access to primary care for everybody. Let me give one example of that. Currently, if you are Medicare eligible, you have one lifetime physical from Medicare. That is it, and that occurs when you sign up for Medicare. You don't get a physical every 5 years or 10 years or 20 years; you get one physical in your life that is paid for by Medicare. That will change in the legislation we will be voting on in the Senate, and we will provide annual physicals as a benefit under Medicare.

When we have more regular doctor visits from the primary care doctor, one of the things that will come about is a better understanding of the health conditions of people in this country and the notion that some of us might actually be healthier, if we have a high blood pressure reading, if we take medicine for it or if we have high cholesterol, we take medicine for that. So the idea is to identify problems that can be treated with medicine. Not everyone can be helped but some can.

So the first key is, let's make sure folks who will benefit from having access to a primary care doctor have that access.

Secondly, if there are medicines a person can be taking that will help them, let's hope the primary care doctor will do his job, refer the patient to a specialist, if needed, in order to identify the medicines needed.

The third point would be to make sure that when those medicines are identified, they are actually prescribed and made available to the person.

As we all know, we have the Medicare prescription drug program, the Part D Program, which is a pretty good program, and about 85 percent of the people who like it. The program has been underbudget now for each of the 4 years it has been in existence. That is pretty good. But when the drug costs of a senior citizen who participates in the Medicare drug program exceed $2,200 a year, instead of Medicare paying for 75 percent of the medicine and the individual paying 25 percent—which is the case from zero to about $2,200 over the course of the year—Medicare basically says: We are out of this, and so from $2,200 to $5,200, it is all on the individual unless they happen to be very low income.

So the challenge is to make sure more folks who need access to primary care get that if they need medicines that make sure they are affordable, which can be determined by the doctor or doctors as to what people should be taking; No. 3, make certain people get the medicines they are prescribed; and then there is the issue that they actually take them; No. 4, make sure that once we have the access to primary care, we have made a determination as to what medicines can be helpful to a person and that those medicines are prescribed and we want to make certain the person for whom they are prescribed can actually afford them. Part of that is making sure, as we are trying to do in our legislation, we take that care. If you will, that ex-ists from the roughly $2,200 to $5,200 and begin to fill it in so that Medicare covers more and more of the cost.

There has been an agreement with the pharmaceutical industry to cover a portion of that hole, which will take care of about half of it, and I understand from our leadership in the House and in the Senate and the President that there is a firm commitment to close that hole. The range from $2,200 to $5,200 per year would actually be treated just as the first $2,200 is: Medicare would cover 75 percent of the cost, and for most people, unless they are very poor, will be responsible for paying the other 25 percent. That will help a lot of people, and that will make sure folks who were doing OK taking their medicines until they hit that $2,200 gap and stopped will keep taking their medicines and they will stay out of emergency hospitals and they will be healthier as a result.

The last piece involves something new. It is called personalized medicine. I had not heard the term before, although I have been interested in the administration, with a different genetic makeup—and there is another group of people—with a different genetic makeup that will not be helped by the same medicine even though they have the same condition.

Part of what flows from our legislation will be an ever-improving ability to determine who will be helped by a particular medicine given a certain condition and who will not, with the same condition, simply because of their genetic makeup. So the idea of making medicines affordable to people who will be helped, we want to do that, and we are gaining the knowledge to be able to say this group will be helped but this group will not, and we can then spend the money where it is going to make a difference and not make the money where it will not make a difference. We are close to being able to do that, and we need to do that.

All this flows from this legislation, and when you put it together, I think it is actually a very attractive and very smart policy.

So overall, how do we provide better health care, better outcomes for less money? There is real potential for doing it in the ways I have just described.

I want to stay on the issue of pharmaceuticals, if I can. I want to pivot and take a somewhat different tack now.

I wrote a letter to the administration a week or so ago, maybe 2 weeks ago, and I asked the administration for some clarification on the issue of re-importation. That is the issue before us today. We have been debating it for some time, and we will be voting later today on a proposal by the Senator from North Dakota, Mr. DORGAN, and then we will be voting on an alternative to that offered by the Senator from New Jersey, Mr. LAUTENBERG, which I support. If that amendment were actually incorporated into the Dorgan amendment, I would support the underlying Dorgan amendment.

Anyway, I wrote to the administration, and I got a letter back on December 8. I don't think I have ever stood on the floor and read a letter, but this is one I am going to read. I want my colleagues and their staff and anyone else who is listening to actually hear what I am about to say and what the administration had to say on this subject of re-importation. It is a little—well, “awkward” may be the wrong word, but it has to be a little awkward for the administration because the President, when he was then-Senator Obama, was a cosponsor of the Dorgan amendment. When he campaigned for Presidency, on the campaign trail he spoke favorably of the re-importation legislation offered by Senator DORGAN. Now that he is President and he leads an administration, he is asked: What is the position of your administration on that legislation you cosponsored as a Senator and spoke in favor of as a candidate? Now? That you are running the country and you are the Chief Executive of the country and you have a whole Department of Health and Human Services—whose job it is to look out for our safety and health, how do you feel about it?
So I wrote a letter basically asking the question, and here is what I received in response, dated December 8. This is from the head of the FDA, the Food and Drug Administration:

Dear Senator CARPER: Thank you for your letter of November 17, 2009. You raised a matter of concern about the Food and Drug Administration's (FDA) draft guidance on drug importation.[2]

The agency's draft guidance was developed as part of an overall approach to the importation of prescription drugs. The draft guidance was developed in the context of a legislative proposal recently introduced by Senator Dorgan in the Senate. Senator Dorgan's proposal included a provision allowing the importation of prescription drugs from countries that are listed under the World Health Organization's (WHO) Prequalification Program. The draft guidance was developed to assist FDA in determining whether foreign prescription drugs should be allowed into the United States.

FDA has not yet developed guidance on drug importation. In its 2010 budget request for the Food and Drug Administration to begin working with other countries and included $5 million to explore policy options to develop an avenue for the importation of prescription drugs from other countries.

It is signed “Sincerely, Margaret Hamburg.” She is the Commissioner of Food and Drug.

I suspect this was not an easy letter for Ms. Hamburg to write or an easy letter for the administration to sign off on. Given the position of the President in the past on this issue and now being confronted with the actual possibility that this legislation would become law, it has to be a struggle. I commend Senator Dorgan and others who have worked with him—I think Senator Snowe and, I believe, Senator McCaig—over the years to try to address the earlier criticisms of the legislation.

What the FDA says in this letter to me, and really to us, is that progress has been made. Some of the concerns have been addressed. Unfortunately, some have not been.

What I hope we do when we vote later today is accept the offer of the administration. They have been willing to put their money where their mouth is, to actually give us the final request to say before we go down this road as proposed in the Dorgan amendment, let’s see if we can’t work this out in a way that addresses some of the remaining safety and soundness concerns. I am not sure if I were the author of the amendment, if I would have accepted that offer from maybe an earlier administration whose motives were not maybe as pure—frankly, whose Chief Executive was not committed to addressing this issue.

Our President is committed to addressing this issue. The Department of Health and Human Services and the FDA are committed to addressing this issue. They are anxious, I believe, to work it out. Not only that, they are committed to provide some of the funding needed to come to an acceptable resolution and compromise. I hope by our votes later today we will accept that offer from the administration, and I hope in the weeks and months ahead we will actually take the steps, not necessarily proposed exactly by Senator Dorgan, that will allow us to move in that direction and do so in a way that does not unduly harm or put at risk the citizens of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I understand I will be yielded time off the leader’s time?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I want to speak a little today about this issue of the tax burden the Reid bill is putting on people with incomes under $250,000, $200,000. We all know the President said he was not going to allow taxes to increase. That is the goal. When you grow the government, you inevitably increase the taxes or whether you call them outright taxes. That is what is happening. That is because the goal is to grow the government dramatically. That is the goal. When you grow the government, you inevitably increase the taxes or whether you call them fees or whether you call them outright taxes.

There is also, when it is fully phased in, about $1 trillion of reduction in Medicare, spending. There was a lot of discussion on that matter on the Senate floor. I have been here a number of times talking about that. But the burden of taxation goes up in order to allegedly pay for these new entitlements.

Why do the taxes have to go up? Because when you increase spending this way you have to pay for it—or you should pay for it. This bill attempts to do that by raising taxes dramatically. But the presentation that you can get all this tax revenue out of people who are making more than $200,000 a year simply doesn’t fly. It doesn’t pass the commonsense test. It is like saying when you cut Medicare $1 trillion you are not going to affect benefits.

We heard for a week from the other side of the aisle that no Medicare benefit cuts would occur with $1 trillion of Medicare cuts. Of course, that is not true. Just last night we heard from the Actuary—the President’s Actuary, by the way, the Actuary of CMS—that when you make these significant reductions in provider payments under Medicare, which is where most of the savings occur, that means there are fewer providers who are going to be able to be profitable. In fact, 20 percent of providers will be unprofitable under the Reid bill as scored by the Actuary for CMS, and, as a result, providers will actually increase the cost to the program that will affect benefits to seniors because they will not be able to see providers because they will not exist anymore.
It is like telling somebody—someone said the Senator from Nebraska, I think, said—you can have keys to the car, but there is no car. In this instance there will be no providers or many fewer providers.

Along with that problem there is this claim that the Joint Tax has taken a look at this, in this case the Joint Tax Committee. They have concluded that is not the case. That is not the case at all. The argument from the other side of the aisle is we have all these tax credits in here which, when you balance them out against the tax increases, meaning that people earning under $200,000—because some will get tax credits, some will get tax increases, but they balance out so there is virtual evenness, evenness, so that the tax credits in the bill to subsidize people who do not have insurance today mostly are balanced by the tax increases on people earning under $200,000.

Of course, if you are one of the people earning under $200,000 who doesn’t get the tax credit, that doesn’t mean a whole lot. Your taxes are going up. But more importantly, Joint Tax has taken a look at this, and after their estimate, what Joint Tax has said is essentially this: 73 million families, or about 43 percent of all returns under the number of $200,000, people with incomes of under $200,000, will, in 2019, have their taxes go up.

So there is a tax increase in this bill, and it is very significant on people earning under $200,000. In fact, if you compare that to those people who will benefit from the tax credit, what it amounts to is for every one person who is going to receive benefit from the tax credit, three people earning under the income of $200,000 will see their taxes go up. That is a real problem, first, because it significantly violates the pledge of the President when he said: I can make a firm pledge no family making less than $250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gain taxes—not any of them.

That is what the President said. That pledge is violated by the Reid bill, violated very fundamentally for the 73 million people whose incomes are under $200,000 and whose taxes go up.

So it clearly is not a tax-neutral event for middle-income people. It is a tax increase event for a large number of middle-income people. Forty-three percent of all people paying taxes whose income is under $200,000 will have their taxes increased.

What is the thought process behind this? The thought process essentially seems to be we are going to explode the size of government, we are going to dramatically increase the taxes on the American people, and somehow that is going to make life better for Americans. I do not see that happening. I do not see that happening. We know from our experience as a government that growing the government in this exponential way probably is going to lead to the opposite. When you are making ends meet because their tax burden is going to go up.

Discretionary dollars they might have used to send their kids to college or they might have used to buy a new house or they might have just saved—those discretionary dollars they don’t have anymore because they come to the government to fund this massive explosion in programs and this increase in the size of government. I think we do not need to look too far to see how this model does not work. All we have to do is look at our European neighbors.

This idea that you can Europeanize the economy—that somehow if you grow the government you create prosperity, that is what is basically behind this philosophy: You grow the government, you create prosperity. That does not work. We know that does not work. All we have to do is look at our neighbors in Europe who have used that model to find out and conclude that does not work.

It would make much more sense to put in place an affordable plan, one that did not raise the taxes of 73 million people who file income taxes under the income of $200,000, 43 percent of the people paying taxes. It would make much more sense not to grow the government in this extraordinary way that we know we cannot afford and that we know ends up passing on to our kids a country which has less of a standard of living than we received from our parents.

So I hope we take another look at all the taxes in this bill, recognizing that the commitment the President made on the issue of taxes is not being fulfilled by this bill, and go back to the drawing board and reorganize it so we can come closer to what the President wanted, which was a bill that did not raise taxes; which was a bill that did insure everyone; which was a bill that did create an atmosphere where if you wanted to keep your present insurance, you could keep it; and which was a bill that turns the curve of health care costs down.

None of those four goals of the President are now met in the bill. In fact, according to his own Actuary and according to Joint Tax, for all four of those goals, just the opposite occurs. The number of people uninsured remains at 24 million people, the cost curve goes up by $235 billion, taxes go up for 73 million people, and we end up with 17 million people who have insurance today in the private sector losing that insurance. I believe we should take another look at this bill and try to do a better job.

Mr. President, I yield the floor.
Here, I believe, we get the exact opposite: a bill that grows big government by creating a costly new entitlement program, drives up private health care costs, and subsequently lowers overall quality and access to care.

According to the Congressional Budget Office’s Long Term Budget Outlook, the coming tsunami of Social Security, Medicare, and Medicaid costs is projected to push the Federal public debt to 320 percent of GDP by 2050 and over 750 percent by 2083.

Does anyone really believe this new legislation will not further add to our Nation’s debt? When has history proven that our government can regulate more effectively than private industry or the marketplace, much less doing so without adding to the deficit? The reason: we simply overspend and overpromise.

The Congressional Budget Office estimates that the Senate Democrats’ health care proposal, as now written, will cost $849 billion over 10 years.

While Americans will be hit immediately with new taxes and government mandates, the actual services and coverage promised in this legislation will not be implemented until 2014—a clear attempt to mask the true cost reform. The proposal before us delays government subsidies for yet another additional year to hide the real cost of the bill and show so-called additional savings.

Stalling implementation on a program set to run for an indefinite time horizon and calling it “savings” is nothing more than fiscal sleight of hand. Therefore, the Senate Budget Committee estimates the true 10-year cost of the proposal to be $2.5 trillion once fully implemented—$2.5 trillion once fully implemented. Let me say that again: $2.5 trillion—a lot of money.

To pay for this $2.5 trillion worth of legislation, the government, I believe, will have no choice but to raise taxes to European welfare state levels or impose drastic restrictions on patient care or, most likely, both.

The bill includes over $493 billion in new tax increases, as written, and probably another $464 billion in Medicare cuts, placing the burden of reform squarely on the shoulders of the middle class, small businesses, and the elderly.

For the middle class, the proposal is a direct threat to the fair tax system. The Joint Committee on Taxation estimates that in 2019, 73 percent of the so-called wealthy taxpayers paying the proposed excise tax on high premiums will earn less than $200,000 a year. I think the time is now to stop heaping debt obligations on the backs of the able bodied.

The proposed tax on the so-called Cadillac plans—plans with high annual premiums—will not only be passed on to the consumer through higher premiums but will creep its way into the lives of many middle-class Americans.

I have a little story. Mrs. Melanie Howard, of Pelham, AL, raised this point when discussing the idea of who actually receives Cadillac health care. Mrs. Howard spoke to me of the small nonprofit where she worked, which had to raise premium prices to offset a few workers who were battling cancer. In effect, she was paying for a Cadillac but didn’t receive a Cadillac car. Because the tax is based on cost of coverage and not quality and breadth of coverage, many Americans could fall into this category.

I believe it is a simple actuarial fact that small employers who lack the buying power of large companies will likely see the result in higher premiums. Thus, small businesses, such as Mrs. Howard’s employer, are naturally going to bear the brunt of this ill-conceived Cadillac health insurance tax.

As taxes increase to pay for the public option, so does the cost of premiums on health care plans. The Congressional Budget Office analysis on premium impacts estimates that family premiums would increase 29 percent— from $11,000 to over $14,000 per family by 2019. This is more than a $3,000 increase per family.

The bill also imposes $2 billion in new taxes on employers who do not provide health plans. The Congressional Budget Office estimates that again: $2.5 trillion—a lot of money.

The problem with socialism is that eventually you run out of other people’s money to spend.

Medical rationing is inevitable under government-run health care. It has to be. Supporters of government-run medicine often cite Canada or Great Britain as models for the United States to follow. Yet medical rationing, such as is common in those countries, is inevitable under a government-run health care system as now proposed. These countries are forced to ration care or, in the alternative, have long waiting lists for medical treatments that lead to the same result.

Access to a waiting list is not access to health care.

A study by the Organization for Economic Co-Operation and Development showed that the number of CT scanners in Canada per population was 7.5 in Britain, 11.2 in Canada, and 22.1 in the United States.

For magnetic resonance imaging—MRIs—there was an average of 5.4 MRI machines per million in population in the United States and 5.5 in Canada, and 26.6 in the United States.

Government-run health care will undermine patients’ choice of care.

Citizens in those countries are told by government what health care treatments they are eligible to receive and when they can receive them. I believe Americans need to understand that all countries with socialized medicine ration health care by forcing their citizens to wait in lines to receive scarce treatments. Simply put, government financing means government control, and government control means less personal freedom.

We need to enact reforms to our health care system that will reduce cost and improve access. I believe we cannot withstand the deep deficits this colossal health care entitlement program, I believe, would create. Instead, I believe the people of the Center of every health care decision, rather than the government and insurance companies.

By making insurance portable, expanding health care savings accounts, reducing frivolous lawsuits, emphasizing preventive care, reducing administrative costs, and making insurance
more affordable to small business and individuals, I believe we can efficiently decrease the costs that currently burden Americans while expanding coverage. The result would be improved quality and affordable care.

It appalls me—when I receive, for example, how many thousands of letters my office receives in the Senate asking Congress to stop this legislation, this administration is determined to pass something—anything—no matter what the cost or how damaging the result. The latest CNN poll indicates that 60 percent of Americans oppose this health care reform as now written. The Associated Press reports that over 60 percent of Americans are against this type of reform.

It has been said we would be committing Senatorial malpractice to pass legislation such as this. I agree. I simply do not believe the American people desire or deserve what government-run health care would result in: higher taxes, larger deficits, and rationed and lowered-quality care.

While we need to enact reforms to our health care system that will reduce costs and improve access to all Americans, our Nation cannot withstand the massive cost this colossal health care entitlement would create.

The health of this Nation will not be helped by risking our Nation’s financial well-being. It has been said if you think health care is expensive now, wait until it is free. I yield the floor to the Presiding Officer.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume under the hour I control.

We are going to have people trotting onto the floor of the Senate this afternoon—and some have this morning—talking about this issue of prescription drug reimportation and saying there are no problems. I wish to talk about one small piece of health care reform without which you can’t call it health care reform, because at least with respect to the issue of pricing of prescription drugs, there will be no reform unless my amendment is passed.

My amendment is bipartisan. It includes support from Senators SNOWE, Senator McCain, Senator Grassley on that side and many Democratic Senators and it says: Let’s put the brakes on the unbelievable increases in the price of prescription drugs; a 9-percent increase this year alone in brand-name prescription drugs.

Why is this an important issue? How about this talk about the price of Nexcelum—the price of Nexcelum. You buy it, if you need it: $424 for an equivalent quantity in the United States. If you want to buy it elsewhere, not $424; you pay $37 in Germany, $36 in Spain, $41 in Great Britain. We are charged the highest prices in the world for prescription drugs.

We are going to have a lot of people come out and say: Well, there will be safety problems if we reimport FDA-approved drugs from other countries—absolute rubbish. Here is Dr. Rost, a former vice president for marketing for Pfizer Corporation, and this is what he said:

My understanding is, sometime yes—no once—heard the drug industry, regulatory agencies, the government, or anyone else saying that this practice was unsafe. Personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs when the rest of the world can do it.

They have been doing this in Europe for 20 years, reimporting lower priced prescription drugs from other countries, and they do it safely. Our consumers pay the highest prices in the world because there is no competition for prescription drugs. When a drug is sold for a fraction of the price elsewhere—one-tenth the price for Nexcelum in Germany and Great Britain—the American people can’t access it. Even though it is made in the same plant, the same pill put in the same bottle, the American people are told: It is off-limits to you.

Dr. Rost also said this: Right now, drug companies are testifying that importing medicine is going to compromise safety in our bill, only allows the importation from Australia, New Zealand, Japan, and the European countries, where they have an identical chain of custody and where we require pedigree and we require batch lots that will make the entire drug supply much safer, including the domestic drug supply—when the pharmaceutical industry goes around the Hill today and tells you that importing medicine is going to be unsafe, just ask the pharmaceutical industry.

This year they will sell $290 billion worth of drugs, 80 percent brand-name prescription drugs. On brand-name drugs, the price increased 9 percent this year and on generic drugs it fell by 9 percent. Now I understand why they want to protect those interests.

Here are two pill bottles, both contain Lipitor, both made in a plant in Ireland by an American corporation. This sent to Canada, this sent to the United States. The American consumer gets the same pill made in the same plant by the same company, but I did want to say we are going to the American people the freedom to access the identical FDA-approved drugs for a fraction of the price where they are sold everywhere else in the world, and we are told again and again and again there is this phony excuse about safety, completely phony.

I will have more to say about it later, but I did want to say we are going to see a lot of people trotting out here with such a shop-worn, tired, pathetic argument to try to keep saying to the American people to have the freedom to access lower priced drugs where they are sold elsewhere in the world. I am talking about FDA-approved drugs made in FDA-approved plants. It doesn’t matter what the fancy wrapping and the bright ribbons are on this package.

This package to nullify what we are trying to do is a package that comes directly from the pharmaceutical industry. Why? To protect their interests.

This year the pharmaceutical industry will sell $290 billion worth of drugs, 80 percent brand-name prescription drugs. On brand-name drugs, the price increased 9 percent this year and on generic drugs it fell by 9 percent. Now I understand why they want to protect those interests.

I yield the floor to the Senator from Oregon.

AMENDMENT NO. 2793

Mr. DORGAN. Mr. President, I yield myself such time as I may consume under the hour I control. During my time I was responsible for a region in northern Europe. I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else saying that this practice was unsafe. Personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs when the rest of the world can do it.

They have been doing this in Europe for 20 years, reimporting lower priced prescription drugs from other countries, and they do it safely. Our consumers pay the highest prices in the world because there is no competition for prescription drugs. When a drug is sold for a fraction of the price elsewhere—one-tenth the price for Nexcelum in Germany and Great Britain—the American people can’t access it. Even though it is made in the same plant, the same pill put in the same bottle, the American people are told: It is off-limits to you.

Dr. Rost also said this: Right now, drug companies are testifying that importing medicine is going to be unsafe in our bill, only allows the importation from Australia, New Zealand, Japan, and the European countries, where they have an identical chain of custody and where we require pedigree and we require batch lots that will make the entire drug supply much safer, including the domestic drug supply—when the pharmaceutical industry goes around the Hill today and tells you that importing medicine is going to be unsafe, just ask the pharmaceutical industry.

This year they will sell $290 billion worth of drugs, 80 percent brand-name prescription drugs. On brand-name drugs, the price increased 9 percent this year and on generic drugs it fell by 9 percent. Now I understand why they want to protect those interests.

Here are two pill bottles, both contain Lipitor, both made in a plant in Ireland by an American corporation. This sent to Canada, this sent to the United States. The American consumer gets the same pill made in the same plant by the same company, but I did want to say we are going to the American people the freedom to access the identical FDA-approved drugs for a fraction of the price where they are sold everywhere else in the world, and we are told again and again and again there is this phony excuse about safety, completely phony.

I will have more to say about it later, but I did want to say we are going to see a lot of people trotting out here with such a shop-worn, tired, pathetic argument to try to keep saying to the American people to have the freedom to access lower priced drugs where they are sold elsewhere in the world. I am talking about FDA-approved drugs made in FDA-approved plants. It doesn’t matter what the fancy wrapping and the bright ribbons are on this package.

This package to nullify what we are trying to do is a package that comes directly from the pharmaceutical industry. Why? To protect their interests.

This year the pharmaceutical industry will sell $290 billion worth of drugs, 80 percent brand-name prescription drugs. On brand-name drugs, the price increased 9 percent this year and on generic drugs it fell by 9 percent. Now I understand why they want to protect those interests.

I yield the floor to the Senator from Oregon.
one-tenth the price in Canada. We couldn’t have afforded it otherwise.

Is that what we want the American people to have to do? Most people can’t drive across the border someplace. Why not establish a system like they have had in Europe for 20 years, to allow the American people freedom to access reasonably priced drugs, FDA-approved drugs.

So this is a day in which we will vote on my amendment and then we will vote on an amendment that nullifies it and which will frustrate whether enough of a deal has been made so the fix is in. So, once again, the American people end this day having to pay the highest prices in the world. Pay, pay, pay, pay, soak the American consumer, keep doing it. That has been the message here for 10 years.

A group of us, Republicans and Democrats, 30 who have cosponsored this legislation, have said, you know what: We are sick and tired of it. Give the American people the freedom. If this is a global economy, how about a global economy for real people? How about let them have the advantages of a global economy?

Once again, I will have a lot more to say this afternoon. It is apparently a day for deal-making and we will see who made what deals, but we are going to have votes. I know one thing. I know the pharmaceutical industry has a lot of clout. I know that. I hope the American people give the ability to expect some clout on their behalf in the Chamber of the Senate this afternoon. I yield the floor, and I make a point of order that a quorum is not present. The PRESIDING OFFICER. The clerk will call the roll.

The clerk called the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I want to speak in favor of the Crapo motion, which we will be voting on in a few hours.

The Crapo motion would essentially protect the American middle class from tax increases in this bill. The President promised that nobody making under $200,000 a year, or families making under $250,000 a year, would see tax increases under the bill. But they do.

The Crapo motion would simply send the bill back to the Finance Committee and make sure that they don’t. It is a fairly straightforward amendment, and we should support it.

In supporting the motion, I will discuss other things related to it. There is this notion that somehow or other the health care bill will save money for the government and for taxpayers and patients. That is where it is wrong. That is why we need to do things such as the Crapo motion.

How does the expenditure of trillions of dollars in new spending save anybody money? That is counterintuitive. The answer is, of course, that it doesn’t.

Jeffrey Flier, dean of the Harvard Medical School, gives this bill a failing grade. He wrote in the Wall Street Journal:

The Democrats’ health care bill wouldn’t control the growth of costs or raise the quality of care.

I think that is the fact. So let me point out a couple of the bill’s provisions that undermine this savings argument, one of which is the new taxes, which the Crapo motion would explicitly address. The new subsidies that fail to address costs, and finally this inclusion of the CLASS Act, which is a massive new expenditure and entitlement that would grow out of control over time.

First, though, let me focus on these new taxes, 12 in total. They go into effect immediately. In fact, the Internal Revenue Service estimated it would need $5 billion and $10 billion over the next 10 years just to oversee the collection of these new taxes. Think about that.

These new taxes include, but are not limited to, a new payroll tax on small businesses. What better way to kill job creation. We will impose another 1/2 percent tax if you hire somebody or all the people you retain on the payroll. That is crazy at a time when we are trying to create new jobs. There is a tax on those seniors and middle class.

Today: 1 hour for the Baucus amendment, 1 hour for the Crapo amendment, and we should support it.

It is a fairly straightforward amendment, and we should support it.

As I said, most of these taxes would start immediately and many would hit middle-income families despite the President’s famous campaign pledge.

Washington, for a period of 4 years, put the money in the pocket of the American family. The Congressional Budget Office. In other words, if you need a health or life-saving device, such as a diabetes pump or stent for your heart, why do you want to tax that if it provides better health care for you and your family? Why do you want to tax it because you need it?

The reason is they need more revenue to pay for the expenses of the bill. They increase the taxes. CBO says they will be passed right through to the patients which are then passed through in the form of higher premium costs.

As I said, most of these taxes would start immediately and many would hit middle-income families despite the President’s famous campaign pledge.

Over the next 10 years that money is spent out, it is $2.5 trillion in spending, and that is not sustainable. This is part of the bill’s gimmickry to create this idea that somehow the bill is deficit neutral. As I said, when you take a look at the true 10-year cost beginning in 2014 once the bill is fully implemented, you have a whopping $2.5 trillion price tag.

Colleagues on the other side say: It is necessary to raise all this money to subsidize the increased cost of health care. I get it. We are going to raise premiums under the bill and then we are going to need to raise taxes to subsidize so people can afford those increased premiums. What sense does that make? I assume that the Senate does not want to pay more taxes in order to get a subsidy because of the increase in costs that are the result of this legislation?
Would they rather not have the premiums go up in the first place, as the ideas that Republicans have proposed would ensure? But that is what the bill does. It raises premiums so then you have to raise taxes to subsidize the cost to promise them the same coverage as Medicare. What the Crapo motion would do is to say the President needs to keep his promise. Those making less than $200,000 a year should be relieved of this tax burden.

Second is if the government subsidizes insurance for 30 million more Americans, obviously costs have to rise. As the respected columnist Robert Samuelson wrote in a recent Washington Post column—by the way, the title was “The Savings Mirage on Health Care”:

The logic is simple. . . . Greater demand will press on limited supply; prices will increase. The best policy: Control spending first, then expand coverage.

This is what Republicans have been proposing. We would like to target specific solutions to the problems of cost which would then allow more Americans to gain access to affordable health care and, thus, avoid a hugely expensive Washington takeover of the entire system.

Our solution includes medical liability reform—that does not cost anything; it saves money—allowing Americans to purchase insurance policies across State lines, allowing small businesses to purchase insurance at the same rates corporations do. These solutions would bring down costs and, at the same time, enhance accessibility.

Third—and the reason I raise this is because several colleagues on the other side of the aisle have made pretty firm statements about not being able to support this legislation as long as it included what is called the CLASS Act. This is a new government-run, government-funded program for long-term care. It is intended to compete with private insurers’ long-term care plans. Notice the pattern of government wanting to compete with private entities. That is what the CLASS Act does.

Participants would pay into this new government system for 5 years before they would be allowed to collect any benefits. Naturally, you have some increased revenues for a while, and that is what the bill counts on in order to decrease deficits. Of course, payouts occur later, and then it is not in balance. Participants would have to be active workers. So this new entitlement would not benefit either seniors or the disabled.

We are talking about a brand-new entitlement. If a worker begins making payments in 2011, he or she could not collect benefits until the year 2016. That is why supporters of the CLASS Act say this would reduce the deficits in between 2030 and 2019. Sure, if you don’t have any money in those years and you collect a lot of tax revenues, of course you are going to have more of a surplus of revenues. What happens, though, when the claims on that money occur? It is like Medicare today: It is very soon out of money and then broke and then in a hole and then you have a big debt on your hands. That is precisely what happens here. No government program has ever, reduced budget deficits, we know that.

The Congressional Budget Office confirms that this program will, indeed, add—to future budget deficits. Here is what the CBO writes:

The program would add to future federal budget deficits in growing fashion. It does not get any simpler than that. The CLASS Act would add to future deficits. That is why several of my colleagues on the other side of the aisle have said they cannot support the bill as long as the CLASS Act is in it. But the last time I checked, it is still in it.

I want to also refer to the chairman of the Senate Finance Committee who has obviously spoken out on this issue because he understands the effect. I speak of Senator Conrad. He said it is like a Ponzi scheme because it offers returns that payments made into the system cannot cover in the long run. As I said, it would generate generous surpluses for the government while Americans are out that collecting benefits. And then later on, it reaches a point where payments made into the program cannot sustain the promised benefits.

Here is what CBO tells us about the program:

It would lead to net outlays when benefits exceed premiums. . . . "Net outlays" means you are spending more than you are taking in.

[By 2030] the net increase in federal outlays is estimated to be "on the order of tens of billions of dollars for each (successive) ten-year period."

Over time, this program adds substantially to the deficit and to the debt. It is an entitlement that is not self-financed—bailout funded up in some fashion by additional revenues. It is another way, in addition to the first two ways I mentioned, of how costs go up in this legislation, how savings do not result, and how the American public has to end up making up the difference. You have new taxes to cover subsidies for increased premiums, government subsidies for 30 million Americans that increased demand without addressing costs, and finally, the inclusion of the CLASS Act. As I said, it is not progressive.

This is what I think the American people fear most of all because they know they cannot sustain a program this costly and not have to at some point begin to delay care, delay appointments so they do not occur as rapidly and gradually begin to deny things that is why this big kerfuffle about the commission that made recommendations on breast cancer screening and mammograms was so frightening to people. They could see this was the way rationing begins. Some panel says we don’t think people need as much medical care as they have been getting, never mind what has been recommended in the past. Yes, by the way, it will save money.

Of course, when politicians have to find a way to reduce benefits, they do not go to their constituents and say: We are going to cut your benefits. What they do is reduce the payments to people who provide the health care—
the doctors, hospitals, home health care, hospice care, these folks. They re-duce payments so that the providers have no choice but to reduce the amount of their care. They have to see more patients, there are not as many of them, and they are getting paid less. So naturally they cannot provide the same level and quality of care. That is how rationing begins. Ask people in Canada, ask people in Great Britain how long it takes to get a doctor. Eventually even that does not cut it. So they set a budget and say: We cannot afford to pay any more than that.

You better hope you get sick early in the year. Unfortunately what you can see to an extent in our vet-erans care but even more in our care for our Native Americans. I did not make this up. Others have said in the Indian Health Care Service, get sick early in the year because they run out of money if you get sick late in the year.

Our first obligation ought to be to ensure our Native American population receives the care we have promised them. We have gone through-out Indian reservations in Arizona. We have more than any other State. I made a tour of the Navajo reservations, including a lot of the health care clinics and facilities that try to take care of folks under the Indian Health Serv-ice. None has enough money to do what they are supposed to. They are under-staffed. The people who are there are wonderful, dedicated health care pro-viders. They are doing their best. But you ask any of the Native Americans whether they believe they are getting the care they are supposed to get under the program, and the answer is uni-formly no. They have to wait forever. The care is not there when they need it.

This is the perfect example of ration-ing of care, what happens when you have a government-run system. That is what I fear most of all will result from this because we have taken on much more than we can afford.

The end result of that inevitably is the reduction in the amount of care that is provided and the quality of care that is provided. I urge my colleagues to think very carefully about what we are getting our constituents into. We can start to turn this back by supporting the Crapo motion which at least says that folks who are middle-class families, who the President promised would not see a tax increase, will not see a tax increase under the legislation. That is what the Crapo motion would provide, and I cer-tainly hope my colleagues support it.

BRESCSS

Mr. KYL. Mr. President, if there are no other Senators seeking recognition at this time, I ask that the Senate stand in recess under the previous order.

Thereupon, the Senate, at 12:45 p.m., recessed until 3:16 p.m. and reassem-bled when called to order by the Pres-iding Officer (Mr. CRAPO).

SERVICE MEMBERS HOME OWNERSHIP-TAX ACT OF 2009—Resumed

The PRESIDING OFFICER. The Sen-tor from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise to strongly support and urge all of my colleagues, Republicans and Demo-crats, to support the upcoming Dorgan reimportation amendment which we will be voting on later today and, just as important, to oppose the Lautenberg amendment which, as everyone knows, is a poison pill to reimportation and is simply and surely a way to absolutely kill for all practical purposes the real Dorgan reimportation language.

To me, this is a crystal-clear choice, and it is the sort of choice the American people are really interested in and really watching. It is a choice between doing something that may make a dif-ference in people’s lives, something that can help people, that can solve a real problem in health care by doing something in a focused way or we can choose to keep to the big political deal that was made inside the beltway, in-side the White House with the pharma-ceutical industry. That is the choice. This is really a choice between voting for the American people or voting for politics as usual in Washington. That is what it all comes down to.

On the positive side, reimportation is a very real and very effective solution to a real problem. The problem is obvi-ous. The problem is sky-high prescrip-tion drug prices—the highest in the world—that we as Americans pay. These same drugs are sold around the world, and in many different cases—in virtually every case—we pay the high-est prices in the world right here in the United States even though we have the biggest marketplace for prescription drugs. That is what is trying to break up. So I want and supporters of this amendment want a true free market in prescription drugs, a world price that will lower the U.S. price and dramatically help U.S. consumers.

It is not just supporters of this amendment and this concept who are making these arguments; it is unbiased sources such as the Congressional Budget Office and others. The Congres-sional Budget Office says this amend-ment—this reimportation concept will save the Federal Government money, significant money, some $18 billion or more. And besides the savings to the Federal Government, the savings to the U.S. consumer are much greater—$90 billion or more.

So that is the positive choice—doing something real about a real problem. That is what the American people want us to do. They want us to focus on the real problems that exist in health care and attack those real problems in a fo-cused way.

The other alternative is to keep the political deal, to vote yes for politics as usual in Washington. Tragically, that is what is represented by the po-litecal deal that was struck on this global health care bill between the White House and the White House’s alllies here in the Senate and the big pharmaceutical industry. It has been widely reported—it is no secret—that that was a deal behind closed doors. The pharmaceutical industry agreed to support the President’s initiative, putting as much as $150 million of TV ad-vertising cash behind that support, if the White House would completely change its position on reimportation and other key points.

The record is clear: When President Obama served right here with us in the U.S. Senate, he was completely for re-importation. As a Presidential can-didate, he campaigned vigorously for reimportation. Rahm Emanuel, the White House Chief of Staff, when he served in the U.S. House, was strongly for reimportation. But now, all that is off because Washington politics as usual has stepped in the way. They have reimported this through this deal with PhRMA. Tragically, that has crept into the Senate Chamber as well. Key Senators on the Democratic side—MAX BAUCUS and JAY ROCKE-FELLER and others—have reversed their position and apparently now are urging “no” votes for a policy they have long supported.

Well, we will know in a few hours who will be the winner—the American people, being given lower prescription prices, or PhRMA and politics as usual in Washington. Make no mistake about it, that is the choice. It couldn’t be laid out in a clearer way. And to choose for the American people, to make real progress for lower prescription drug prices, we need to do not one but two things: first, to pass the Dorgan amendment, and second, and just as important, to defeat the Lautenberg amendment side-by-side, which would clearly, by all acknowledged sources, be a poison pill to reimportation—an easy way for the administration to ensure reimportation never happens.

I urge all of my colleagues, Demo-crats and Republicans, to vote for lower prescription drug prices, to vote for the American people, and certainly to vote against Washington politics as usual, which the American people are so completely disgusted and fed up with. I urge that vote. Americans all around the country, in all our home States, will remember it and will thank us for it because we will actually be providing a real solution to a real problem and bringing them signifi-cantly lower prescription drug prices.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk pro-ceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
Mr. CRAPO. Mr. President, I believe I have 20 minutes remaining; is that correct?

Mr. CRAPO. Mr. President, I ask that the Chair notify me when I have 2 minutes remaining.

Mr. CRAPO. Mr. President, we are going to vote on my motion to refer the bill to the Finance Committee and have the Finance Committee simply make the bill comply with the President’s promise with regard to taxes.

As I have said a number of times on the floor, this bill does not correct so many of the problems we need to deal with in health care. It drives the cost of health premiums up, not down; it raises hundreds of billions in taxes; it cuts Medicare by hundreds of billions of dollars; it grows the Federal Government by over $2.5 trillion in the first 10 years of full implementation; it forces those uninsured into a failing Medicaid system and does not give them access to insurance; it imposes damaging unfunded mandates on our struggling States; it still leaves millions of Americans uninsured; and it establishes a massive government control over our health care. Frankly, even if the so-called government option or government health care insurance company that is created by the bill were to be removed, there would still be massive government intrusion into the control and management of our health care system.

Well, as we were facing the prospect of dealing with this bill, the President made a pledge to the American people, and in his terms the pledge was:

I can make a firm pledge, no family making less than $250,000 will see their taxes increase; not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes. You will not see any of your taxes increased one single dime.

Yet what we have in this legislation is a whole array of new taxes—about $493 billion in new taxes to start with. And that is assuming you just start with the beginning of the bill and go for the first 10 years. If you actually compare the number of taxes that will be charged by this bill to the American people with that first full 10-year implementation period, that is $1.28 trillion in new taxes.

This chart shows taxes and fees, not just the specific taxes but taxes and fees—which our Congressional Budget Office and our Joint Tax Committee have said repeatedly will be passed on to the American consumer. Yet the President said nobody’s taxes will be increased.

Let’s see the next chart. Here we have further analysis of just four of the major tax provisions in the bill. There are many more, but if you look at the four major tax provisions in the bill, the Joint Committee on Taxation has said that by 2019 at least 73 million American households earning below $200,000 will face a tax increase, and when you offset the tax cuts, it is further, it is not just the people making between $100,000 and $200,000, or the upper income earners, but massive tax increases falling upon people who are making well under $100,000 a year.

This chart also shows the tax cuts in it, and when you offset the tax cuts against the tax increases, there are more tax cuts than there are tax increases.

I dispute that in a couple ways. First of all, even if you accept as fact that there are tax cuts in this bill, which is arguable and I will point that out in a minute, they do not offset all the taxes so other than an increase in taxes. But there is a subsidy in this bill to provide insurance to a group of Americans who do not have the financial capacity today to purchase their own insurance. Unfortunately, the most needy of this group did not get access to insurance. They got put on Medicaid. But some in America will get some access to insurance and that subsidy will be provided by the Federal Government. The other side is saying that is a tax cut.

I disagree with that for a couple reasons. First of all, it is called, in the bill, a refundable tax credit and it is administered by the Internal Revenue Service—which, by the way, is going to need to grow by 40 to 50 percent in order to accommodate these new roles in managing the health care system. But it is a refundable tax credit in only the way Congress could put it together. It is not other than net increase in payment to individuals, most of whom pay no taxes. In fact, between 2014 and 2019, 73 percent of the people receiving the subsidy, or $288 billion of the subsidy, goes to taxpayers who pay no taxes. If you cut it if you want, but CBO, our Congressional Budget Office, does not call it a tax cut. The Congressional Budget Office scores it as Federal spending, as exactly what it is, spending by the Federal Government. It is a subsidy being provided by the Federal Government. You can argue about whether it should be provided, but to call it a tax cut is a stretch.

Even if you accept that is a tax cut, there are still 42 million American households earning below $200,000 per year who will pay more taxes. No matter how you cut it and no matter how you define tax cut, the reality is this bill imposes hundreds of billions of dollars of new taxes squarely on the middle class in violation of the President’s promise that nobody in America who makes less than $250,000 as a family or $200,000 as an individual, in order to remove this so-called tax relief—or properly called subsidy—from the bill. What my motion does is simply to say the bill should be referred to the Finance Committee so the Finance Committee can make sure it complies with the President’s pledge that it does not raise taxes on those who are in what the President has described as the middle class. It is very simple and straightforward. If there are no such taxes, then the motion is irrelevant. But we all know there are—Joint Tax, Congressional Budget Office, many private organizations have squarely pointed it out. In fact, we are still studying the past 7 years of taxes in the bill, these numbers I have talked about, the 42 million net or the 73 million in reality, in America—and those are households, not individuals, who will be paying more taxes—are squarely to be hit by this bill.

Let me give a different perspective on it. If you take all those who are supposedly getting tax relief but are really getting a direct subsidy, accept the fact that this is truly a tax cut, they represent 7 percent of the American public. The rest of the American public does not get a subsidy. The rest of the American public pays the taxes for the establishment of a huge $2.5 trillion new entitlement program that will bring that much more of the Federal Government into control of the health care economy.

We are coming back now from a 2½-hour break because the Democrats were at the White House meeting with the President. We were told what was said there. There was apparently a negotiation behind closed doors, yet once again, of some other new changes in the legislation, some other new portions of the bill. No C-SPAN cameras were there, to my knowledge. But we now have an opportunity to talk in the next few hours about what will happen with regard to this amendment.

The President could have asked his friends in the Democratic caucus to oppose this amendment. This amendment requires that the bill comply with his pledge. I hope he did. I hope it can be accepted. But the reality is, this legislation violates not only this pledge but a number of the President’s other pledges—for example, the pledge that if you like what you have, you can keep it. Americans all over this country have heard that pledge repeated a number of times. If you are one of the employees who has employer-provided insurance and that insurance happens to be one of those so-called employer-paid packages that are taxed 45 percent by this plan, you are not going to get to keep it. Both CBO and Joint Tax have
made it very clear that you are going to see your health care cut by your employer in order to avoid this tax. Then what is going to happen is your employer might—probably will—give you a little bit more wages to compensate for the employer’s psychiatric benefits. Your net package of compensation will not change in value, but you will get at more of it in wages and a little less in health care. But the kicker is, the wage portion is taxed but the health portion is not so your worst fear is going to go up and your net package is going to go down. You are going to have a less-robust health care plan and you will have a lower overall compensation package. Does that comply with the President’s promise that if you like what you have, you can keep it? What about the 11 million Americans, I believe it is, who have Medicare Advantage policies today who clearly are going to lose about half of that extra Medicare Advantage benefit under the Medicare cuts in the bill? If they like what they have, can they keep it? No.

What I am asking is simply that the Senate vote to require that the President’s pledge in this one case be honored; namely, let’s send the bill to the Finance Committee, it can be turned around in the Finance Committee overnight, take out the provisions that impose taxes on people in America earning less than $250,000 as a family or $200,000 as an individual and bring it back to the floor. You will hear it said this is a killer amendment, that it will kill the bill. It will not kill the bill unless it is necessary in the bill to tax Americans to the tune of the hundreds of billions of dollars that are included in this bill. What it will do is expose that this bill cannot be claimed to be deficit neutral or to even reduce the deficit unless three things happen: the Medicare cuts of hundreds of billions of dollars are imposed; the tax increases of hundreds of billions of dollars are imposed, and the budget gimmicks are implemented.

Let me tell you about the most significant of those budget gimmicks. In order to make it so they could say this bill does not increase taxes or does not increase the deficit, the crafters of the bill have had the taxes go into effect on day one, the Medicare cuts go into effect by day one, but the subsidy programs go into effect by day one and took the gimmicks out, this bill would generate a deficit, another promise the President pledged not to do.

There are so many problems with this bill. But most important today, as we will have an opportunity around 6 o’clock, is to who must have the bill comply with the President’s pledge.

I ask how much time remains.

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes remaining.

Mr. CRAPO. Mr. President, I would like to reserve the remainder of my time, and I will hold that until later in the day.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent for 3 minutes out of Senator BAUCC’S time to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized.

(The remarks of Ms. CANTWELL are printed in today’s RECORD under “Morning Business.”)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wish to make a point. I know my colleague from Arizona wishes to engage in a brief colloquy on a point. The amendment we are offering, a bipartisan amendment dealing with the price of prescription drugs, is a very important amendment. We are going to get our vote on that, but there then is also going to be a vote on a poison pill amendment that nullifies it. It says if you pass the second amendment, it means nothing happens and prescription drug prices keep going through the roof.

I wish to say quickly there have been very few bipartisan amendments on the floor of the Senate during this health care debate. That is regrettable. This, in fact, is bipartisan. A wide range of 30 Senators, including Republicans JOHN McCAIN, CHUCK GRASSLERY and OLYMPIA SNOWE and so on support this effort and the effort is simple, trying to put the brakes on prescription drug prices by giving the American people freedom and the ability to find competition among drug prices where they are sold in other parts of the world or fraction of what we are charged as American consumers.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I ask for unanimous consent to engage in a colloquy with the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I think it is important for us to recognize what the Dorgan amendment is all about. It is about an estimate, which is a true number, from the Congressional Budget Office, and we love to quote the Congressional Budget Office around here—$100 billion or more in consumer savings. That is what the Dorgan amendment does. It cuts the cost of the legislation before us as much as $194 billion over 10 years. We are always talking about bending the cost curve, saving money, particularly for more prescription drugs than younger Americans, and yet there is opposition.

I would like to ask my colleague from North Dakota, one, how long has he been fighting this issue; and, two, why in the world times does anybody would be opposed to an amendment that would save $100 billion for consumers?

Mr. DORGAN. We have been working on this for 10 years—myself, the Senator from Arizona, and others. He knows because he was chairman of the Commerce Committee. We held hearings on this in the committee. The fact is, we have gotten votes on it before. In each case, the pharmaceutical industry, which has a lot of muscle around it, prevailed. We are doing this with an amendment that is a poison pill amendment saying somebody has to certify with respect to no additional safety risk and so on.

These safety issues are completely absolutely bogus. They have done in Europe in 20 years what we are proposing to do in this country, parallel trading between countries. What we are trying to do is save the American people $100 billion in the next 10 years because we are charged the highest prices in the world for prescription drugs, and there is no justification for it.

I want to show the Senator from Arizona one chart. This is representative. If you happen to take Nexium, for the same quantity you pay $424 in the United States, if you were in Spain, you would pay $36; France, $67; Great Britain, $41; Germany, $37. Why is it the American consumer has the privilege of paying 10 times the cost for exactly the same drug put in the same bottle made by the same company in the same plant? Justify that.

Mr. MCCAIN. Could I also ask my friend, has he seen this chart? This chart shows that the pharmaceutical companies in America increased wholesale drug costs, which doesn’t reflect the retail drug cost, by some 8.7 percent just this year, while the Consumer Price Index—this little line here, inflation of cost minus 1.3 percent.

How in the world do you justify doing that? These are lists of the increases over a year in the cost of some of the most popular or much needed prescription drugs. Why would pharmaceutical companies raise costs by some 9 percent unless they were anticipating some kind of deal they went into?

I don’t want to embarrass the Senator from North Dakota, but isn’t it true that the President, as a Member of this body, cosponsored this amendment?

Mr. DORGAN. That is the case. The President was a cosponsor of this legislation when he served last year. I do
want to say as well the American consumer gets to pay 10 times the cost for Nexium. Nexium is for acid reflux, probably a condition that will exist with some after this vote because my understanding is, after 7 days on the floor of the Senate, there is now an arrangement where the pharmaceutical industry will probably have sufficient votes to beat us, once again, which means the American people lose.

I also want to make this point. Anyone who stands up and cites safety and reads his speech has come from a copying machine for 10 years, understand this: Dr. Peter Rost, former vice president of marketing for Pfizer, formerly worked in Europe on the parallel trading system, said:

The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that in Europe reimportation of drugs has been in place for 20 years.

It is an insult to the American people to say: You can make this work in Europe for the benefit of consumers to get lower prices, but Americans don't have the capability to make this happen, don't have the capability to manage it. That is absurd. This safety issue is unbelievably been ignored.

Mr. MCCAIN. Haven't we seen this movie before? The movie I am talking about is that we have an amendment or legislation pending before the body or in committee that will allow for drug reimportation, as the Senator pointed out from that previous chart, in a totally safe manner. Then there is always, thanks to the pharmaceutical lobbyists—of which there are, I believe, 635 pharmaceutical industry lobbyists, a lobbyist and a half for every Member of Congress—an amendment that then basically prohibits the reimportation of drugs.

Haven't we seen this movie before? Apparently another deal was made so that the Senator is going to have sufficient votes to again cost the consumers $100 billion more in cost for the pharmaceutical drugs. Their representatives are here on the Senate floor ready to tout the virtues of an amendment which, as we all know, is a killer amendment. Let's see how about that.

Mr. DORGAN. Mr. President, the Senator from Arizona is right. If this is "Groundhog Day" for pharmaceutical drugs, 635 won and the pharmaceutical industry wins. They have been doing it for 10 years. We just repeat the day over and over again. My hope is that we will not have to repeat it today. My hope is that after a lot of work on a bipartisan piece of legislation, the American people will have sufficient support on the floor of the Senate to say it is not fair for us to be paying double, triple and 10 times the cost of prescription drugs that others in the world are paying.

I would just be able to yield some time to the Senator from Iowa, 5 minutes, unless the Senator from Arizona wishes to conclude.

Mr. MCCAIN. My only conclusion is that what we are seeing is really what contributes to the enormous cynicism on the part of the American people about the way we do business. This is a pretty clear-cut issue. As the Senator from North Dakota pointed out, it has been doing it for 10 years. We have been trying to ensure the consumers of America would be able to get lifesaving prescription drugs at a lower cost. And the power of the special interests, interests, of the power of the lobbyists, the power of the drug companies is now being manifest in the passage of a killer amendment which will then prohibit—there is no objective observer who will attest to any other fact than the passage of the follow-on amendment, the side-by-side amendment, will prohibit the reimportation of prescription drugs into this country which we all know can be done in a safe fashion and could save Americans who are hurting so badly $100 billion a year or more and cut the cost of the legislation before us by 80 percent. There is no one, to say that these drugs that are being reimported are not done in a safe manner to ensure that the American people's health is not endangered is, of course, an old saw and an old movie we have heard before. It is distressing that the special interests again prevail at the power of the pharmaceutical lobby.

Of the many traits the Senator from North Dakota has that I admire, one of them is tenacity. I want to assure him that I will be by his side as we go back again and again on this issue until justice and fairness is done and we defeat the special interests of the pharmaceutical industry which have taken over the White House and will take over this vote that will go at 6 o'clock. It is not one of the most admirable chapters in the history of the Senate or the United States Government.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. (Mr. KAUFMAN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have two key votes this afternoon on drug reimportation. These votes mean that today is the day we can show the American people whether we can pass drug importation or whether the Senate will give it lip service and nothing else.

We have heard on the Senate floor the concerns that some have about drug importation and whether it can be safe. Everyone who knows me knows I care deeply about drug safety. The fact is, an unsafe situation is what we have today. Today consumers are ordering drugs overseas from pharmaceutical companies, and I know where, and the FDA does not have the resources, in fact, to do much of anything about it. The fact is, legislation to legalize importation would not only help to lower the cost of prescription drugs for all Americans but also help the undervalued and beleaguered drug importers who will attest to any other fact than the passage of the follow-on amendment to assure that imported drugs are safe. That is what the Dorgan amendment is all about, to give FDA the ability to verify the drug pedigree back to the manufacturer, to require FDA to do an inspection frequently, and to require fees to give the FDA the resources to do that.

The bottom line is, the Dorgan amendment gives the FDA the authority and the resources it needs to implement drug importation safely.

Certainly, the President knows that a great way to hold drug companies accountable is to allow safe, legal drug importation. I would like to quote this President not when he was a candidate for President but a candidate for the Senate. "This is what President Obama said then."

I urge my opponent to stop siding with the drug manufacturers and put aside his opposition to the reimportation of lower priced prescription drugs.

Now we are hearing about the secret deal with big PhRMA. This was revised just this week to solidify support with PhRMA's allies for killing this very important Dorgan amendment. The drug companies will stop at nothing to keep the United States closed to other markets in order to charge higher prices.

With the Dorgan amendment, we are working to get the job done. What we need is to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry.

Americans are waiting. Too often this thing has been stymied, and it looks like there is another chance to stymie it. Only I am surprised. Most of the time in the past that I have been opposed to the reimportation of drugs, it was my colleagues over here who were trying to stymie it. But now it looks as though it is the other side. We ought to
that the amendment "would be
risks. In fact, the Commissioner says
not adequately address these potential
Hamburg, the Dorgan amendment does
ported medicines that may have zero
want an HIV or cancer patient in Ohio,
found to be counterfeit. Do we really
of medicines purchased from Internet
30 percent or more. And up to 50 percent
there are a real risk that these coun-
tries will be vulnerable to importing
drugs from countries that are known
for high rates of counterfeiting. In the
European Union last year, 34 million
counterfeit drugs were seized at border
crossings in just 2 months. The World
Health Organization estimates that
drug counterfeiting rates in Africa and
parts of Asia and Latin America are 30
percent or more. And up to 50 percent
of medicines purchased from Internet
sites that conceal their address are
found to be counterfeit. Do we really
want an HIV or cancer patient in Ohio,
or Arizona or Kansas to rely on im-
ported medicines that may have zero
effectiveness, or which may even be
harmful?
According to FDA Commissioner
Hamburg, the Dorgan amendment does
not adequately address these potential
risks. In fact, the Commissioner says
that the amendment "would be
logistically challenging to implement
and resource intensive" and that "sig-
ificant safety concerns . . . and safety
issues" remain.
Senator Lautenberg has introduced
a side-by-side amendment to Senator
Dorgan's amendment. His amendment
would allow the importation of pre-
scription drugs into the United States
can become effective, the Secretary of
Health and Human Services must cer-
tify that such a scheme will both pose
no additional risk to the public's
health and result in a significant reduc-
tion in costs for consumers.
I think that this amendment just
makes sense. We must protect the
prescription drug supply in America.
Mr. LEAHY. Mr. President, making
medicine affordable is part of what
health reform should be. Today we
have the opportunity to include a
measure long-championed by Senator
Dorgan, which makes affordable pre-
scription drugs more widely available
to Americans.
Americans pay some of the highest
prices for prescription drugs of any
country in the world despite the fact
that many of these drugs are made
right here. This is made possible with
the benefit of taxpayer supported
research. Prescription drugs are a life-
line, not a luxury. The issue boils down
to access: A prescription drug is nei-
er safe nor effective if you cannot af-
cord to buy it.
We have to recognize that this im-
poses real dangers on American con-
sumers when they cannot follow their
doctor's treatment plan because they
can't afford their medicine. While we
must do more to bring affordable
healthcare to the millions of Ameri-
cans who are currently uninsured or
who do not have good coverage, we can-
not continue to deny them this imme-
diate market-based solution.
I am proud to be a cosponsor of the
Dorgan-Snowe amendment to allow
pharmacies and drug wholesalers in the
United States to import the very same
medications that are FDA-approved in
the United States from Canada, Eu-
rope, Australia, New Zealand, and
Japan where prices are 35-55 percent
lower than in the United States. Con-
sumers will be able to purchase the
very same prescription medications
from their local pharmacies at a third
drugs. Additionally, the legislation would
also allow individuals to purchase prescription drugs from
FDA-inspected Canadian pharmacies—
something Vermonters have crossed
the border to do many times before.
For many Vermonters today, pur-
chasing drugs from Canada literally
means the difference between following
their doctors' orders and having to
throw the dice with their health and
sometimes even with their lives by
doing without their prescription medi-
cations. The legislation makes the difference for the
woman who has maxed out her health
plan's annual prescription drug benefit
only three months into the year and is
then faced with purchasing the other
nine months worth of medicine at U.S.
prices on her own. It makes the dif-
ference for the elderly man on a fixed
income who is unable to afford both
the heart medicine he needs to live,
and the gas bill he needs to keep warm.
Are we prepared to tell those in dire
need that they must go back to choos-
ing between paying gas, food, and heat-
ing bills, or their medicine?
Of course not, and I urge my fellow
Senators to support the Dorgan-Snowe
amendment.
Mr. ENZI. Mr. President, I rise today
to talk about prescription drug impor-
tation. As my colleagues know, I op-
pose this proposal.
It is our job as Senators to debate
the issues, put forward our ideas, and
show where we stand. I was dis-
appointed that Democratic leadership
chose to prevent the Senate from vot-
ing on amendments to improve this bill
for the past 6 days. I am, however, glad
the impasse has finally been resolved.
I am not afraid to show where I stand
on this issue. Some of my colleagues on
both sides of the aisle support importa-
tion, some like Sen. Brownback, do not.
But my position is clear, and does not change
with the political winds.
The winds I am referring to include
the arrangement that was reportedly negotiated with the drug manufac-
turers. Under the terms of this backroom
deal, the drug manufacturers have re-
portedly agreed to $80 billion in price
cuts and provided a commitment to
spend $150 million in ads supporting
the Reid bill.
In exchange, Senate Democratic
leadership and President Obama have
reportedly agreed to block efforts to
enact drug importation from Canada.
According to one Wall Street ana-
lyst's report, the Reid bill is expected
to increase drug company profits by
more than $137 billion over the next 4
years. Let's do the math on that: $80
billion in cuts, leading to $137 billion in
increased profits.
While this may be a good deal from
the drug manufacturers and Senate
Democrats, it certainly is not a good
deal for the American people. Part of
the reported deal will actually increase
Medicare costs to the taxpayer, be-
cause it creates an incentive for Medi-
care beneficiaries to continue using
brand-name drugs.
According to the Congressional Budg-
et Office, Federal Medicare costs will
be increased by $15 billion over the
next decade as a result of this deal. In
the last few days, there have been new
press reports highlighting how the drug
manufacturers may have agreed to pro-
vide even deeper discounts on their
brand-name drugs. No one knows how
much more this deal will cost the tax-
payers.
In addition to increasing the price
Americans will pay for the Reid bill,
this deal appears to have also under-
negotiated Democratic support for a drug
importation amendment.
My colleagues who believe importa-
tion is the right way to lower drug
costs say that it will save the government $19 billion and consumers $80 billion over the next 10 years.

The majority leader has previously voted for drug importation. President Obama supported drug importation when he was in the Senate. The supporters of drug importation should be able to easily pass this amendment without any limitations.

Yet it looks like the supporters of drug importation will not succeed today. It appears likely that safety certification language, similar to language included in prior years, will be added to this proposal.

My colleagues each know where they stand on the issue. But the deal with the drug manufacturers is apparently so important that supporters of drug importation are going to vote against the proposal.

It is important for the American people to understand why there has been this shift on this issue. The drug manufacturers are one of the few remaining health care groups that still support the Reid bill. They have committed to spend $150 million to buy television ads to support the Democrats efforts on health reform.

If the Democratic colleagues fail to adopt drug importation without the safety language, it is because the Senate Democratic leadership and the White House have decided they will do whatever it takes to keep the support of the drug manufacturers. They believe that the money these companies will spend will be enough to convince the American people to support their efforts.

The American people already understand that the Reid bill is not a good deal for them. They understand how this bill will raise their taxes, increase their insurance premiums and cut Medicare benefits for millions of seniors.

That is why over 60 percent of Americans now oppose the Democratic health reform proposals. No amount of advertising, funded by the drug companies or anyone else, is going to change that reality.

Mr. LEVIN. Mr. President, it has become apparent that passage of this Dorgan amendment relative to importation of prescription drugs, an amendment which I have long supported, is the perfect drug or motive unworthy or unbecoming a Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

I could impute, if I wanted to, I guess, that maybe there are some who really do not care about this plan as much as they care about killing health care reform, but I would not do that. So I hope in the context of the debate I am not forced to rise under rule XIX.

Mr. President, I rise in favor of the amendment of Senator LAUTENBERG, who is going to offer it shortly, because it does two things that underscore the entire debate about health care reform: It protects the American people by putting the safety of families first—and there is a lot of brushing aside of safety here: safety is paramount—and it lowers costs. At its core, that is what this health care debate is all about.

I appreciate the intentions of the amendment that has been offered on the floor, but it is regressive. It harkens back to a time when the lack of sufficient drug regulation allowed people to sell snake oil and magic elixirs that promised everything and did nothing. To allow the importation of untested, unregulated drugs made from untested and unregulated ingredients from 32 countries into the medicine cabinets of American families without serious safety precautions flies in the face of protecting the American people, and it is contrary to the context of health care reform. The amendment by Senator LAUTENBERG brings us around to the real purpose of why we have been here on the floor, which is to create the type of reform that ultimately gives greater health insurance and greater safety to the American people.

They care about honest, real reform that makes health care affordable and protects American families, protects them from the potential of counterfeit drugs. They care about every issue that is absolutely nothing, just as we are here to protect them from insurance policies that promise to provide health care for a premium and then deny coverage and provide no health care at all. Basically, what Senator LAUTENBERG’s amendment is going to do is modify the Dorgan amendment to allow reimportation but to do it when basic safety concerns to keep our pre-scription medications safe are complied with. It includes that the Dorgan importation amendment allows one fundamental element of broader health care reform: It protects the American people from those who would game the system for profits at the expense of the health and safety of American families.

That is what this reform is all about. Specifically, when it comes to the importation of prescription medication, this amendment will help us be sure that what we think we are buying in the bottle is, in fact, what is in that bottle.

I want to make reference to a letter. We talk about safety, and there is a lot of pooh-poohing that, oh, there are no safety concerns. Well, there is one entity in this country that is responsible for safety when it comes to food and drugs, and it is called the FDA, the Food and Drug Administration. In a letter from FDA Commissioner Hamburg, she mentions four potential risks to patients that, in her opinion, must be addressed:

First, she is concerned that some imported drugs may not be safe and effective because they were not subject to a rigorous regulatory review prior to approval.

Second, the drugs “may not be a consistently made, high quality product because they were not manufactured in a facility that complied with appropriate good manufacturing practices.”

Third, the drugs “may not be substitutable with the FDA approved products because of differences in composi-
tion or manufacturing.

Fourth, the drugs simply “may not be what they purport to be” because inadequate safeguards in the supply chain may have allowed contamination or, worse, counterfeiting.

addresses FDA Commissioner Hamburg’s statement about the amendment of my colleague from North Dakota:

that there are significant safety concerns related to allowing the importation of non-bioequivalent products, and safety issues—

“Safety issues”—related to confusion in distribution and labeling of foreign products and the domestic product that remain to be fully addressed in the amendment.

Senator LAUTENBERG’s amendment addresses this concern. It allows importation, but it protects the American people by requiring that before any drug is imported to the United States, it must be certified to be safe and to reduce costs. So it does what the FDA Commissioner is talking about here, the agency responsible for protecting the American people. People may just want to ignore it, but the fact is, this is the entity responsible in this country to protect the food supply and the drug supply.

We want to be as certain as we possibly can be of the confidence in the safety in which imported drugs are manufactured, that they are safe to use and we know where their ingredients originated before they are imported. We want to be absolutely certain patients are getting the prescription medication that they want and that they are getting the same dosage, quality, and quantity that their doctor has prescribed. This amendment requires the Secretary of Health and
Human Services to certify that all imported drugs are safe and will reduce costs before they are allowed into America’s medicine cabinets.

I have heard a lot about the European Union here. Well, let’s look at what the European Union is doing. They have been constantly being offered on the floor for the reason why, in fact, we should follow what the European Union is saying. Well, let’s see what happens if we allow unregulated importation. Let’s look at the European Union.

Last week, the European Union Commissioner in charge of this issue said:

The number of counterfeit medicines arriving in Europe . . . is constantly growing. The European Commission is extremely worried.

In just two months, the EU seized 34 million—
fake tablets at customs points in all member countries. This exceeded our worst fears.

I do not want American families to see those fears come to life here. I believe that if we do not pass the Lautenberg amendment and if we were to pass the Dorgan amendment, we would open the floodgates. The European Union’s experience only proves my concerns, not those who feel as the other side would suggest.

Here is the problem: a $75 counterfeit cancer drug that contains half of the dosage the doctor told you you needed to combat your disease does not save America a dollar, which certainly is not worth the price in terms of dollars or risk to life.

Let’s not now open our national borders to insufficiently regulated drugs from around the world. It seems to me real health reform—particularly for our seniors and those who are qualified under the Medicare Program who receive their prescription coverage under that—comes by filling the doughnut hole in its entirety, which we have declared we will do in the conference, as we are committed to do, that provides for the coverage of prescription drugs that AARP talks about on behalf of its millions of members. That is what we want to see—not by unregulated reimportation.

We should have no illusions, keeping our drug supply safe in a global economy, in which we cannot affect the motives and willingness of others to game the system for greed and profit, will be a monumental but essential task. It will require a global reach, extraordinary vigilance to enforce the highest standards in parts of the world that have minimum standards now, so we do not have to ask which drug is real and which is counterfeit.

Let me just show some examples of that. People say: Oh, no, this safety issue is not really the case.

Tamiflu. We saw a rush, when the H1N1 virus came. People wanted to buy Tamiflu. As shown on this chart, which is the real one and which is the counterfeit one? There actually is one that is approved and one that is counterfeit, but the average person would not know the difference. Or if it is Ariecept, a drug to slow the progression of Alzheimer’s disease, which one is the real one and which one is the counterfeit one? If I did not tell you from the label, you probably would not know, but there is an approved one and there is a counterfeit one, which is the real one. His mother to Alzheimer’s. I can tell you that having the wrong drug in the wrong dosage would not have helped her slow the progression of her illness. It makes a difference.

Let’s look at others. Lipitor; very important. You are walking around with a real problem with cholesterol, and you think you are taking the appropriate dosage and the appropriate drug. But, as shown on this chart, which is the real one and which is the counterfeit one? There is a counterfeit one and there is an approved one, a real one, but if you are taking the counterfeit one and you think you are meeting your challenges, you might have a heart attack as a result of having the wrong drug, as the real one. By the time you figure it out, it could be too late to reverse the damage. That is the problem. That is the global economy opening up possibilities at the end of the day.

Mr. President, I ask the Senator from New Jersey for an additional minute.

Mr. LAUTENBERG. Mr. President, I yield 1 more minute to the Senator.

Mr. MENENDEZ. Finally, this is a gamble we cannot afford to take: To open up the potential for these drugs or the ingredients in these drugs—to find their way from nation to nation, from Southeast Asia, where the problem is epidemic, to one of the 32 nations listed in this amendment and then into the homes of American families. That is a gamble we cannot take. That is not about protecting our citizens. That is not about providing prescription drugs that ultimately meet the challenge of a person’s illness. Filling the doughnut hole totally, which is what we are going to do, is the way to achieve it.

So I do hope that is what we will do. I do hope we will adopt Senator Lautenberg’s amendment and defeat the Dorgan amendment, for I fear for the safety of our citizens, and I fear as to whether we can ultimately achieve filling that doughnut hole if this amendment, ultimately, gets adopted, and I fear what that means for health care reform at the end of the day.

With that, Mr. President, I yield back the remainder of my time and thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I call up amendment No. 3156—it is at the desk—and I ask for its immediate consideration.

The PRESIDING OFFICER. The bill clerk will report.

The bill clerk reads as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. CARPER, and Mr. MENENDEZ, proposes an amendment numbered 3156 to amendment No. 2786.
over 20 percent of the drugs are counterfeits. Under the Dorgan amendment, drugs that originate in China could find their way into our homes. We know that China has been the source of many dangerous products in recent years, from toys laced with lead to toothpaste made with antifreeze.

If we are going to trust drugs from other countries, we need to be absolutely certain we are not putting Americans’ lives at risk. That is why the Food and Drug Administration went to the trouble to express its concerns with the Dorgan amendment. They say:

There are significant safety concerns related to allowing the importation of non-bioequivalent products, and safety issues related to confusion in distribution and labeling of foreign products and the domestic product that remain to be fully addressed in the amendment.

That is from the FDA Commissioner Margaret Hamburg. There are problems associated with the possibility of drugs coming to this country that are way different than that which is expected to be used in the treatment of sickness.

President Obama’s FDA Commission also warned said that importing drugs presents a risk to patients, because the drug may not be safe and effective, may not have been made in a facility with good manufacturing practices, and may not be the drug it claims to be.

In light of the serious concerns raised by the Obama administration, I am offering an amendment to require that the Department of Health and Human Services certify that the drugs are safe and will reduce costs before they are imported. My amendment is a commonsense bipartisan alternative to the Dorgan amendment. In fact, it is the exact same language as the Dorgan importation amendment, but with the certification requirement that is so important to ensure safety.

If we are going to allow the importation of drugs from other countries, we have to be certain they are safe and affordable. With this amendment, I would be in support of the Dorgan amendment. Only certification by health experts will provide that assurance. I urge my colleagues to support my amendment and oppose the Dorgan amendment.

We have no way of knowing what the worker conditions might be like in a plant or a facility, or the sanitary conditions, in other countries, or whether in the process of packing and shipping temperatures might not be appropriate for the product to arrive without deterioration. Thusly, again, I stress—bring in what you want, just make sure it is safe for the people. There is no moment in the discussion we have had about the health care reform bill that says, Look, you can save money by taking a chance on a shortcut here or a shortcut there absolutely not. We wouldn’t think of proposing anything such as that, and we ought not to be proposing it here now.

I yield 5 minutes to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise today to speak about drug reimportation as balancing drug regimens that entail taking several medicines per day on a fixed income, I believe we need to find a way to ensure that they have access to affordable drugs. If we could reduce the cost of drugs through reimportation and guarantee the safety of those drugs, I would be very supportive. However, I have serious doubts that we can adequately ensure the safety of our drug supply with the drug reimportation amendment proposed by my colleague from North Dakota.

Even without reimportation, the United States has had trouble with counterfeit drugs. At the height of the H1N1 epidemic this fall, the FDA was warning consumers to be wary of counterfeit H1N1 vaccines. These counterfeiters came from foreign online pharmacies. In one instance, the FDA seized so-called H1N1 treatment tablets from India and found them to contain talse and acaminophen. Last month, the Washington Post reported about a coordinated global raid of counterfeit drugs from the United States to Europe. The United States discovered about 800 alleged packages of fake or suspicious prescription drugs, including Vioxx, Claritin, and shut down 68 alleged rogue online pharmacies.

Counterfeit pharmaceutical drugs are appearing on the market at increasingly alarming rates. In 2007, drugs comprised 6 percent of the total counterfeit product seizures. In 1 year, they have now jumped to 10 percent of all counterfeit product seizures.

This growing problem is all about unscrupulous criminals preying on the sickness and the sheer desperate need of cheaper drugs. But the consequences are harmful and, in some cases, deadly.

Officials estimate that some of these counterfeit drugs contain either a dangerous amount of active ingredients or were placebos. Some counterfeits include toxic chemicals such as drywall material, antifreeze, and even yellow highway paint.

According to a recent Washington Post article, tracing the origins of drugs such as Claris and Viagra took investigators across the globe and back again. Supposedly these drugs came from a warehouse in New Delhi, though the online company selling the drug was headquartered in Canada and was licensed to sell medicine in Minnesota. However, when Federal officials investigated the drug origins further, they actually found that the online web site was registered in China, its server was hosted in Russia, and its headquarters had previously been listed in Louisiana.

On a local level near our capital, the Baltimore Sun yesterday reported on the death of a University of Maryland pharmacologist, Carrie John. Ms. John suffered an allergic reaction to a counterfeit version of a legal drug in the United States but purchased illegally from the Philippines. Apparently, the counterfeit drug so closely resembled the legal version that two pharmacologists conducting the analysis after Ms. John’s death could not tell the difference. Local police have yet to identify the contents of the counterfeit drug.

A few of my colleagues have already mentioned the letter sent last week by FDA Commissioner Margaret Hamburg outlining the safety concerns the FDA has about reimportation. Specifically, the FDA states that non-FDA-approved prescription drugs posed four potential risks to patients. Let me go over those four risks.

No. 1: The drug may not be safe and effective because it did not undergo the rigorous FDA regulatory review process.

No. 2: The drug may not be a consistently made, high-quality product because the facility in which it was manufactured was not reviewed by the FDA.

No. 3: The drug may not be substitutable with the FDA-approved product because of differences in composition or manufacturing.

No. 4: The drug could be contaminated or counterfeit as a result of inadequate safeguards in the supply chain. If the agency that oversees drug safety is saying it would have difficulty guaranteeing the safety of our Nation’s drug supply with reimportation, I have grave concerns, particularly since the FDA is already underfunded and understaffed.

But let’s take a moment to examine how Europe, which does allow reimportation, has fared in terms of safety.

British authorities say counterfeit drugs often exchange hands between middlemen and are repackaged multiple times before reaching a legitimate hospital or pharmacist. This creates opportunities for counterfeit products, often produced in China and shipped through the Middle East, to penetrate the European market.

The PRESIDING OFFICER. The Senator has used her 5 minutes.

Mrs. HAGAN. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. In 2008, British authorities identified 40,000 doses of counterfeit Casodex, a hormone treatment for men with advanced prostate cancer, and Plavix, a blood thinner.

More recently, the European Union seized 34 million fake tablets at customs points in all member countries. In other countries around the world, the World Health Organization estimates that up to 30 percent of the medicines on sale may be counterfeit. As a result, numerous people have died.
Earlier this year, 80 infants in Nigeria died from teething medicine that contained a toxic coolant. In July, 24 children in Bangladesh died from the consumption of poisonous acetaminophen syrup.

The Dorgan amendment does not require imported drugs to be FDA approved or meet FDA misbranding standards. Furthermore, it does not prevent criminals in other countries from repackaging imported drugs.

Mr. LAUTENBERG. Mr. President, I believe my colleague from New Jersey. The Administration must allow Americans to buy safe and effective drugs from other countries and included $5 million in our FY 2010 budget request for the Foreign Drug Admin (or the Agency) to begin working with various stakeholders to develop policy options related to drug importation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION,
Silver Spring, MD, December 8, 2009.
Hon. Tom CARPER, U.S. Senate, Washington, DC.

DEAR SENATOR CARPER: Thank you for your letter requesting our views on the amendment filed by Senator Dorgan to allow the importation of prescription drugs.

The Administration strongly supports Senator Dorgan’s amendment. It would allow Americans to buy safe and effective drugs from other countries and included $5 million in our 2010 budget request for the Foreign Drug Administration to begin working with various stakeholders to develop policy options related to drug importation.

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Mr. LAUTENBERG. Mr. President, I will now suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, Mr. President. You can’t do that to us because we only have 8 1/2 minutes left on our side.

Mr. LAUTENBERG. You have considerably more based on yesterday. I understand something he was saying. He said to Douglas: Listen, how many legs does a horse have? Douglas said: Four, of course. Lincoln said: If you call the tail a leg, how many legs would he have? Douglas said: Five. Lincoln said: That is where you are wrong. Simply calling a tail a leg doesn’t make it a leg at all.

Yes, that is exactly what my colleagues have done, suggesting the amendment we are offering is for untested and unregulated drugs. That is not true. The only drugs we are talking about are FDA-approved drugs that are made at an FDA-inspected plant, part of a chain of custody equal to the U.S. chain of custody. It is simply not true that we are talking about untested, unregulated drugs. That is not true. Simply saying that doesn’t make it true.

Here is why we are on the floor of the Senate. We are reforming health care. That is what the bill is. Part of health care reform is prescription drugs. A lot of people take prescription drugs to keep them out of a hospital bed. It manages their disease. Prescription drugs are very important.

Here is what happened to the prices year after year. As you can see on this chart, the rate of inflation is in yellow and the prescription drug prices are in red. This year alone, it is up 9 percent, at a time when inflation is below zero.

Well, why do we want to be able to access FDA-approved drugs? We want to be able to make that purchase. By a sweetheart deal in law that says the American consumer doesn’t have the freedom to make that purchase.

The Wall Street Journal did terrific expose about this. There were over 60 people who died from Heparin in this country. It was contaminated. Here is what The Wall Street Journal did in the investigation. Here is a rusty old pot being stirred with a limb from a tree. Those are active ingredients for American drugs. This guy is working with pig intestines—guts from a hog. This old man here, with a wooden stick—it looks unsanitary doesn’t it? That is the source of Heparin. These are the photographs by the Wall Street Journal investigative reporter. They are telling us FDA-approved drugs have a chain of custody identical to ours, would pose some sort of threat. Are you kidding? You can make that charge without laughing out loud?

Let’s talk about the existing drug supply for a moment. This is a young man named Tim Fagan. He was a victim of counterfeit domestic drugs in this country—not imported FDA-approved drugs. Do you know where this guy’s drug came from? Here is the report done on that. It is made by Amgen. It went through all these places. It ended up at a place called Playpen, which is a south Florida strip club—in a cooler in the back room of a south Florida strip club. At one point it was stored in car trunks. Finally, it was prescribed and administered to this young man named Tim Fagan. He survived, but he was getting medicine with one-twentieth the necessary strength for a serious disease that his doctor intended for him.

Don’t talk to me about the issue of prescription drug safety. We are talking about safety that doesn’t now exist in the domestic drug supply, but safety standards are included in this amendment. Every drug made with a pedigree to track where it came from and, in every respect, between manufacture and consumption. There ought to be batch lots and tracers for every drug. There ought to be pedigrees for the domestic drug supply as well.

I wish to quote a former vice president of Pfizer Corporation, a prescription drug manufacturer, Dr. Peter Rost:

Right now, drug companies are testifying that imported drugs are unsafe. Nothing could be further from the truth.

This is from a vice president of one of the major drug companies—‘‘nothing can be further from the truth.’’ He was fired, to be sure. You can’t say that if you are working for a drug company. Their business is to try to keep the pricing strategy the way it is.

I might say, I don’t have a beef with the drug industry. I have a beef with their pricing policy that says we will sell the same drug everywhere in the world at a fraction of what we charge the American consumer. How do you make that stick? By a sweetheart deal in law that says the American consumer cannot import the drug. The Spanish can import drugs from Germany. The French can import drugs from Italy. But the American consumer is told you don’t have the freedom to shop for that same FDA-approved drug—approved because the place where it is produced is inspected by the FDA, in a country with an identical chain of custody, but the U.S. consumer doesn’t have the freedom to make that purchase.

If I might, Dr. Peter Rost, the same just I quoted, said:

During my time responsible for a region in northeastern Europe, I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else say this practice was unsafe. I personally think it is outright derogatory to claim that the Americans would not be able to handle the reimportation of drugs, when the rest of the educated world can do that.

Dr. Peter Rost also said:

The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that, in Europe, reimportation of drugs has been in place for 20 years. Hank McKinnell, a former Pfizer CEO, said:

Name an industry in which competition is allowed to flourish—computers, telecommunications, small package shipping, retail entertainment, and I’ll show you lower prices, higher quality, more innovation, and better customer service. There is
STABENOW, Senator K LOBUCHAR, and so was sent yesterday: for the Lautenberg amendment. and then vote to nullify it by voting way, the side-by-side amendment is a amendment because they are raising pry enough people away from this Senate? The answer is, yes; we like an old Senator who served long Somebody told me late last night. I am what time they were consummated. I don’t know what the deals are. I don’t know if we can equally divide the minutes. 

Mr. DORGAN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

Mr. DORGAN. Mr. President, I did not speak about the letter from the Food and Drug Administration. My colleagues have described this letter, which I said could have come out of a copying machine. A similar letter has come each time we legislate. It is interesting to me that we export a lot of American jobs. All kinds of jobs are leaving our country. Then we import contaminated wallboard, children’s toys that kill kids. And, yes, that has happened. We import contami-

We import fruits and vegetables. I am wondering if the Food and Drug Administration is sending letters around with concern about the risk to health of fruits and vegetables and seafoods that are not inspected. In many places, these products are produced with insecticides and various things that would not be permitted in this country. I am wondering where the FDA’s letter is with respect to that. I called the Food and Drug Administration. I talked with the head of the FDA. I said: I understand there are rumors around that you are going to send a letter here. This was 24 hours before the letter came. The head of the FDA said: I know nothing of such a letter. My question is, Where did the letter come from? Who prompted the letter? I think I know. I find it interesting. I don’t see anybody at the FDA sending letters here about the issue of safety on fruits, vegetables, and fish. They raise the issue of safety with respect to a drug importation bill which has the most specific and the most rigorous safety standards not only for imported drugs but for the existing domestic drug supply, the kind of safety standards that the pharmaceutical industry has objected to for many years.

Mr. LAUTENBERG. Mr. President, I know Senator DORGAN very well. He is a man of great principle and skill, I might say. But I say the list of aberrations, the lack of care about the various products—the toys, wallboards, and food—I have had a great interest in those items. It is in- tended that it is being suggested by the Senator from North Dakota that is an acceptable standard and we ought to go ahead and continue it.

The question today is, Will we once

The question is, In the 7 days since I have offered this amendment, has the pharmaceutical industry been able to pry people away from this amendment because they are raising all kinds of issues of safety?

How many votes will we get? By the way, the side-by-side amendment is a killer amendment. We will have a second vote on it: people will see. We will vote for the Dorgan amendment and then vote to nullify it by voting for the Lautenberg amendment.

Let me read the AARP letter which was sent yesterday: On behalf of the AARP's nearly 40 million members, I want you to support the Dor-

The PRESIDING OFFICER. The Senator from New Jersey has 7 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The assistant bill clerk proceeded to

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I did not speak about the letter from the Food and Drug Administration. My colleagues have described this letter, which I said could have come out of a copying machine. A similar letter has come each time we legislate. It is interesting to me that we export a lot of American jobs. All kinds of jobs are leaving our country. Then we import contaminated wallboard, children’s toys that kill kids. And, yes, that has happened. We import contami-

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Mr. DORGAN. The Senator is not asking a question. I yielded to the Senator for a question. If he would truncate it, I would appreciate it.

Mr. LAUTENBERG. The question is whether, if you think that casual stand no food and other products is acceptable—

Mr. DORGAN. Reclaiming my time.

Mr. LAUTENBERG.—therefore, we ought to do the same with drugs?

Mr. DORGAN. Reclaiming my time.

The PRESIDING OFFICER. The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Reclaiming my time.

Mr. LAUTENBERG.—therefore, we ought to do the same with drugs?

Mr. DORGAN. Reclaiming my time.

The clerk will call the roll.

The PRESIDING OFFICER. The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, is it the case when a quorum call is requested it is equally charged on both sides. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Americans will see a net tax cut of $40 billion, and that tax cut is equal to an average tax cut of $640 per affected taxpayer. And for low- and middle-income taxpayers making less than $200,000, this cut is even greater. The average tax credit is equal to more than $40 per affected taxpayer in the year 2010.

To repeat: This bill, according to the Joint Committee on Taxation, is a net tax cut for individuals—a cut, not an increase but a cut—almost as great as the 2001 tax cut. Many of us know how great that was in terms of the highest tax cut since 2001—this legislation.

I also want to discuss a couple other points. A lot of people say: Well, gee, some of this does not take effect for several years. Why not do what takes effect right away, in 2010. What are the provisions that take effect right away? I will read the list.

The first is—the fancy term is “pools”—to help people with preexisting conditions get access to health insurance even before the actual denial of preexisting conditions kicks in. There is $5 billion of Federal support for higher risk pools providing affordable coverage to uninsured persons with preexisting conditions. That takes effect right away.

Second, reinsurance for retiree health benefit plans. Basically, that means there is immediate access to Federal reinsurance for employer plans providing coverage for early retirees— for example, for someone who chooses not to go on Medicare but instead continues their coverage through their employers. I think that means extra dollars are available for the outliers. That is a fancy term for saying the high-cost people in that age group—55 to 64.

In addition, we extend dependent coverage for your children. Today, a young couple buys health insurance for themselves and their kids, and once the child is 21 there is no more health insurance. We raise that level to the age of 26 so that person can stay with the family and have the family’s health insurance.

Moreover, this legislation requires that health insurers must provide prevention and wellness benefits but no deductibles and no cost-sharing requirements. That will help quite a bit. That takes effect right away.

Moreover, right away, in 2010, the legislation prohibits insurers from imposing annual and lifetime caps. Not later but right away there is a prohibition against insurers from imposing annual lifetime dollar limits—a big problem today.

Moreover, right away, this legislation will stop insurers from nullifying or rescinding health insurance policies when a person’s health worsens. That is a big problem today. In 2010, when this legislation passes, no more rescissions of health care policies.

Moreover, this legislation sets minimum standards for insurance overhead costs to ensure that most premium dollars are spent on health benefits, not costly administration or executive compensation and profits. We also require public disclosure of overhead and benefit spending and premium rebates. That is right away. Right now. That is a significant change.

What about small businesspersons— small businessmen? This legislation offers tax credits to small businesses with low wages to make covering their workers more affordable. It takes effect in 2010, and credits of up to 50 percent of insurance premiums will be available to firms that choose to offer coverage.

I might also say there are stronger small business provisions, too, that I am quite certain will be in the managers’ amendment. Greater incentives to the tune of about $12 billion to $13 billion for small businesses will be in this legislation and will also be in the managers’ amendment.

Moreover, what will take effect next year, not later, is we have closed the coverage gap for the Medicare drug benefit. Basically, that means we have closed the doughnut hole—we are starting to close the doughnut hole. Seniors pay very high prices for brand-name drugs if they are in that so-called doughnut hole. We close it so that seniors don’t have to pay those high prices anymore.

There is public access to comparable information, more transparency, and I could go on and on and on. There are many provisions which take effect right away and not at a later date.

Mr. President, I believe that debate is drawing to a conclusion on the four matters under consideration. We may be able to have votes as soon as 5:30.

I see my colleagues from Kansas and Iowa on the Senate floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I am an unanimous consent to use 5 minutes of Senator MCCONNELL’s time—the Republican leader’s time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I thank my colleagues for this opportunity to address the Lautenberg amendment and speak in favor of the Lautenberg amendment.

I oppose the base bill. I oppose the base bill. I have spoken many times in opposition to the overall bill. It is way too expensive, it cuts Medicare, raises taxes, and inserts the funding of abortion, which is something we haven’t looked at in 30 years. The Hyde language has not allowed funding of abortion, and instead this does and puts it in, and I think it will result in poorer health care for a number of Americans.

But the issue I rise on today is on the Lautenberg amendment, and in support of the Lautenberg amendment. This is an amendment we have seen in this body four times previously over the last 10 years. Each time the Lautenberg amendment has passed overwhelmingly, and that is because of the strong concerns for drugs coming into the United States.

I would note that Secretary Sebelius, Secretary of HHS—Health and Human Services—who before being named to this position was the Governor of the State of Kansas for 6 years, with whom I worked over the years, through her office has stated they cannot basically certify the safety of these drugs.
There is a letter that has been gone over in some depth and length from the Food and Drug Commissioner saying that it is going to be very difficult for them to certify the safety of these drugs. Yet what the Lautenberg amendment does, or an equivalent, and I think that is appropriate.

I would also note there is a huge industry in the United States—the pharmaceutical industry—that is quite concerned about the safety and efficacy of what this bill would do in not allowing the safety of the drugs if you don't pass a Lautenberg amendment. They are very concerned about that. And toward that regard, I will read pieces of a letter sent to me by Kansas Bio. It is the Kansas Biosciences Organization. They sent this letter to me saying:

On behalf of the members of Kansas Bio, please accept this letter in opposition to Senator Dorgan's drug importation amendment—of the health care reform legislation which may be voted on by the Senate. We believe that the promotion of drug importation is an extremely risky endeavor which threatens the future of Kansas' fast growing bioscience industry—the service providers to our Nation's and our world's drug development and delivery companies.

KansasBio is an industry organization representing over 150 bioscience companies, academic institutions, State affiliates, and related economic development organizations in the State of Kansas, throughout the Kansas City region. . . . Senator Dorgan's amendment opens up the risk of allowing foreign drugs that do not have FDA approval into the United States and thereby posing significant health and safety risks to the patients.

It is signed by the president and CEO, Angela Kreps, of KansasBio.

I am a member of the Appropriations Subcommittee on Agriculture, Rural Development, and the Food and Drug Administration, so I am keenly interested in the committee structure in this issue.

In addition, the University of Kansas in my State, in addition to having the top-ranked basketball team in the country, has the top-ranked pharmaceutical school in the country. They are a part of KansasBio and concerned about the Dorgan amendment in place. That is why they support things like the Lautenberg amendment which assure two things: that you have safety and that any value in this proposal is passed along to the consumer.

Then tasked with the responsibility of safeguarding this country's prescription drug supply and has executed that responsibility, I believe, quite well. It would be unwise for this body, then, to not value their opinions in regard to this matter. The Lautenberg amendment will protect the health and well-being of American citizens. I look at an industry that has a Lautenberg amendment. They are a part of KansasBio and concerned about the Dorgan amendment in place.

That is why they support things like the Lautenberg amendment which assure two things: that you have safety and that any value in this proposal is passed along to the consumer.

The FDA has been tasked with the responsibility of certifying whether or not a prescription drug imported is safe. That seems to be an important responsibility that the FDA has executed. I believe, quite well. It would be unwise for this body, then, to not value their opinions in regard to this matter. The Lautenberg amendment will protect the health and well-being of American citizens. I look at an industry that has a Lautenberg amendment. They are a part of KansasBio and concerned about the Dorgan amendment in place.

That is why they support things like the Lautenberg amendment which assure two things: that you have safety and that any value in this proposal is passed along to the consumer.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I think we have some time available. I wish to continue with some remarks. I thank the Senator from Kansas for his remarks and his concern also about the efficacy and the safety of drugs that might reach our citizens.

I listened carefully to the remarks of my colleague from North Dakota. He said the principal focus of our amendment is to protect the profits of the drug companies. No, I want to protect the health and well-being of American citizens. I look at an industry that has a Lautenberg amendment. It is a Lautenberg amendment that has the reputation for bringing the best products to market, the most carefully scrutinized, and most effective. What I want is for those companies to continue to be developing drugs that will extend wellness and will continue to improve longevity. I want these products to be available more reasonably, more cheaply—more accessibly.

I have had an experience in my life—people have heard me talk about this at times—whereby my father got cancer, was disabled with cancer when he was 42 years old. Our family was virtually bankrupt as a result of the cost for drugs and hospitalization of physicians, so I know how costly they are. My father had cancer then, and I have seen what has happened now, with the opportunities for some optimism in situations where cancer develops. We are looking to make these drugs more available, more affordable.

The thing that strikes me, as we review where we are in the development of a new health plan or a reform of the existing health programs, and I hear the comments from some people who have indicated they do not support more affordable health products, I think about what happens when votes come about that move the health care bill along. There is absolute obstinacy that prevails with many of our friends on the Republican side.

I look at what good, proper products can do and the hope we have for childhood diseases that are so painful to see. We look for improvements in those—whether it is autism or diabetes or other conditions. We want desperately for companies in this country of ours to continue to develop drugs to treat them—or companies anywhere. But when they come to this country we have to know they are safe because there is nothing that can excuse the sacrifice of safety, for whatever discounts you might get on the product, products that, as has been noted, can kill you if they are the wrong formula or contaminated product.

The different between the Dorgan and Lautenberg amendments boil down to one word: safety. Knowing that when you open the bottle, that when you take the liquid, you are not doing something or your children or your自身 are not doing something that harms their health. We owe them that feeling of security and comfort as they try to cure themselves from sickness or disease. That is what we are looking at here. I hope my colleagues will stand up and say no, don’t let these products come in without the tightest scrutiny that can be developed; without the most secure process of production and shipment that can be exercised.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask how many minutes I have remaining.

The Chairman of the Committee on which the Senator has 15 minutes remaining.

Mr. BAUCUS. I yield 5 minutes to my good friend from Iowa who I think is
going to be speaking against my position but he is a good fellow so I think he should have 5 minutes.

Mr. GRASSLEY. This is typical of the comity of the Senate. I thank my good friend for doing that. I have a little different opinion some of the things he said about taxes here. I respect him giving me some time because we don’t have time on this side. It is nice, his doing that.

Republicans and Democrats are working off of the same data provided by the Joint Committee on Taxation. For some reason my friends on the other side of the aisle seem to want to read this data selectively, so I wish to look at more than one page of this data. This data is from the nonpartisan Joint Committee on Taxation. They are experts. They are nonpolitical people who tell it like it is.

My friends on the other side are correct, this bill provides a tax benefit to a small group of Americans. You can see right here that this benefit is to the people here where the minus sign is in front of the numbers. These numbers are in white.

As I said previously, when you see a negative number on this chart, the Joint Committee on Taxation is telling us these people are receiving a tax benefit. This income category—the income categories where you see these negative numbers begin at zero and stretch to $50,000 for individuals and $75,000 for families. That will be $50,000 to $75,000. I give my Democratic friends credit for being right on this data, I want to stress that I want to show you where I disagree with them and their choosing to overlook other parts of the data, the data I will soon refer to here on this chart.

When we see negative numbers in this chart, as I have said, the Joint Committee on Taxation is telling us that there is a tax benefit. So, conversely, where there are positive numbers—this will be an example of positive numbers—the Joint Committee on Taxation is telling us these taxpayers are seeing a tax increase. Those numbers I have already pointed to begin at $50,000 for an individual and go up to $200,000 for an individual.

When we see a positive number, then, it is a tax increase. The Joint Committee on Taxation is telling us these taxpayers are in fact seeing tax increases. So if we see positive numbers for individuals making more than $50,000 and we see positive numbers for families making more than $75,000, it is just this simple: We know these people’s taxes are going to go up.

The Joint Committee on Taxation is telling us that taxes for these individuals, a third of them will go up under this 2,074-page Reid bill.

These individuals and families are making less than $200,000. What is significant about less than $200,000 is that this violates what the President promised in his campaign, that individuals who are middle class, under $200,000, are not going to see one dime of tax increase.

To come to any different conclusion is saying that the data on this chart—and of course the professionals at the Joint Committee on Taxation—both are wrong. To come to any different conclusion is saying the chart produced by the Joint Committee on Taxation is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time remains?

The PRESIDING OFFICER. There is 11 minutes.

Mr. BAUCUS. On this side? Does anyone have remaining time?

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes. The Republican leader has 3½ minutes. The Senator from North Dakota has 7½ minutes. The Senator from New Jersey has 1 minute.

Mr. BAUCUS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I would like to make it clear, essentially this legislation does several things. This is the core part of this legislation. What is it? First, this legislation very significantly reforms the health insurance industry, especially for people who individually buy insurance and also for people who buy for a small company and even buy insurance for a large company. It is insurance market reform. It stops insurance companies from, frankly, underwriting practices which are un-American; that is, denying people coverage based on preexisting conditions, denying them health insurance because they have some kind of preexisting something—that is ridiculous—or saying: You can’t have health insurance because you have some other health care status or saying: Sure, we will give you a policy, then a month, 2 months later, it will nullify. This is what we have to stop.

In addition, this legislation reforms what are called rating provisions that States have. States basically allow companies to charge whatever they want, if you are a little older compared to if you are younger, if you are a woman compared to a man. There are lots of differences that allow insurance companies to charge based upon different categories. So, No. 1, insurance market reform. This legislation stops some outrageous practices that insurance companies practice today.

No. 2, this legislation begins to get control over health care costs. We have to start to get control over health care costs. This legislation does so. It also is deficit neutral. It does not cost one thin dime for us to enact this legislation. It provides full coverage and half private. People who study this say we waste as much as $800 billion a year—not million, billion—in fraud, waste, dollars that don’t go directly to health care. This legislation is going to get a handle on that. It stops all the waste. You get a better handle on fraud so after 2 or 3 years, we will have something we are very proud of. Let us remind ourselves, again, if we don’t pass this legislation, we will rue the day we didn’t because we will have to start all over again, 2 or 3 or 4 or 5 years from now, and the problem will be much worse. The cost for families is going to be much greater, the cost to American businesses much greater. Our budgets are going to be much worse, Medicare and Medicaid. This legislation extends the solvency of the Medicare trust fund for another 9 years.

Remember the bottom line, remember the basics. Let’s not get too caught up in the details of the weeds and get distracted by a lot of stuff that is not the core of this bill. The provisions I outlined are compelling reasons why this legislation must pass and why it would be so good for America.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I ask unanimous consent to use the remainder of my time as well as that of the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I would like to respond to a couple of the points made about whether this bill provides full coverage and half private. People are asking it to address. If you ask most people in America what they want out of health care reform—and
Mr. President, I rise in opposition to the Dorgan amendment. The PRESIDING OFFICER. The Senator's time has expired.

Mr. Dorgan. I yield 3 minutes to the Senator from North Dakota.

Mr. DORGAN. I yield to the Senator from Ohio.

Mr. BROWN. Mr. President, I rise in support of the Dorgan amendment on reimportation. This is not about importing drugs from China or India or Mexico, where drug safety standards are not up to par. Although American companies have outsourced a lot of their manufacturing to those countries and found a lot of problems with the ingredients they import into American drug safety standards, that is not the issue. That undercuts the hypocrisy of U.S. drug companies in opposing the Dorgan amendment.

This is about importing drugs from countries such as Canada and Germany and Australia and New Zealand and Japan, countries that have developed drug safety regimes. Patients in England and France and Germany and New Zealand and Canada have the same protections we do. I have been in drugstores in Canada just 2 hours from Toledo, less than that, and you see the same drug and the same dosage, the same packaging, the same company making them. In Canada, it is 35 to 55 percent lower than in the United States. One drug, the cholesterol-lowering drug Lipitor, $33 in Canada, $45 in Germany, $63 in the Netherlands, $32 in Spain, $40 in the United Kingdom. Same packaging, same company, same dosage, same drug is $125 in the United States. We pay more, even though, in most cases, these drugs are either manufactured in the United States or developed, in some cases, by U.S. taxpayers, developed certainly in the United States for Americans, but we pay two and three times what Americans pay.

A 2009 Consumer Reports survey found that due to high drug prices, one out of six consumers failed to fill a prescription, one out of six consumers skipped doses.

Mr. President, 23 percent of consumers cut back on groceries. They choose between do I get my groceries or pay for this drug? Consumer after consumer will cut their pill in half and take one part today and one part the next day, which is not what their doctor says they should do. This is not good for Americans' health. We know this is not good for Americans' pocketbooks. We know this is not good for taxpayers. It is not good for small business. It is not good for big business, large American companies that are paying the freight, that are paying these high costs. American consumers and taxpayers and businesses are suffering from these high costs.

Pharmaceutical companies hike up prices, rake in massive profits. They are one of the three most profitable industries in this Nation and have been for decades. The pharmaceutical industry in 2008, recorded sales in excess of $300 billion, with a 19-percent profit margin. This is in a bad year—a bad year for most of us in this country, in 2008. In the last year alone, the brand-name prescription drug industry raised their prices by more than 9 percent.

I ask my colleagues to support the Dorgan amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.
Mr. BAUCUS. Mr. President, I ask unanimous consent that at 6 p.m. today, the Senate proceed to vote in relation to the amendments and motion specified in the order of December 14 regarding H.R. 3590; that prior to each vote, there be 5 minutes of debate, equally divided and controlled in the usual form; that after the first vote in the sequence, the succeeding votes be limited to 15 minutes each; further, that all provisions of the December 14 order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, some issues we deal with here in the Senate are unbelievably complicated. This one is not. This is painfully simple, the question of whether the American people should be charged and continue paying the highest prices in the world for brand-name prescription drugs—my amendment—or from other countries in which there is a safe chain of custody that is identical to ours. The American people ought to have the freedom to acquire lower priced FDA-approved drugs that are sold there at a fraction of the price.

I especially wish to thank Senator BEGICH from Alaska for his work. This is bipartisan, with a broad number of Democrats and Republicans working on this importation of prescription drugs bill, giving the American people the freedom to acquire lower priced drugs. Senator BEGICH has been a significant force in this effort. I want to say thanks to him for his work on this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, if I could ask a question of the Senator from North Dakota.

I say to the Senator, I appreciate his comments, and I think he is right. Of all the complexity of this bill, this seems so simple. I know when I was mayor, we worked on this issue. It seems logical for Alaska. Since we border so much of Canada, it seems logical to do what we can in this arena.

I know the Senator stated these comments before, but I think it is important for especially my viewers who are now watching from Alaska, with the 4-hour difference. But the Senator talked about the savings. There are savings to the taxpayers that are very clear, and there are savings to the consumer, which is even more significant. Can the Senator remind me what those numbers are? I think I have them. I want to be sure, as I talk about this bill.

Mr. DORGAN. Mr. President, this amendment will save $100 billion in 10 years, nearly $20 billion for the Federal Government and nearly $80 billion for the American consumers.

Mr. BEGICH. That is what this health care debate is about, not only getting good-quality care but also finding those opportunities, as we just heard one Senator talk about, bending that cost curve—I hate that term—but it is impacting the consumers in a positive way by $80 billion.

The other thing I have heard a lot about on the floor—and the Senator talked quickly about it—is the chain of custody. I know I have been on vacation for four days with my family through Canada, and 5 days we bought some drugs when I had a cold, but I am still here. I am standing. I am healthy. Remind me of that chain of control for these drugs and where they are produced.

Mr. DORGAN. The Senator from Alaska, these prescription drugs would be able to be reimported from Australia, New Zealand, Japan, and the European countries that have identical chains of custody to our chain of custody so that there is safety.

It is also the case that we are in politics, so the floor of the Senate is the place of a lot of tall tales. I understand that. I have been in politics for a long time.

Mr. BEGICH. Yes, I have learned that as a new Member.

Mr. DORGAN. But early on, one of my colleagues said this is about untested, unregulated drugs coming from, I think, the Schengen. That is so unbelievable. It is not describing the amendment I have offered. We are talking about a chain of custody that is identical to the United States. When that is the case, it is the case—why would the American people not have the freedom to acquire that same drug when it is sold at one-tenth the price, one-fifth, one-third, or one-half the price? Why not give the American people that freedom?

Mr. BEGICH. The Senator from North Dakota and I have just one last question. Even though we did not ask for a colloquy, this is kind of a colloquy, and I appreciate the back-and-forth.

There is one reason I support this bill—not only today but many months ago—for all the reasons the Senator just laid out. The control is there. The protection to the consumer is there. The savings to the consumer and the taxpayer are enormous, as we deal with these issues. If there is one thing I have heard over and over through e-mails and correspondence to my office, it is: Help us save on prescription drugs.

To emphasize that point once more, to make sure I have the numbers right, over 10 years, between the Federal Government and the consumer, it is over $100 billion.

Mr. DORGAN. Mr. President, the savings is over $100 billion. Look, I want the pharmaceutical industry to do well, to make profits, to make prescription drugs. I just want fair pricing for the American people. I do not have a beef with the industry. I want them to do well. I love them, however, to give the American people a fair price because we are paying the highest prices in the world for brand-name prescription drugs, and I think it is flat out unfair. This amendment will fix that.

There is a competing amendment that nullifies it, that simply says all this is going to go away and we are done with this bill and nothing has happened to put the brakes on prescription drug prices.

I hope my colleagues will stand with me and with the American people say: We support fair drug prices for the American people. That is what we are going to vote on in a few minutes.

I appreciate the questions from the Senator from Alaska.

Mr. BEGICH. Thank you, Mr. President. And I thank the Senator from North Dakota for allowing me these questions and again clarifying for my residents in Alaska how important this bill is. Thank you.

The PRESIDING OFFICER. The time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, parliamentarian inquiry: The order that was just entered provided for 2 minutes, equally divided, before, I suppose, the vote on each of the amendments. Is that in addition to or is that a part of the time that has been allocated to Senator Dorgan?

The PRESIDING OFFICER. In addition to.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana has 5 minutes remaining.

Mr. BAUCUS. So, Mr. President, if the Senator from Montana wishes to speak on his amendment, he has 5 minutes, plus 2 minutes.

The PRESIDING OFFICER. Five minutes plus 1 minute.

Mr. BAUCUS. Excuse me. The time is equally divided. Thank you.

Mr. President, I just want to make it as clear as I can that the Congressional Budget Office essentially says that premiums will go down for about 95 percent of Americans. I say that because I think my good friend from Idaho was leaving a different impression.

But let me just summarize what CBO says. I would put a chart that CBO provided in the RECORD, but under the Senate rules we cannot put charts in the RECORD. So I am just going to summarize what this chart says.

OK. Seventy percent of Americans will get their health insurance in what is called the large group market. That is people who work for larger employers—70 percent. CBO said for that 70 percent of Americans, premiums will go down a little bit. It will be about a 3-percent reduction in premiums.

The next group of Americans getting health insurance are in what is called the small group market. Those are people in small companies, small businesses, primarily. That is where 13 percent of Americans get their insurance. CBO says for that 13 percent, maybe the premium will go up between 1 percent or down 2 percentage points overall. But for those folks, those small businesspeople who get tax credits—
and there are some very significant tax credits in this bill, and I think it will be even more significant when the managers' amendment is out—CBO says, even with modest tax credits, those premiums will go down 8 to 11 percent.

That is, for 13 percent of Americans who have insurance, their premiums will go down 8 to 11 percent, among those who have credits.

Let's look at what is called the nongroup market—the individual market. That is 17 percent of Americans. For those folks, if you compare their current insurance with what they will have in the future, those premiums will go down 14 to 20 percent—down 14 to 20 percent—according to CBO.

In addition, though, CBO says that persons who have tax credits—we are talking now about the individual market—those people will find, on average, their premiums will go down 56 to 59 percent. Remember, 17 percent of Americans are tax reductions.

Of that 17 percent, 10 percent, because of tax credits in this bill, will find their premiums go down 56 to 59 percent.

The 7 percent that are remaining—remember I started off by saying for 7 percent, there will be no reductions. The 7 percent remaining will find that because of better benefits, their premiums will go up 10 to 13 percent, but they will have a lot better benefits. They will have a lot higher quality in insurance than they have today. Frankly, my judgment is, the higher quality insurance they have, because of this legislation, will outweigh the increase in the premiums.

But anyway, for 93 percent, premiums will go down.

Mr. President, let me speak a little bit on my amendment which, as I understand it, is going to be the first amendment voted on.

I recognize unanimous consent that the underlying legislation is a tax cut bill. It cuts taxes. It cuts taxes very significantly. Over the next 10 years, for example, this bill will provide Americans with a $441 billion tax cut to buy health insurance—$441 billion in tax credits to buy health insurance. Credits are tax reductions.

In the year 2017, taxpayers who earn between $20,000 and $30,000 a year will see an average tax cut of nearly 37 percent. These are people who have not had a tax cut in 30 years and are paying individual income tax. People who earn between $20,000 and $30,000 will see an average tax cut of 37 percent. That is according to the Joint Committee on Taxation.

In addition, 2 years later, the average taxpayer making less than $75,000 a year will receive a tax credit of $1,500. Just to repeat, the average taxpayer making less than $75,000 a year will receive a tax reduction—a tax credit—of more than $1,500.

The obligation to commit is really an attempt to kill health care reform. It is, thus, a plan to keep Americans from getting these tax cuts. I think we want Americans to get these tax cuts. If the Crapo motion is successful, Americans will not get any of these tax cuts. We want them to. The underlying bill gives Americans these tax cuts. Therefore, I think we should reject this procedural maneuver designed to block the tax cuts in this health care bill.

That is what my side-by-side amendment says—that is going to be the first amendment voted on—and that is, let's vote to keep our current tax cuts. I urge a "yes" vote on the amendment and a "no" vote on the Crapo motion, which eliminates the tax cuts, which is not what I think most Americans want. So I urge my colleagues to vote for the side-by-side amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the Baucus amendment.

Who yields time?

The Senator from Mississippi. Mr. COCHRAN. Mr. President, the legislation that we are discussing today, the Patient Protection and Affordable Care Act, could have a profound impact on the United States for decades to come. The Federal Government is concerned about the tax implications of the legislation. We need to take a thorough look at these tax provisions before approving this legislation.

It is plain to see that if you have insurance, you get taxed; if you don't have insurance, you get taxed; if you have a medical device, you get taxed; if you have high out-of-pocket health expenses, you get taxed. Everyone gets taxed under this proposal.

This legislation also changes the core principle of Social Security and Medicare financing, a model called "social insurance." Since Social Security was created in the 1930s and the Medicare program in 1965, tax revenues have been dedicated to financing these programs. In current tax law, all funding from the Medicare payroll tax finances the Medicare Program. This legislation proposes to increase the hospital insurance portion of the payroll tax on wages from 1.45 percent to 1.95 percent and use the revenues to fund programs outside of Medicare. If this proposal becomes law, future Congresses will have the ability to take payroll taxes revenues, use them for highways or defense or other nonsocial insurance spending. This will be a serious precedent, a long-term game changer in how we finance our government, and I do not think it is wise to do this today.

Additionally, individuals who fail to maintain government-approved health insurance coverage would be subject to a penalty of up to $2,250 in 2016. This individual mandate tax is regressive and will largely be strapped on the backs of workers who can least afford such a penalty.

Analysis by the Joint Committee on Taxation reveals that while a relatively small group of middle-class individuals, families, and single parents may benefit under this bill, a much larger group of middle-class individuals, families and single parents will be disadvantaged. According to the analysis by the Joint Committee on Tax, this legislation increases taxes by a 3 to 1 ratio on people making less than $200,000 a year, in other words for every one individual or family that gets the tax credit, three middle-income individuals and families are taxed. Roughly $38 billion in dividends, or 25 percent of all tax returns under $200,000 will, on average, pay higher taxes under this bill, even with the tax credits factored in.

There are only about 17,000 Mississippi tax filers who earn more than $200,000, so we are looking at over 2.5 million people who earn less than $200,000 and could easily be forced to pay higher taxes. This legislation will affect a large majority of our tax base. An estimated 5 percent of Federal Government spending as proposed in the legislation before us provides credits for health insurance to individuals and families between 100 percent and 400 percent of the Federal poverty level, FPL. For example, a family at 100 percent of the Federal poverty level will pay no more than 2 percent of their income on premiums, and the government would pick up the rest of the cost. Although this furthers the goal of trying to get everyone insured, only 7 percent of Americans will be eligible for a tax credit and 91 percent of Americans will experience an increase in taxes. This hardly seems like a solution.

The health care industry, including many small businesses in my state, would be subject to fees imposed by this legislation. Health insurance companies that administer a self-insured policy on behalf of employers would be subject to fees imposed on the industry. This $6.7 billion annual fee will undoubtedly be passed on to consumers.

This legislation imposes a nondeductible $2.3 billion fee on manufacturers of prescription drugs, which is an example of yet another fee that will be passed on to consumers.

Medical device manufacturers will be on the hook for $2 billion in annual fees. Again, this will be passed on to consumers.

Of additional concern is the "free rider" policy for employers with more than 50 employees that do not offer health insurance coverage. These employers would be required to pay a fee for each employee. Businesses that pay any amount greater than $600 to corporate providers of services would have to file an information return with the IRS, adding further regulatory burdens on business and on an agency that does not traditionally deal in health care.

According to a recent study, taxes in this proposal will place approximately 5.2 million low-income workers at risk of losing their jobs or having their hours reduced. An additional 10.2 million workers could see lower wages and...
reduced benefits. Why would we want to put people at risk of losing their jobs? A small business owner in my State told me that 8 percent of his income goes to pay for health insurance for his employees. If this amount is increased, he will be forced to reduce the size of his staff. Why would we want to hurt small businesses at a time like this?

We all remember President Obama’s campaign promise that he would not raise taxes on families earning less than $250,000 a year. The Joint Committee on Taxation conducted an analysis that shows that in 2019—when the bill is in full effect—on average individuals making over $50,000 and families making over $75,000 would have seen their taxes go up under this legislation. In other words, 42 million individuals making over $50,000 and families making over $250,000 would pay higher taxes.

Arguably millions more middle-class families and individuals could be hit with tax increases from the health care industry “fees” or taxes proposed. According to testimony of the Congressional Budget Office before the Senate Finance Committee, these fees would be passed through to health care consumers and, thus increase health insurance premiums and prices for health care-related products. If the President signs this legislation in its current form, he would break his pledge not to raise taxes on people making less than $200,000 a year.

My distinguished friend from Idaho, Senator CRAPO, offered an amendment in the Senate Finance Committee markup providing that “no tax, fee or penalty imposed by this legislation shall be applied to any individual earning less than $200,000 per year or any couple earning less than $250,000 per year.” The amendment was rejected.

Small businesses in my State do not support this legislation. With unemployment at a 26-year high and small business owners struggling to simply keep their doors open, this kind of reform is not what we need to encourage small businesses to thrive. Small businesses need reform that will lower insurance costs. They need a bill that will decrease the overall cost of doing business. If a bill increases the cost of doing business or fails to reduce costs, then the bill fails to meet its intended goal of reigniting health care costs.

I warn that the bill fails to lower national health expenditures; it fails to lower the amount of money the federal government spends on health care; and it does not bend the cost curve of rapidly increasing national health care costs. If we were running a large company, this would be an unsuccessful business proposal.

In Mississippi, we could insure a majority of the uninsured if we enrolled all eligible children in the State Children’s Health Insurance Program. If more small businesses offered health insurance, and if people who could afford health insurance purchased health insurance, this would be reform.
There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll. The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—45

Alexander
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burkett
Cynthia Lummis
Collins
Corker
Corbyn

NAYS—54

Akaka
Baucus
Begich
Bennet
Bingaman
Boxer
Brown
Burr
Cochran
Collins
Corker
Corbyn

Not Voting—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

AMENDMENT NO. 2793, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2793, as modified, offered by the Senator from North Dakota, Mr. Dorgan.

The Senator from North Dakota.

Mr. DORGAN. Madam President, this amendment is about fair pricing for prescription drugs for the American people. A colleague of mine just came up to me and said: My daughter takes Nexium. It costs her $1,000 a month. I said: I happen to have a chart about Nexium here. This illustrates better than I know how to illustrate the difference in pricing. Here is what Nexium costs: $424 worth of Nexium in the United States is sold for $40 in Great Britain, $36 in Spain, $57 in Germany, $67 in France. If you like this kind of pricing where the American people pay the highest prices in the world for prescription drugs, if you like this kind of pricing, then you ought to vote against this amendment. But this amendment is bipartisan—Republicans and Democrats. Over 30 Members of this Senate have supported this approach, saying let’s provide fair pricing for a change for the American people.

We should not be paying the highest prices in the world for prescription drugs. All I ask is that you support this amendment to give the American people the opportunity for fair pricing for a change.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to oppose the Dorgan amendment. Let’s be clear, there are those who want to demeanimize safety. But the one entity in this country that is responsible for the food and drugs is the FDA, and Commissioner Hamburg has mentioned in her letter all of the potential risks of the Dorgan amendment.

Secondly, we have heard about the European Union as an example why we should permit reimportation. What did we hear from the European Community last week? In 2 months, they seized 34 million fake tablets at customs points in all member countries, and this was beyond their greatest fears.

Thirdly, how do we create affordability? By closing the doughnut hole. And this amendment will not do that. And this amendment will not do that, it will undermine that.

And finally, Senator Lautenberg’s amendment, which comes up after this amendment, is the one that permits re-importation but takes care of the safety issues that the FDA has said are critical.

We want to make sure when you buy Nexium that what you get is the substance and the quality and the quantity that you want, not something less that can undermine your health care. Vote against the Dorgan amendment.

Mr. DORGAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment is withdrawn.

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—51

McCaskill
McCone
Merkley
Merkowski
Nelson (NE)
Nelson (FL)
Pryor

NAYS—48

Akaka
Barrasso
Baucus
Bayh
Bennett
Brownback
Bunning
Burr
Burns
Cardin
Casey
Chambliss
Cochran
Dodd

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3156

Under the previous order, there will now be 2 minutes of debate equally divided, prior to a vote in relation to amendment No. 3156, offered by the Senator from New Jersey, Mr. Lautenberg.

Mr. LAUTENBERG. Madam President, this is a simple solution to a complicated problem. My amendment contains the Dorgan amendment. The work done by our friend from North Dakota is significant. But what it did not have is a guarantee, as much as possible, that the product was safe; that there were no counterfeits, that there were no mixtures of things that might not work well with other drugs.

My amendment adds a simple requirement that imported drugs be certified as safe by the Health and Human Services Secretary. I hope we will be able to pass this, which will include the Dorgan amendment, to make sure the products that get here are safe, no matter what the price will be. If it is not safe, it is worthless. We want to be sure every product that reaches our shore is safe to take and will be sold at a more reasonable cost.

Mr. BAUCUS. Madam President, I have long supported measures that allow Montanans to buy safe and effective drugs from foreign countries. This is why I support the Lautenberg amendment.

Currently, the Food and Drug Administration is required to review the safety and effectiveness of domestically produced drugs. FDA is also required to ensure the safety and effectiveness of legally imported drugs. FDA’s robust inspection and other regulatory compliance activities, consumers can have a high degree of confidence in the quality of the drugs.

The Lautenberg amendment allows importation of drugs manufactured outside the United States and includes...
The PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

The Senator from North Dakota?

Mr. DORGAN. Madam President, we have all seen this movie before. We have had these votes before. All I say is this: The pharmaceutical industry flexes its muscles and defeats an attempt for fair prescription drug prices for the American people so we can keep paying the highest prices in the world. And then there is another amendment offered that makes it seem like something is being done when, in fact, nothing is going to be done, nothing will change.

Do not vote for this amendment and go home and say you have done something about the price of prescription drugs because your constituents will know better. This amendment does nothing. If you believe, at the end of the evening, we should do nothing, by all means vote for it. Don’t count me in on that vote.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll. Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—56

Akaka
Alaska
Alexander
Angus King
Kaufman
Casey
Amsbary
Cooper
Barasso
Cochran
Baucus
Cornyn
Bayh
Crapo
Bennett
Dodd
Bond
Burns
Boxer
Brownback
Bunning
Burr
Burris
Cantwell
Clarke
Cardin
Carper
Votovich
Utah (CO)
Specter
Risch
Roberts
Rockefeller
Reid

NAYS—43

Begich
Bennet
Bingaman
Bingaman
Byrd
Boxer
Baucus
Bayh
Baucus
Baucus
Bennett
DeMint
Dorgan
Feingold
Franken
Graham
Grassley

Pryor
Harkin
Hatch
Isakson
Johanns
Kohl
Kyl
Leahy
Levin
McCain
McCaskill
Merkley
Merkley
Nelson (NE)

Stabenow
Stabenow
Thune
Udall (NM)
Vitter
Webb
Whitehouse
Wicker
Wyden

And then there is another amendment that it be brought forward.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] moves to commit the bill S. 5990 to the Committee on Finance with instructions to report the same back to the Senate with changes to align the effective dates of all taxes, fees, and tax increases levied by such bill so that no such tax, fee, or increase take effect until such time as the major insurance coverage provisions of the bill, including the insurance exchanges, have begun. The Committee is further instructed to maintain the deficit neutrality of the bill over the 10-year budget window.

Mrs. HUTCHISON. Mr. President, this is a motion that Senator Thune and I are putting forward. It is a very simple motion. A lot of people don’t realize that the taxes in the bill we are discussing will actually start in about 3 weeks. They start in January of 2010. The effect of the bill, whatever the proposals are going to be in the bill, whatever programs are available, will not come into play until 2014. The taxes will start next year, and they will be paid for 4 years before any of the programs the bill is supposed to put forward will be there. The motion Senator Thune and I put forward merely says that taxes start being collected when the bill is implemented. So whatever programs are being offered to the people, whatever insurance programs, whatever kinds of benefits there might be in the bill would start at the same time as the taxes start. So you are not going to be paying taxes before you have any options that you would be able to take in the bill.

It is simple. It is clear. We believe that if you pay taxes for 4 years before you see any of the programs in this bill, the American people can’t be sure there will ever be a program. Therefore, there will be intervening Congressional and intervening Presidential elections that will occur before this bill is designed to start in 2014. We have congressional elections in 2010. We have a Presidential election plus congressional elections in 2012. And 2 years following that, 2014, is when this bill will be implemented.

I hope everyone will look at this motion and support the amendment we are moving forward. It is important to commit to the bill to fix this issue, that America should not be looking at higher drug prices, higher medical device prices, and higher costs of insurance, all of which are the first taxes that will take effect.

Let’s walk through it. Starting next year in January, 3 weeks from today, there will be $22 billion in taxes on prescription drug manufacturers that will start. The price of prescription drugs, aspirin, anything that people take will go up because the drug manufacturers are going to start paying a tax. There is $19 billion in taxes on medical device manufacturers. So medical devices we use, hearing aids, things we use to treat ailments will be taxed to the tune of $19 billion next January. There is $60 billion on insurance companies starting next month. They will add $60 billion in taxes that start in about 3 weeks. So the insurance companies have probably already priced in the negotiations that they are having now with people about their insurance premiums. I am sure that they are going to have to be locked in for a year or two or three and, therefore, these rises in insurance premiums are probably part of this bill we are dealing with right now. And $60 billion will be passed on to every person who has health care coverage right now.

Here we are, health care reform that is supposed to bring down the price of health care so that more people can afford it. And what is the first thing we do? It is not to offer a plan. It is not to offer any kind of program that would help people who are struggling right now because they don’t have health care, and it is certainly not going to help people struggling to pay their prescription drug prices. We are going to raise the price by taxing the manufacturers of drugs, of medical devices, and the companies that are giving insurance today.

It is time that we talk about the high taxes in this bill. What are we going to talk about in the Hutchison-Thune proposal, the motion to commit, is to say at the very least, the least we can do is not ask people to pay taxes for 4 years when you are going to have three intervening congressional elections before this bill takes effect. Things could change mightily. All these taxes that are going to go into place might never bring forward the proposals that are in the underlying bill.

In 2013, 1 year before the bill is to take effect, the taxes on high benefit plans go into effect. Is that a high benefit plan? A high benefit plan is one that is a good plan. Many unions have these, and many people who work for
big corporations have everything paid for. They have all of the employer regular, in the order that most companies do, payments, but they also allow in these plans to have most of the deductibles also paid for. They are very good plans. The bill will excise for those that go above $29,000 billion, cut it right out and have an excise tax on those good plans, $149 billion. That starts in 2013. That is 1 year before the bill takes effect.

In 2013, 1 year before there is any new plan put forward, those who have very good coverage—whether it be someone who works for a big company or whether it is a union member—will start getting a 40-percent tax on that benefit. So all of the things that have been negotiated are going to have a big 40-percent tax. That starts in 2013.

In addition, in 2013, 1 year before the bill takes effect, there is a limitation put on itemized deductions for medical expenses. Today, if you spend more than 7.5 percent of your income on medical expenses, you get to deduct everything over that. So if you have a catastrophic accident or you have a very expensive disease to treat or you are in a clinical trial—something that is expensive—if you go above 7.5 percent of your income, you can deduct that. In 2013, under the bill that is before us, you would have to spend 10 percent of your income before you could deduct those expenses. That is another $15 billion that will be collected in taxes that are not collected today.

The new Medicare payroll tax, which impacts individuals who earn over $200,000 or couples who earn $250,000 each, would take effect in 2013. That is $54 billion in taxes.

These are all the taxes that take effect before the bill does, before there is any plan offered. You would have the tax that starts next month on insurance companies, pharmaceutical companies, device companies, and medical device companies. Then, in 2013, you would have a tax on high-benefit plans, a 40-percent tax on that plan. Then, in 2013, the itemized deductions will not be allowed until you have paid 10 percent of your salary in medical expenses. Then there is the Medicare payroll tax, which is going to impact individuals. All of this is before there is a program in place.

In 2014, when the bill does come forward so there are plans to be offered to people, then you start the mandates on employers and the taxes if people are not covered. So you have $28 billion in taxes on employers that start in 2014. These are the employers who cannot afford to give health care to their employees or they do not give the right kind of health care to their employees, so it is not the right percentage, and if it is not the right percentage, then the employer pays a fee of $750 to $3,000 per employee. That is their fine.

Then there is the tax on individuals who do not have health insurance, and that is $750 per adult.

My colleague from South Dakota and I will certainly want to spend more time talking about this and hope very much that our colleagues will also. I do not think this is what the American people thought they would be getting in health care reform. Of course, what we would hope the American people would get in health care reform would be lower premiums, that do not require a big government plan. They would not require big taxes. If we had a lowering of the cost, by allowing small businesses to have bigger risk pools, that would allow bigger risk pools that would provide lower premiums and employers would be able to offer more to their employees.

Most employers want to offer health care to their employees. It is just a matter of the expense. The bill we are debating now is going to put more expenses and burdens on employers, at the time when we are asking them to hire more people to get us out of this recession.

Everywhere I go in Texas, when I am on an airplane, when I am in a store, a grocery store—I have not been able to do any Christmas shopping. I must admit, so I have not been in a department store. I need to go to the grocery store—everyone who I am talking to is saying: I can’t afford this. What are you all doing? And I am saying, of course: Well, we are trying to stop this because we agree with you that small businesses cannot afford this.

I was a small businessperson. I know how hard it is because we do not have the margins of big business, and it is very hard to make ends meet when you have all the mandates and the taxes, and when you are trying to increase your business and hire people, which is what we want them to do. You cannot do it if you are burdened with more and more expenses, as this bill will do.

What Senator Thune and I are doing is making a motion to commit this bill back with instructions, to come back with the changes that will assure that when the implementation of this bill starts, that will trigger whatever programs are in the bill at the same time as whatever taxes and fees are going to be in this bill.

I would hope there would be fewer taxes and fees. But whatever your view is on that issue, it is a matter of simple fairness that we not start the taxes before you start the implementation of the program. It would be like saying: I want to buy a house, and the realtor says: Well, fine, you can start paying for the house right now, and in 4 years you will be able to move in. The house might be stricken by lightning. It might fall apart. It might blow up. It might have a fire. And that is exactly what could happen in this bill.

This bill may not make it for 4 years, when people see what is in it. There will be elections, and I cannot imagine we would establish a policy of taxing people for 4 years, raising costs, leading down this path that will eventually go to a public plan that will end up doing what was originally introduced in the bill; and that is to end up with one public plan. It will take a little longer the way the bill is being reconfigured, but it is going to end up in the same place, unless we can stop it by showing people that the mandates and the taxes are not good for our economy and they are not good for the health care system we know in this country.

We have choices in this country. We have the ability to decide who our doctor is and what insurance coverage we want, whether we want a high deductible or a low deductible. That is not a choice that should be taxed. We should not have someone tell us what procedures we can have. We should have the option of deciding that for ourselves with our doctors. That is what we want in health care reform. But that is not what is in the bill before us.

I hope we can discuss the Hutchison-Thune motion to commit. We are going to work to try to make sure everyone knows we want fairness in this bill and that people know what is in it. I hope we will get whatever the new version of this bill is very soon so we have a chance to see if maybe there are some changes that are being made. But in the bill before us, the taxes start next month, and the bill is implemented in 2014. On its face, that is fundamentally unfair. I hope our motion is adopted so we can change it.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, today I would like to talk about health care reform. We began the endeavor to fix our broken health care system a year ago for two reasons: to move toward universal coverage, and to reduce the unacceptably high cost of health care that is threatening to ruin our country.

It is vital that in our quest to cut costs, we do not leave money on the table that could be going back into the pockets of the American people. This process is not over and while we still have time, we need to strongly address the rising costs of prescription drugs. The cost of brand-name drugs rose nine percent last year. That is an unprecedented, unacceptable hike. In contrast, the cost of generic drugs fell by nearly nine percent over the same time period.

For years, we have tried to make it easier for Americans to have access to affordable drugs. We have worked to clear the backlog of applications at the FDA. We support comparative effectiveness studies and academic detailing to diminish the influence of brand-name drug manufacturers. And we must continue to break down the barriers to help generic drug companies get their products on the market.

Therefore it is imperative that we pass legislation to fight the backroom deals between brand name drug companies and generic drug companies that keep generics off the market and out of reach for consumers. The Kohl-Grassley amendment to stop what we call
these “reverse payments” is based on a bill that was passed with bipartisan support by the Judiciary Committee last month, and I thank Senator Grassley for working together with me on it.

Let’s be clear about what these deals are: brand-name drug companies pay generic drug companies—their competition to not sell their products. The brandname drug companies win because they get paid without having to manufacture a product. And consumers lose because they have been robbed of a competitive marketplace.

How much do American consumers lose in these backroom deals? Thirty-five billion dollars over 10 years, according to the Federal Trade Commission. And the Congressional Budget Office estimates these anticompetitive deals cost the Federal Government nearly $2 billion on top of that, because we end up paying more for branded drugs through Medicare and Medicaid. We cannot afford to leave this money on the table.

For too many, rising health care costs are a direct threat to their families. Many small businesses avoid hiring new employees because of health care costs plaguing our health system, it is imperative that every dollar is spent wisely.

In closing, I urge my colleagues to support my amendment to end these “reverse payments,” which is a substitute revenue raiser in this bill. This proposal would save billions of dollars and reduce consumer costs by billions more. This is what we would do, and this is what we must do.

Mr. JOHNSON. Mr. President, I rise today to recognize that the rising health care costs plaguing our health care system disproportionately harm small business in South Dakota and across the Nation. Over the last decade, health care costs have been rising four times faster than wages, eating into the profits of small businesses and their workers.

Small businesses avoid hiring new employees because the cost of providing benefits is too great, and in some cases are forced to lay off employees or drop health care coverage entirely.

A small business owner in northeastern South Dakota shared with me the impact of rising health care costs on his business. He cited a strong conviction on moral obligation to provide his employees and their families with benefits, including quality, affordable health insurance. Despite his best intentions, rising health care costs are threatening his ability to maintain those benefits.

As the employees of this small business aged and used more of their health benefits, the insurance company steadily raised rates 10 to 20 percent each year. When the rates were affordable, the small business owner paid the full cost of premiums, but has since been forced to shift more and more of the costs onto his employees. If rates continue to rise, he is worried he will no longer be able to afford to offer any coverage.

And he has concrete cause for concern. One trend paints a bleak picture of future health care costs for all Americans, but they have particular implications for small businesses. In 2000, employer-sponsored health insurance in the large group market for a family in the median age of $6,700. In 2006, the same family health insurance plan cost $9,875. That is a 72 percent increase in 6 years and, unless action is taken to alter this unsustainable course, it is projected this same coverage will cost $16,971 in 2016. Because they lack bargaining leverage, small businesses pay on average 18 percent more than larger businesses for the same health insurance.

Despite their best intentions to provide quality, affordable benefits to their employees, the unsustainable trends in our current health care system have already forced many small businesses to make tough decisions.

The Senate health care reform bill addresses the main challenges facing small businesses: affordability and choice. The Patient Protection and Affordable Care Act will increase quality, affordable options in the small group market. The Small Business Health Options Program, SHOP, will give small businesses the buying power they need to get better deals and reduce administrative burdens. And small businesses providing health insurance to their employees will be eligible for a tax credit to improve affordability. The bill will also end the discriminatory insurance industry practices of jacking up premiums by up to 200 percent because an employee gets sick or older, or because the business hired a woman.

The Senate health care reform will give a new measure of security to those with health insurance and extend this security to more than 30 million Americans who are currently uninsured. It will lower premiums, protect jobs and benefits, and help small businesses grow.

Mr. GRASSLEY. Mr. President, yesterday afternoon, a few of my friends on the other side made some assertions about congressional history, fiscal policy, and the role of bipartisan tax relief for the period of 2001–2006. The speakers were the distinguished junior Senators from Vermont, Ohio, and Minnesota. They are all passionate about the “surtax.” They are articulate voices of the progressive, and they have a passion for talking about their views. But, as one of them has said frequently in his early months of Senate service, we are entitled to our opinions, but not entitled to our own facts. I couldn’t agree more with that notion. In order to insure an intellectually honest standard of debate, both sides need to correct the record when they feel the other side has misstated the facts. It is in that spirit that I respond today.

I won’t take this time to debate the merits of the surtax that they propose as a substitute revenue raiser in this bill. That can wait till we debate their amendment. I am going to focus on their assertions about recent fiscal history and the role of bipartisan tax relief.

Before I address the revisionist fiscal history we heard, I would like to set the record straight on congressional history.

It was said yesterday afternoon that there were 8 years of a George W. Bush administration and Republican Congress. If the Members making these assertions would go back and check the records of the Senate, they would find that during that 8-year period Republicans controlled the Senate when the rate was divided between Democrats and Republicans. In fact, the majority because outgoing Vice President Gore broke ties. For the balance of the period from January 20, 2001, through June 6, 2001, the Senate was evenly divided, but Republicans held because of Vice President Cheney’s tie breaking vote.

On June 6, 2001, the Democrats regained the majority when Senator Jeffords, previously a Republican, began caucusing with Senate Democrats. For the balance of 2001, 2002, and in early 2003, Democrats held the majority.

For two Congresses, half of President Bush’s term, Republicans held a majority. For the last 2 years of the George W. Bush Presidency, Democrats controlled the House Congress.

When you add it up, with the exception of a little over 4 months when the Senate was equally divided, Democrats controlled the Senate for about half the period of the George W. Bush administration.

When you hear some of our friends on the other side debate recent fiscal history, these basic facts regarding political power and accountability are obscured. Perhaps it is their opinion that Democrats were not exercising majority power during that period, but the fact is that Democrats controlled the Senate for almost half the period of the George W. Bush administration.

Now let’s turn to the fiscal history assertions from my friends on the other side. The revisionist history basically boils down to two conclusions:

1. That all of the bipartisan tax relief enacted during that period was skewed to the top 1 percent or top two-tenths of 1 percent of taxpayers; and

2. That all of the “bad” fiscal history of this decade to date is attributable to the bipartisan tax relief plans.
Not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief and support tax increases. The same crew generally support spending increases and oppose spending cuts.

On the first point, two of the three speakers from the other side voted for the conference report for fiscal year 2010 budget resolution. The third speaker was not a Member of this body at that time the conference report was adopted. I am not aware, however, of his objection to that budget which was drawn up by the Senate Democratic Caucus.

That budget was similar to President Obama’s first budget. A core portion of that budget, much ballyhooed by the Democratic leadership, was an extension of the major portion of the bipartisan tax relief enacted during the period of 2001–2006. As a matter of fact, roughly 80 percent of the revenue loss from that legislation, much criticized by the other side, was in the first two years of the decade. The $787 billion stimulus bill, as signed by the President, brought another wave of new fiscal deficits.

Over a trillion dollars of new deficit spending was hidden in that bill. The extra red ink, of the order of two and a half trillion, supported the tax relief included in the Democratic budget. Perhaps I missed something. In addition, the three speakers need to pay attention to analyses from the nonpartisan Joint Committee on Taxation.

If they do examine those analyses, they would find that, in terms of the burden of taxation, the 2001 legislation redistributed the burden from lower income taxpayers to higher income taxpayers.

Now, I turn to the second fiscal revisionist history. That point is that all of the “bad” fiscal history of this decade to date is attributable to the bipartisan tax relief plans. In fact, in a way, many on this side have pointed out some key, undeniable facts. We agree with the President on one key fact. The President inherited a big deficit and a lot of debt.

The antirecessionary spending, together with lower tax receipts, and the TARP activities has set a fiscal table of a deficit of $1.2 trillion. That was on the President’s desk when he took over the Oval Office on January 20, 2009. That is the highest deficit, as a percentage of the economy, in Post World War II history.

Not a pretty fiscal picture. And, as predicted several months ago, that fiscal picture got a lot uglier with the $787 billion stimulus bill. So for the folks who saw that bill as an opportunity to “recover” America with government taking a larger share of the economy over the long term, I say congratulations.

For those who voted for the stimulus bill, including two of the three speakers to whom I refer, they put us on the path to a bigger role for the government. Over a trillion dollars of new deficit spending was hidden in that bill. The Congressional Budget Office concluded that the permanent fiscal impact of that bill totaled over $2.5 trillion over 10 years. It caused some of the extra red ink. Supporters of that bill need to own up to the fiscal course they charted.

Now, to be sure, after the other side pushed through the stimulus bill and the second half of the $700 billion of TARP money, CBO reestimated the baseline. A portion of this new red ink, upfront, was in the stimulus bill. The bottom line, however, is that re-estimate occurred several weeks after the President and robust Democratic majorities took over the government. Decisions made at that time and the fiscal consequences followed.

One on the other side who raises this point about the March CBO reestimate. That is fine. But, if they were to be consistent and intellectually honest, they need to account for 45 percent of the total change in the budget. For instance, for the same period, increased appropriations outranked the tax cut by $6 billion. So, spending above baseline, together with lower projected revenues, accounted for 86 percent of the change in the budget picture. Let me repeat that. Bipartisan tax relief was a minimal, 14-percent factor, in the change in the budget situation.

Over the long term, the tax cut was projected to account for 45 percent of the change in the budget picture. Statet another way, the 10-year surplus declined from $5.6 trillion to $1.6 trillion. Of that $4.0 trillion change, the tax cut represented about $1.7 trillion of the decline.

Let’s take a look at the fiscal history before the financial meltdown hit. That conclusion is, again, in this decade, all fiscal problems are attributable to the widespread tax relief enacted in 2001, 2003, 2004, and 2006.

In 2001, President Bush came into office. He inherited an economy that was careening downhill. Investment started to go flat in 2000. The tech-fueled stock market bubble was bursting. Then came the economic shocks of the 9/11 terrorist attacks.

Add in the corporate scandals to that economic environment. And it is true, as fiscal year 2001 came to close, the relief that they want to attribute to the deficit presented the net effects of some of these unforeseen events on the projected $5.6 trillion surplus.

Now, yesterday afternoon’s three speakers may oppose bipartisan tax relief they charted. I referred to the net effects of some of these unforeseen events on the projected $5.6 trillion surplus.

Those on this side of the aisle have a different view than the revisionists. In just the right time, the 2001 tax relief plan started to kick in. The fiscal facts show as the tax relief hits its full force in 2003, the deficits grew smaller. They grew smaller in amount. They grew smaller as a percentage of the economy. This pattern continued up through 2007.

If my comments were meant to be partisan shots, I could say this favorably of the fiscal path from 2003 to 2007 was the only period, aside from 6 months in 2001, where Republicans controlled the White House and the Congress.

But, unlike the fiscal history revisionists, I am not trying to make any partisan points. I am just trying to get to the fiscal facts.

So, let’s get the fiscal history right. In this decade, deficits went down after the tax relief plans were put in place. Deficits did not start to trend back up after the financial meltdown hit. I doubt the fiscal history revisionists who spoke yesterday would say that bipartisan tax relief was the cause of the financial meltdown. So, aside from that unmitigated macroeconomic development, the trend line showed revenues on the way back up.

But that is the past. We need to make sure we understand it. But what is most important is the future. People in our States send us here to deal with future policy. This budget debate should not be about Democrats flogging Republicans and vice-versa. The people don’t send us here to flog one another, like partisan cartoon cut-out characters, over past policies. They don’t send us here to endlessly point fingers of blame. Now, let’s focus on the fiscal consequences of the budget that is before the Senate.

President Obama was right.

We need a President who can face the threats of the future, not grasping at the ideas of the past. We need a President, and I would add Congressmen and Senators, who can face the threats of the future. The legislation before us, as currently written, poses considerable threats to our fiscal future. It is too important to dodge. It is a bill that restructures one-sixth of the economy. It affects all of us and, more importantly, all of our constituents.

Grasping at ideas of the past or playing the partisan blame game will not deal with the threats to our fiscal future. Let’s face the honest fiscal facts. Let’s face the facts and we will have a fiscal stabilization that has a chance of facing the fiscal stabilization that we need.

ORDER AUTHORIZING SIGNATURE

Mr. PRYOR. Mr. President, I ask unanimous consent that the majority
leader be authorized to sign any duly enrolled bill and joint resolution today, December 15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4154

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4154 just received from the House and at the desk; that the Baucus substitute amendment be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the measure be printed in the Record, without further intervening action or debate.

Mr. President, I understand the Republican leader will object, so I will withdraw this request.

The PRESIDING OFFICER. Without objection, the request is withdrawn.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOEING DREAMLINER

Ms. CANTWELL. Mr. President, I know we are in the middle of a health care debate and I know we are focused on health care and we will be talking about that for several days, but I rise to congratulate the people of Washington State and the country on the 787 Dreamliner flight that took off from Paine Field, WA, just a few hours ago. Some people might think of that as just going to YouTube and looking at the video and seeing a plane take off and what is the significance. I tell you, there is great significance, not just for the State of Washington but for the country because this plane is a unique plane. It is a game changer as far as the market is concerned. But it is American innovation at its best. This plane, built now with 50 percent composite materials, is going to be a 20 percent more fuel efficient plane. That is significant for our country. It is significant because it means the United States can still be a leader in manufacturing and it can still deal with something as complex as fuel efficiency in aviation.

What is proudful for us as Americans is, this is about American innovation at its best. What would Bill Boeing say about today? He would say we achieved another milestone, another race in international competition. Yet the United States can still be a manufacturer. We can still build a product, still compete, and still win because we are innovating with aviation.

To the thousands of workers in the Boeing Company and in Puget Sound I say: Congratulations for your hard work—for the planning and implementation of taking manufacturing from aerospace with aluminum that had been the status quo for decades, to developing an entirely new plane, 50 percent with the new material.

I want the United States to continue to be a manufacturer, to still build products, to still say we can compete. So I applaud the name Dreamliner. Somebody in that company had a dream, and today it got launched when it took off from that runway. I wish to say that the innovative spirit that has made this country great and that is the innovative spirit in which we need to invest.

HUMAN RIGHTS ENFORCEMENT ACT

Mr. DURB bin. Mr. President, I rise today to speak in support of the Human Rights Enforcement Act of 2009, which the U.S. Senate approved unanimously on November 21, 2009, and which the House of Representatives will consider today. This narrowly tailored, bipartisan legislation would make it easier for the Justice Department to hold accountable human rights abusers who seek safe haven in our country.

I would like to thank the lead Republican cosponsor of the Human Rights Enforcement Act, Senator Tom Coburn of Oklahoma. This bill is a product of the Judiciary Committee’s Subcommittee on Human Rights and the Law. I am the Chairman of this Subcommittee and Senator Coburn is its ranking member. I also want to thank Judiciary Committee Chairman Pat Leahy of Vermont and Senator Ben Cardin of Maryland for cosponsoring this bill.

For decades, the United States has led the fight for human rights around the world. Over 60 years ago, following the Holocaust, we led the efforts to prosecute Nazi perpetrators at the Nuremberg trials. We have also supported the prosecution of human rights crimes before the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone.

The world watches our efforts to hold accountable perpetrators of mass atrocities closely. When we bring human rights violators to justice, foreign governments are spurred into action, victims take heart, and future perpetrators think twice. However, when human rights violators are able to live freely in our country, America’s credibility as a human rights leader is undermined.

Throughout our history, America has provided sanctuary to victims of persecution. Sadly, some refugees arrive from distant shores to begin a new life, only to encounter those who tortured them or killed their loved ones.

Two years ago, the Human Rights and the Law Subcommittee heard compelling testimony from Dr. Juan Romagoza, who endured a 22-day ordeal of torture at the hands of the National Guard in El Salvador. Dr. Romagoza received asylum in our country but later learned that two generals who were responsible for his torture had also fled to the United States. We also learned that our government was investigating over 1,600 suspected human rights violators from almost 90 countries who were in the United States.

The Human Rights and the Law Subcommittee has worked to ensure our government has the necessary authority and resources to bring perpetrators to justice and to vindicate the rights of people like Dr. Romagoza.

In the last Congress, the Subcommittee on Human Rights and the Law held hearings which identified loopholes in the law that hinder effective human rights enforcement. In order to close some of these loopholes and make it easier to prosecute human rights abuses, Senator Coburn and I introduced the Genocide Accountability Act, the Child Soldiers Accountability Act and the Trafficking in Persons Accountability Act legislation passed unanimously by Congress and signed into law by President George W. Bush that denies safe haven in the United States to perpetrators of genocide, war crimes, and crimes against humanity.

We also examined the U.S. government agencies which bear responsibility for investigating human rights abusers and how to increase the likelihood that human rights violators will be held accountable.

There are two offices in the Justice Department’s Criminal Division with jurisdiction over human rights violations. The first, the Office of Special Investigations, also known as OSI, which was established by Attorney General Richard Civitelli in 1979, has led the way in investigating, denaturalizing and removing World War II-era participants in genocide and other Nazi crimes. I want to commend OSI for its outstanding work tracking down and bringing to justice Nazi war criminals who have found safe haven in our country. Since 1979, OSI has successfully prosecuted 107 Nazis.

This year, OSI convicted John Demjanjuk to Germany, where he is on trial for his involvement in the murder of more than 29,000 people at the Sobibor extermination camp in Nazi-
occupied Poland. Demjanjuk came to the United States in 1952 and lived in Seven Hills, OH. During World War II, Demjanjuk allegedly served as a guard at a number of concentration camps. Lanny Breuer, the Assistant Attorney General of the Criminal Division, said, “The removal to Germany of John Demjanjuk is an historic moment in the federal government’s efforts to bring Nazi war criminals to justice. Mr. Demjanjuk, a confirmed former Nazi death camp guard, denied to us the very freedoms he enjoyed for far too long in the United States.”

In 2004, Judiciary Committee Chairman PAT LEAHY’s Anti-Atrocity Alien Extradition Act, enacted as part of the Intelligence Reform and Terrorism Prevention Act, further strengthened the Office of Special Investigations by statutorily authorizing it and expanding its jurisdiction to include serious human rights crimes committed after World War II.

The Domestic Security Section, which was established more recently, prosecutes major human rights violators and has jurisdiction over the criminal laws relating to torture, genocide, and the recruitment of child soldiers. In 2008, the Domestic Security Section and the United States Attorney’s Office for the Southern District of Florida obtained the first federal conviction for a human rights offense against Chuckie Taylor, son of former Liberian president Charles Taylor, for committing torture in Liberia when he served as the head of the Anti-Terrorist Unit. Taylor and other Anti-Terrorist Unit members engaged in horrific acts of torture, including shocking victims with an electric device and burning victims with molten plastic, lit cigarettes, scalding water, candle wax and an iron. Then-Attorney General Michael Mukasey said, “Today’s conviction provides a measure of justice to those who were victimized by the reprehensible acts of Charles Taylor Jr. and his associates. It sends a powerful message to human rights violators around the world that, when we can, we will hold them fully accountable for their crimes.”

The Human Rights Enforcement Act would seek to build on the important work carried out by the Office of Special Investigations and the Domestic Security Section by creating a new streamlined human rights section in the Criminal Division. My bill would combine the Office of Special Investigations, which has significant experience in investigating and denaturalizing human rights abusers, with the Domestic Security Section, which has broad jurisdiction over human rights crimes. Consolidating these two sections would allow limited law enforcement resources to be used more effectively and ensure that one section in the Justice Department has the necessary expertise and jurisdiction to prosecute or denaturalize perpetrators of serious human rights crimes.

This consolidation will also enable more effective collaboration between the Department of Justice and the Department of Homeland Security’s Immigration and Customs Enforcement in identifying, prosecuting, and removing individuals who commit human rights violations in the United States. Immigration and Customs Enforcement has been at the forefront of the federal government’s efforts to bring war criminals to justice and is currently handling over 1,000 human rights removal cases involving suspects from 70 countries. Immigration and Customs Enforcement and the Justice Department have complementary jurisdiction over human rights violations and partner closely in their efforts to hold accountable human rights violators. In some instances, where prosecution for a substantive human rights criminal offense is not possible, Immigration and Customs Enforcement can bring immigration charges. For example, Immigration and Customs Enforcement recently filed administrative charges against the two El Salvadoran generals who are responsible for the torture of Dr. Romagosa, which took place before the enactment of legislation prohibiting torture in the United States.

With the creation of a new streamlined human rights section in the Criminal Division of the Justice Department, Immigration and Customs Enforcement will have a stronger partner in the Attorney General to collaborate with on human rights violator law enforcement issues. This bill would require the Attorney General to consult with the Secretary of Homeland Security as appropriate, which means the Attorney General shall consult with the Secretary of Homeland Security on cases that implicate the Department of Homeland Security’s jurisdiction and competencies.

The consolidation of the two sections in the Criminal Division of the Justice Department with jurisdiction over human rights violations would not affect or change Immigration and Customs Enforcement’s existing jurisdiction over human rights violators. Immigration and Customs Enforcement will continue to have primary authority for removing human rights violators from the United States through the immigration courts.

At a hearing of the Human Rights and Judiciary Subcommittee on October 6, 2009, the Justice Department and Immigration and Customs Enforcement expressed strong support for combining the Office of Special Investigations and the Domestic Security Section. However, since the Office of Special Investigations is statutorily authorized, the Justice Department needs Congressional authorization to move forward on merging these two sections.

The Human Rights Enforcement Act also includes a number of technical and drafting improvements: 1) technical changes to the criminal law on genocide (18 U.S.C. 1091) that the Justice Department requested in 2007 to make it easier to prosecute perpetrators of genocide; 2) clarifying that the immigration provisions of the Child Soldiers Accountability Act apply to offenses committed before the bill’s enactment; 3) a conforming amendment to the Immigration and Nationality Act required by the enactment of the Genocide Accountability Act; and 4) a conforming amendment to the material support statute, made necessary by the enactment of the Genocide Accountability Act and the Child Soldiers Accountability Act, making it illegal to provide material support to genocide and the use or recruitment of child soldiers. These technical changes will facilitate the government’s ability to prosecute perpetrators who commit genocide or use child soldiers.

Dr. Juan Romagosa survived horrible human rights abuses, and had the courage to flee his home and find sanctuary in the United States, where he became an American and made great contributions to our country. We owe it to Dr. Romagosa, and countless others like him, to ensure that America does not provide safe haven to those who violate fundamental human rights. From John Demjanjuk, who helped massacre over 29,000 Jews during World War II, to the Salvadoran generals responsible for torturing Dr. Juan Romagosa, we have a responsibility to bring human rights violators to justice.

I thank my colleagues for supporting this legislation and hope it will be enacted into law soon.

PENDING NOMINATIONS

Mr. LEAHY. Mr. President, two weeks ago, I challenged Senate Republicans to do as well as Senate Democrats did in December 2001 when we proceeded to confirm 10 of President Bush’s nominees as Federal judges. Regrettably, my plea has been ignored. Senate Republicans are falling the challenge. The Senate has been allowed to confirm only one judicial nominee all month. On December 1, after almost 6 weeks of unexplained delays, the Senate was allowed to consider the nomination of Judge Jacqueline Nguyen to fill a vacancy on the Federal Court for the Central District of California. When finally considered, she was confirmed unanimously by a vote of 97 to 0. Since then, not a single judicial nominee has been confirmed. It is now 2 weeks later. December 15.

Judicial nominees have been and are available for consideration. This lack of action is no fault of the President. He has made quality nominations. They have had hearings and have been overwhelmingly confirmed by the Judiciary Committee and favorably reported to the Senate. Indeed, the logjam has only grown over the last 2 weeks. Five additional judicial nominations have been added to the Senate calendar since December 15, bringing the number of judicial nominations ready for Senate action, yet delayed by Republican obstruction, to 12. One has been ready for...
Senate consideration for more than 13 weeks, another more than 10 weeks, and the list goes on. The majority leader and Democratic Senators have been ready to proceed. The Republican Senate leadership has not.

There are now more judicial nominees awaiting confirmation on the Senate's Executive Calendar than have been confirmed since the beginning of the Obama administration. Due to delays and obstruction by the Republican minority, we have only been able to consider 10 judicial nominations to the Federal circuit and district courts all year, and for one of them, although supported by the longest serving Republican in the Senate, we had to overcome a full-fledged filibuster led by the Republican leadership. As a result, we will not only fail well short of the total of 28 judicial confirmations the Democratic Senate majority worked to confirm in President Bush's first year in office, but we threaten to achieve the lowest number of judicial confirmations in the first year of a new presidency in modern history.

It is clear that the Republican leadership has returned to their practices in the 1990s, which resulted in more than double the number of judicial nominees and led to the pocket filibuster of more than 60 of President Clinton's nominees. The crisis they created eventually led even to public criticism of their actions by Chief Justice Rehnquist during those years. Their actions have witnessed unprecedented delays in the Senate Executive Calendar since March 19. That is the longest pending nomination on the calendar by over 2 months. We did not treat President Bush's first nominee to head the Office of Legal Counsel the same way. We confirmed Jay Bybee to the Fourth Circuit, 49 days after he was nominated by President Bush, and only 5 days after his nomination was reported by the Senate Judiciary Committee. Professor Schroeder's nomination to be the Assistant Attorney General in charge of the Tax Division has been pending on the Senate's Executive Calendar since June 11—more than 6 months. We confirmed President Bush's first nominee to that position, Eileen O'Connor, only 57 days after her nomination was made and 1 day after her nomination was reported by the Senate Judiciary Committee. Her replacement, Nathan Hochman, was confirmed without delay, just 34 days after his nomination.

Among the nominations still waiting for consideration is that of Christopher Schroeder, nominated on June 4 to be Assistant Attorney General for the Office of Legal Policy, OLP. Mr. Schroeder's nomination has been pending before the Senate since July of this year when he was reported by the Senate Judiciary Committee by voice vote and without dissent. There was no objection by the Republican members of the committee to his nomination, so it puzzles me why he cannot move to a vote.

President Bush appointed four Assistant Attorneys General for the Office of Legal Policy. Each was confirmed expeditiously by the Senate. In fact, his first nominee to that post, Viet Dinh, was confirmed by a vote of 96 to 1 just 1 month after he was nominated and only a week after his nomination was reported by the Senate Judiciary Committee. Professor Schroeder's nomination has been pending for over 4 months. President Bush's three subsequent nominees to head OLP—Daniel Bryant, Rachel Brand, and Elisabeth Cook—were each confirmed by voice vote in a shorter time than Professor Schroeder's nomination has been pending.

Senate Republicans should not further delay consideration of these important nominations.

Judicial nominations. I hope that instead of withholding consent and threatening filibusters of President Obama's nominees, Senate Republicans will treat President Obama's nominees fairly. I made sure that we treated President Bush's nominees more fairly than President Clinton's nominees had been treated. I want to continue that progress, but we need Republican cooperation to do so. I urge them to turn away from their partisanship and begin to work with the President and the Senate majority leader.

President Obama has reached out and consulted with home State Senators
from both sides of the aisle regarding his judicial nominees. Instead of praising the President for consulting with Republican Senators, the Senate Republican leadership has doubled down on what they demanded when a Republican was in the White House. No more do they talk about each nominee being entitled to a yes-or-no vote. That position is abandoned and forgotten. Instead, they now seek to filibuster and delay judicial nominations. When President Bush worked with Senators across the aisle, I praised him and expedited consideration of his nominees. When Obama reaches across the aisle, the Senate Republican leadership delays and obstructs his qualified nominees.

Although there have been nearly 110 judicial vacancies this year on our Federal circuit and district courts around the country, only 10 vacancies have been filled. That is wrong. The American people deserve better. As I have noted, there are 12 more qualified judicial nominations awaiting Senate action on the Senate Executive Calendar. Another nomination should be considered by the Judiciary Committee this week. I hope that with the session drawing to a close Judge Rogers of Rhode Island will not be needlessly delayed. The Senate should do better and could if Senate Republicans would remove their holds and stop the delaying tactics.

During President Bush’s last year in office, we had reduced judicial vacancies to as low as 34, even though it was a Presidential election year. As matters stand today, judicial vacancies have spiked, and we will start 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled in nearly 30 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 97 current vacancies and another 23 already announced. If we had proceeded on the judgeship bill recommended by the U.S. Courts to address the growing burden on our Federal judiciary and provide access to justice for all Americans, vacancies would stand at 160, by far the highest on record. I know we can do better. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges.

There is still time to act on these nominations before the Senate recesses this year. I hope Senate Republicans will lift their objections and allow us to proceed on the 27 nominations reported by the Judiciary Committee.Absent cooperation to confirm nominations, this Congress will be recorded in history as one of the least productive in the confirmation of judicial nominations. I hope the New Year will bring a renewed spirit of cooperation.

RECEIPT OF ASYLUM
Mr. LEAHY. Mr. President, I am pleased to learn that, after 14 years of legal struggle, Ms. Roda Alvarado has finally received asylum in the United States. The details of Ms. Alvarado’s case are shocking. She suffered from horrific domestic violence in her home country and sought protection in the United States under our asylum laws. Because persecution of this type had not previously been recognized as a basis for refugee or asylum protection, Ms. Alvarado was forced to fight a long legal battle to win her case.

The administrations of three different Presidents—Clinton, Bush and Obama—have grappled with how to handle gender-based asylum claims, but the resolution of this case brings us closer to the end of this journey. Ms. Alvarado can finally feel safe here in the United States because she is no longer at risk of being deported to Guatemala. The administration must now issue regulations to ensure that other victims of domestic violence whose abuse rises to the level of persecution can obtain the same protection as refugees or asylees.

Ms. Alvarado fled Guatemala in 1995 after being beaten daily and raped repeatedly by her husband. When she became pregnant but refused to terminate her pregnancy, her husband kicked her repeatedly in the lower spine. Ms. Alvarado then tried to escape the abuse, seeking protection in another part of Guatemala, but her husband tracked her down and threatened to kill her if she left their home again. We know that Ms. Alvarado notified Guatemalan police at least five separate times, but the police refused to respond, telling her that her desperate situation was a domestic dispute that needed to be settled at home. Over the past 14 years, Ms. Alvarado’s case has been considered by immigration judges, the Board of Immigration Appeals, BIA, five different Attorneys General, and three Secretaries of Homeland Security. Through-out this extensive consideration, the core facts of her case have never been disputed. All parties have agreed that Ms. Alvarado suffered extreme abuse at the hands of her husband and that the Guatemalan Government would not protect her. All parties agreed that she has a well-founded fear that she would be abused again if she was forced to return to Guatemala.

The dispute in Ms. Alvarado’s case centered on whether the abuse she suffered was persecution under the terms of the Refugee Convention and applicable U.S. law. To obtain protection in the United States, an asylum seeker must demonstrate that they have a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group.

I first wrote to Attorney General Janet Reno in December 1999, when the BIA reversed Ms. Alvarado’s grant of asylum, concluding that her abuse was not persecution on account of membership in a particular social group. This decision was particularly troubling because it left unclear what grounds, if any, could be applied to a victim of severe domestic abuse who cannot obtain the protection of her country of origin. I wrote to Attorney General Reno again in February and September 2000 asking her to exercise her authority to review the case, calling Matter of R-A- to reverse the BIA’s decision. Unfortunately, the case was not reversed at that time, and it then languished for years. I wrote to Attorney General Ashcroft in June 2004 asking him to work with the Department of Homeland Security, DHS, to issue regulations to govern cases such as Ms. Alvarado’s and to then decide her case in accordance with such rules. When he was a nominee to be Attorney General in 2005, I asked for his commitment to taking up the case and resolving it if he was confirmed. Mr. Gonzales promised to work with DHS to finalize regulations but did not take any action during his years as Attorney General.

Ten years after I and other Members of Congress first sought appropriate action and the fair resolution of this case, we celebrate the long-overdue outcome. While I am dismayed at the length of time Ms. Alvarado has lived with fear and uncertainty, the final resolution of this case gives me hope that abuse victims like Ms. Alvarado who meet the other conditions of asylum will be able to find safety in the United States.

The Obama administration has laid out a welcomed, new policy in its legal briefs in this case, and I thank the President, Secretary Napolitano, and Attorney General Holder for bringing this case to such a positive resolution. Yet the administration’s work is not done. It must issue binding regulations so that asylum seekers whose cases have been held in limbo for years can also be resolved and all cases are not delayed in adjudication. I urge the administration to immediately initiate a process of notice and comment rulemaking so that asylum seekers, practitioners, and other experts can contribute to the formulation of new rules.

Today, I commend Ms. Alvarado on the courage she has demonstrated over many years while seeking protection in the United States. I congratulate her and wish her all the best as she finally experiences true freedom from persecution and the full scope of liberties enjoyed by Americans.

A TRIBUTE TO ROBERT B. HEMLEY
Mr. LEAHY. Mr. President, last week, the Senate Judiciary Committee approved the measure that I introduced in a bipartisan vote of 14 to 5. This legislation would establish a qualified privilege for journalists to protect their confidential sources and the public’s right to
Amnesty International, government-sponsored violence and repression in Iran since the election has reached the highest level in 20 years. Hundreds of people have been rounded up and imprisoned, often under appalling conditions, without access to legal representation or indeed any contact with the outside world. Iranian citizens, according to the report, were charged with vague offenses unconnected to any recognizable criminal charge under Ira- nian law.

More than 100 were paraded before cameras in show trials, with visible signs of abuse. The Amnesty International report includes evidence that the pace of executions by the Iranian government has increased, a clear and chilling message to the regime’s critics. And citizens released from detention made credible and horrific charges of abuse while in custody, including allegations of the widespread use of rape.

This deplorable record is why I and six colleagues introduced a resolution last month, approved by this body, expressing the sense of the Senate that the government of Iran, by deliberately and flagrantly violating the human rights of its citizens, and calling on the Iranian government to fulfill its obligations under international law and its own constitution to honor and protect the fundamental rights to which its citizens, and all human beings, are entitled. We recognized the need for a strong statement of condemnation of the regime’s behavior, and of solidarity with those Iranians seeking to exercise their right to protest. The document must know that the world is watching.

Mr. President, there is more the United States can do. I draw my colleagues’ attention to a notice from the State Department that the administration will waive certain provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the export of personal, Internet-based communications tools to Iran. This is an important response to the Iranian government’s crackdown on its people. The regime has sharply curtailed the actions of foreign media representatives in Iran, making independent observations of the situation there difficult or impossible to report. Much of what we know about the regime’s repression has come from first-hand accounts by Iranian citizens, distributed via Internet tools such as YouTube and Twitter. These media outlets have become vital, tools such as YouTube and Twitter. Iranian security forces, and para-military militias allied with government hard-liners, used teargas, batons and beatings to attack nonviolent protesters on the campus of Tehran University and at other universities. The government’s chief prosecutor told the state-controlled news agency—appar-ently without irony—“So far we have shown restraint and patience; we are moving to harsher methods to end the protests.

Sadly, this is a recurring theme in Iran. Outraged by overwhelming evidence of fraud designed to keep President Ahmadinejad in power in June, students and other Iranians took to the streets. Many were met by the regime with escalating levels of brutality. According to a recent report from the human rights group
tightening the regime’s grip on communications within Iran.

The State Department recently notified Congress that it intends to waive provisions of our sanctions against Iran to allow Iranians to download free, dual-use software used in activities such as e-mail, instant messaging and social networking. According to the State Department, “U.S. sanctions on Iran are having an unintended chilling effect on the ability of companies such as Microsoft and Google to continue providing essential communications tools to ordinary Iranians. This waiver will authorize free downloads to Iran of certain nominally dual-use software (because of low-level encryption elements) classified as mass market software by the Department of Commerce and essential for the exchange of personal communications and/or sharing of information over the Internet.”

Granting of this waiver is an important step in ensuring that our actions here do not impede the attempts by Iranians to exercise their human rights. I applaud the administration for its determination to provide the people of Iran will view this as one more sign of the solidarity between them and the people of the United States. I ask that a letter to me from Richard R. Verma, assistant secretary of state for legislative affairs, informing the Senate Armed Services Committee of this waiver decision, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report is being provided consistent with Section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (P.L. 102–484) (the “Act”). The Under Secretary of State has determined that the issuance of a license for a proposed export to Iran of certain types of communications software by companies such as Microsoft and Google to Iran is necessary for the exchange of personal communications and/or sharing of information over the Internet, and this is therefore essential to the national interest of the United States. The attached report provides a specific and detailed rationale for this determination. The waiver authority under Section 1606 of the Act will not be exercised until at least 15 days after this report is transmitted to the Congress.

The Department of State is recommending that the Department of Treasury’s Office of Foreign Assets Control (OFAC) issue a general license that would authorize downloads of free, dual-use software by companies such as Microsoft and Google to Iran necessary for the exchange of personal communications and/or sharing of information over the Internet such as instant messaging, chat and email, and social networking. This software is necessary to foster and support the free flow of information to individual Iranians and is therefore essential to the national interest of the United States.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,
RICHARD R. VERMA,
Assistant Secretary, Legislative Affairs.

REPORT TO THE CONGRESS ON THE IRAN-Iraq ARMS NON-PROLIFERATION ACT OF 1992

This report is being provided consistent with Section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (P.L. 102–484) (the “Act”). Section 1606 of the Act applies with respect to the Iran arms embargo described in Section 1603 of the Act (the “Embargo”) and Section 586(c) of the Export Administration Act of 1979 (the “EAA”) (the “Embargo”). This includes the requirement under Section 586(c)(3) of the EAA to prohibit the export to Iran of certain dual-use property or technology listed pursuant to Section 6 of the EAA or the control list provided for in Section 4(b) of the EAA, unless such export is pursuant to a contract in effect before the effective date of the Act (October 23, 1992).

Pursuant to Section 1606 of the Act, the President may waive the requirement to impose a sanction described in Section 1603 of the Act by determining that it is essential to the national interest of the United States to exercise such waiver authority. On September 27, 1994, the President delegated his authorities under the Act to the Secretary of State. Subsequently, on January 12, 2007, the Secretary of State delegated these authorities to the Under Secretary for Arms Control and International Security.

Personal Internet-based communications tools are a vital tool for change in Iran as recent events have demonstrated. However, U.S. sanctions on Iranian dual-use software have an unintended chilling effect on the ability of companies such as Microsoft and Google to continue providing personal communications tools to ordinary Iranians who will now be authorized to download dual-use software (because of low-level encryption elements) classified as mass market software by the Department of Commerce and essential for the exchange of personal communications and/or sharing of information over the Internet. The waiver will enable Treasury’s Office of Foreign Assets Control to issue a broader general license covering these downloads and related services. This general license will be comparable to exemptions which already exist for the exchange of direct mail and phone calls. The new general license will specifically exclude from its authorization the direct or indirect exportation of services or software with knowledge or reason to know that such services or software are intended for the Government of Iran.

The Under Secretary has determined that it is essential to the national interest of the United States to exercise the authority of Section 1606 of the Act not to impose the direct or indirect sanctions under the Act on personal Internet-based communications technologies and Section 586(a)(3) of the EAA and to permit the issuance of a general license for this kind of software.

SLOVAKIA AND HUNGARY

RELATIONS

Mr. CARDIN. Mr. President, in 1991, then-Czechoslovakian dissident Vaclav Havel brought together his counterpart from Poland and Hungary. Taking inspiration from a 14th century meeting of Central European kings, these 20th century leaders returned to the same Danube town of Visegrad in Hungary to discuss the remnants of the communist bloc in Central Europe; overcoming historic animosities between Central European countries; and promoting European integration.

Today, the Czech Republic, Hungary, Poland and Slovakia are together known as the Visegrad Group, and all four have successfully joined NATO and the European Union. They are anchors in the Trans-Atlantic alliance, and I am pleased to have had the opportunity to travel to all four of these countries where I have met with public officials, non-governmental representatives and ethnic and religious community leaders.

Unfortunately, it appears that some additional work is necessary to address one of the principal goals of the Visegrad Group, namely, overcoming historic animosities. In recent months, relations between Hungary and Slovakia have been strained. Having traveled in the region and having met with leaders from both countries during their recent visits to Washington, I would like to share a few observations.

First, an amendment to the Slovak language law, which was adopted in June and will enter into force in January, has caused a great deal of concern that the use of the Hungarian language and culture, and Hungarian minority in Slovakia will be unduly or unfairly restricted.

Unfortunately, that anxiety has been whipped up, in part, by a number of inaccurate and exaggerated statements about the law.

The amendment to the state language law only governs the use of the state language by official public bodies. These state entities may be fined if they fail to ensure that Slovak—the state language—is used in addition to the majority language permitted by law. The amendment does not allow fines to be imposed on individuals, and certainly not for speaking Hungarian or any other minority language in private, contrary to what is sometimes implied.

The OSCE High Commissioner on National Minorities has been meeting with officials from both countries and summarized the Slovak law in his most recent report to the OSCE Permanent Council.

The adopted amendments to the State Language Law pursue a legitimate aim, namely, to strengthen the position of the State language, and, overall, are in line with international norms. However, the wording of the amendment, and the evaluation of national minorities. Some parts of the law, however, are ambiguous and may be misinterpreted, leading to a negative impact on the rights of persons belonging to national minorities.

Since the law has not yet come into effect, there is particular concern that even if the law itself is consistent with international norms, the implementation of the law may not be.

I am heartened to see that Slovakia and Hungary have continued to engage with one of the OSCE’s most respected institutions—the High Commissioner on National Minorities—on this sensitive issue, and I am confident that their continued discussions will be constructive.

At the same time, I would flag a number of factors or developments that have created the impression that the Slovak Government has some hostility towards the Hungarian minority in Slovakia. Those factors include but are not limited to the participation of the extremist Slovak National Party, SNS,
in the government itself; the SNS control of the Ministry of Education, one of the most sensitive ministries for ethnic minorities; the Ministry of Education’s previous position that it would require Slovak-language place names in Hungarian language textbooks; the handling of the investigation into the 2006 Hedvíg Malinova case in a manner that makes it impossible to have confidence in the results of the investigation, and subsequent threats to charge Ms. Malinova with perjury; and the adoption of a resolution by the parliament honoring Andrei Hlinka, notwithstanding his notorious and noxious anti-Hungarian, anti-Semitic, and anti-Roma positions.

All that said, developments in Hungary have done little to calm the waters. Hungary itself has been gripped by a frightening rise in extremism, manifested by statements and actions of the Hungarian Guard, the “64 Counties” movement, and the extremist party Jobbik, all of which are known for their irredentist, anti-Semitic, and anti-Roma postures. Murders and other violent attacks against Roma, repeated attacks by vandals on the Slovak Institute in Budapest, attacks on property in Budapest’s Jewish quarter in September, and demonstrations which have blocked the border with Slovakia and where the Slovak flag is burned illustrate the extent to which the Hungarian social fabric is being tested.

Not coincidentally, both Hungary and Slovakia have parliamentary elections next year, in April and June respectively, and, under those circumstances, it may suit extremist elements in both countries just fine to have these sorts of developments: nationalists in Slovakia can pretend to be protecting Slovakia’s language and culture—indeed, the very state—from the dangerous overreach of Hungarians. Hungarian nationalists—on both sides—can pretend that Hungarian minorities require their singular protection—best achieved by remembering them come election day.

Meanwhile, the vast majority of good-natured Slovaks and Hungarians, who have gotten along rather well for most of the last decade, may find their better natures overwhelmed by the words and deeds of a vocal few.

In meetings with Slovak and Hungarian officials alike, I have urged my colleagues to be particularly mindful of the need for restraint in this pre-election season, and I have welcomed the efforts of those individuals who have chosen thoughtful engagement over mindless provocation. I hope both countries will continue their engagement with the OSCE High Commissioner on National Minorities, whom I believe can play a constructive role in addressing minority and other bilateral concerns.

ADDITIONAL STATEMENTS

REMEMBERING PIerre PELHAM

• Mr. SHELBY. Mr. President, I pay tribute to Pierre Pelham, a former colleague of mine in the Alabama State Senate, who recently passed away. He was a personal friend and, along with his family, I mourn his passing.

A native of Chatom, AL, and a resident of Mobile, AL, Pierre was born on June 29, 1929. Mr. Joe M. Pelham, Jr. An incredibly bright student, he graduated Phi Beta Kappa from the University of Alabama and received his J.D. cum laude from Harvard Law School. During the Korean war, Pierre served as a captain in the Army and received both the Combat Infantryman Badge and Expert Infantryman Badge.

After his service in the Army, Pierre returned to Alabama and began to practice law. Described by many as brilliant, Pierre took on cases that other lawyers did not want. One of his more interesting cases involved representing Aristotile Onassis’ wife in her divorce from the wealthy shipping magnate.

In the 1960s, Pierre began to pursue his interest in politics. He served as the national campaign coordinator for Governor George Wallace and later as a delegate to the Democratic National Convention from Alabama’s 1st Congressional District in 1960 and 1964. In 1966, Pierre was elected to serve in the Alabama State Senate. It was there that I had the distinct pleasure of working with him.

In 1970, Pierre was elected to serve as president pro tempore of the Senate. Pierre was renowned by our colleagues as an excellent orator and an exceptionally persuasive State senator.

When word would spread around the State capitol that Pierre was speaking on the Senate floor, not uncommon for the gallery to fill with spectators and for members of the House to cross over to the Senate to watch what would surely be an extraordinary speech. His articulation and command of the English language were simply captivating.

Although Pierre eventually retired from public life, as a fellow of Harvard’s Kennedy Institute of Politics, he remained interested in national, State, and local affairs his entire life. Most people in Mobile will remember Pierre for his many contributions as a State senator to South Alabama, most notably his support for the creation of the University of South Alabama College of Medicine. I knew him to be honest, hardworking, and a committed State senator. He remained dedicated to his family and the people of Alabama throughout his life.

Pierre is loved and respected and will be missed by his wife Evapa Pelham; his sons Marc Pelham and Joseph Pelham, IV; his daughters Pierrette Prestridge and Patrice Pelham; and 12 grandchildren. I ask the entire Senate to join me in recognizing and honoring the life of my friend, Pierre Pelham.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

( The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 3288. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At 3:30 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:


ENROLLED JOINT RESOLUTION SIGNED

At 6:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 62. Joint resolution appointing the day for the convening of the second session of One Hundred Eleventh Congress.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. REID).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of the Atlantic Low Offshore Airspace Area; East Coast United States” ((RIN2120–AA66)(Docket No. FAA–2008–1710)) received in the Office of the President of the Senate by Mr. Pate, on October 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule
entitled ‘Amendment of the South Florida Low Offshore Airspace Area; Florida’ ((RIN2120–AA66)(Docket No. FAA–2008–1157)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4034. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Bombardier Model DHC–8–400, DHC–8–401, and DHC–8–402 Airplanes’ ((RIN2120–AA64)(Docket No. FAA–2008–1069)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4035. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Thiebert Aircraft Engines GmbH (TAE) Model TAE 125–61 Reciprocating Engines’ ((RIN2120–AA64)(Docket No. FAA–2008–1073)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.


EC–4031. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Thiebert Aircraft Engines GmbH (TAE) Model TAE 125–61 Reciprocating Engines’ ((RIN2120–AA64)(Docket No. FAA–2008–1073)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.


EC–4027. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Bombardier Model DHC–8–400, DHC–8–401, and DHC–8–402 Airplanes’ ((RIN2120–AA64)(Docket No. FAA–2009–0055)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4026. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Establishment of Class E Airspace; Jackson, AL’ ((RIN2120–AA66)(Docket No. FAA–2009–0957)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.


EC–4024. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; SIKORSKY Aircraft Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Turboprop Engines’ ((RIN2120–AA64)(Docket No. FAA–2009–0915)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S–92A Airplanes’ ((RIN2120–AA64)(Docket No. FAA–2009–0965)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S–92A Helicopters’ ((RIN2120–AA64)(Docket No. FAA–2009–1130)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; General Electric (GE) CF34–1A, CF34–3A, CF34–3B, and CF34–3B Series Turbofan Engines’ ((RIN2120–AA64)(Docket No. FAA–2009–0963)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Revocation of Class E Airspace; Fort A.P. Hill, VA’ ((RIN2120–AA66)(Docket No. FAA–2009–0739)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Establishment of Class E Airspace; Mountain City, TN’ ((RIN2120–AA66)(Docket No. FAA–2009–0661)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; General Electric (GE) Model TAE–350 Reciprocating Engines’ ((RIN2120–AA64)(Docket No. FAA–2009–0964)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Honeywell International Inc. LTS101 Series Turbo-shaft and LTP101 Series ’Turbo Prop engines’ ((RIN2120–AA64)(Docket No. FAA–2008–1019)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Thesis Aircraft Company Model 525A Airplanes’ ((RIN2120–AA64)收到于2009年12月10日; 分发给参议员委员会， Commerce, Science, and Transportation.


EC–4039. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Avio NREN2200–4200 Turbofan Engines” (RIN 2120–AA64)(Docket No. FAA–2009–0770) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4040. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier MD-80 Series Turboprop Airplanes” (RIN 2120–AA64)(Docket No. FAA–2009–0891) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4041. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric F414-GE–100, 400, 400A, 400B, 400D, 402, 402C, 402E, 402F, and 404 Engines” (RIN 2120–AA64)(Docket No. FAA–2009–0971) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4042. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Hawker Beechcraft Corporation Models 90, 90A, 90B, 90C, 95, 95B, 95B1, 100, and 100 Series Airplanes” (RIN 2120–AA64)(Docket No. FAA–2009–0650) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.


EC–4044. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; ZLT Zeppelin Luftschifftechnik GmbH and Co KG Model L2 N07–100 Airplanes” (RIN 2120–AA64)(Docket No. FAA–2009–0650) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4045. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Lockheed Martin Aeronautics Company Model A320 Series Airplanes” (RIN 2120–AA64)(Docket No. FAA–2009–0770) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.


EC–4049. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Removal of Regulations Allowing for Polished Finish” (RIN 2120–A109)(Docket No. FAA–2009–1022) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes (Rept. No. 111–107).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 857. A bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord’s Resistance Army through development of a regional strategy to support multinational efforts, successfully protect civilians and eliminate the threat posed by the Lord’s Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes (Rept. No. 111–108).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. DURBIN, Mr. HARKIN, Mr. MENENDEZ, Mr. BROWN, and Mr. KIRK):

S. 2882. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Finance.

By Mr. JOHANNIS:

S. 2883. A bill to amend the Internal Revenue Code of 1986 to provide for the distribution of remaining balances in flexible spending arrangements upon termination of employment; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. VONNOCH, and Mr. AKAKA):

S. 2884. A bill to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die well International Inc. LTS101 Series Turbo- shaft and LTP101 Series Turboprop Engines” (RIN 2120–AA64)(Docket No. FAA–2009–1022) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.
At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 418, a bill to require secondary metal recycling agents to keep records of their transactions in order to deter individuals and enterprises engaged in the theft and interstate sale of stolen secondary metal, and for other purposes.

S. 471

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from community secondary schools on such schools' athletic programs, and for other purposes.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 583

At the request of Mr. PRIOR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development of science parks to promote the clustering of innovation through high technology activities.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medicinally important antibiotics used in the treatment of human and animal diseases.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. EDWARDS) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools including early learning facilities at the elementary schools.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1769

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1769, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 2729

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2729, a bill to reduce greenhouse gas emissions from uncapped domestic sources, and for other purposes.

S. 2768

At the request of Mr. UDALL of New Mexico, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2768, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2812

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2812, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes.

S. 2847

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2847, a bill to regulate the volume of audio on commercials.

S. 2853

At the request of Mr. GREGG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

S. 2869

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. BOXER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, genocide, and human rights abuses as documented in the United States record relating to the Armenian Genocide, and for other purposes.
BILLS AND JOINT RESOLUTIONS

AMENDMENT NO. 2790

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2804

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 2804 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2877

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2877 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2893

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2893 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2903

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2903 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2928

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KIRK) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2928 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

STANIONS ON INTRODUCED BILL AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. DURBIN, Mr. HARKIN, Mr. SCHUMER, Mr. MENENDEZ, Mr. BROWN, and Mr. KIRK):

S. 2882. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Taxpayer Responsibility, Accountability and Consistency Act of 2009 which seeks to level playing field to America's workers to ensure they are afforded protections already in the law, such as workers' compensation, Social Security, Medicare, payment of overtime, unemployment compensation, and the minimum wage. This legislation is cosponsored by Senators DURBIN, HARKIN, SCHUMER, BROWN, MENENDEZ, and KIRK.

Under current law, employers are required to take certain actions on behalf of their employees including withholding income taxes, paying Social Security and Medicare taxes, paying for unemployment insurance, and providing a safe and nondiscriminatory playing field to America's workers. Federal and State revenue is lost when businesses misclassify their workers as independent contractors. A study estimated that, between 1996 and 2004, $34.7 billion of State and Federal tax revenues went uncollected due to the misclassification of workers and the tax loopholes that allow it. Recent GAO and Treasury Inspector General reports have cited misclassification as posing significant concerns for workers, their employers, and government revenue.

A study commissioned by the U.S. Department of Labor in 2000 found that up to 30 percent of firms misclassify their employees as independent contractors. State studies also show that misclassification is on the rise. In Massachusetts, the rate of misclassification has grown from 8.4 percent in 1995 through 1997 to a rate of 13.4 percent in 2001 through 2003. Misclassification is more rampant than studies indicate. Studies cannot adequately capture the “underground economy,” where workers are paid off the books, often in cash. Unequally paid cash is one aspect of this problem and it is difficult for the IRS to discover because employers have no record of pay. States have been leading the way in documenting and recovering taxes related to the misclassification of workers. In the Commonwealth of Massachusetts, Governor Deval Patrick has
tackled this issue head on and created an interagency task force on the under-ground economy and employee misclassification. The purpose of the task force is to gather information and assess current enforcement resources in an effort to improve current enforcement.

The Federal Government needs to follow the lead of the States by addressing the current safe harbor. The determination of whether an employer-employee relationship exists for federal tax purposes under current law has been narrowed to reduce abuses and misclassification and help combat the under-ground economy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3219. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3220. Mr. KANG-MEDINA submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3221. Mr. WYDEN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3222. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3223. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3224. Mr. CRAPAO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3225. Mr. LEIBUX submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3226. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3227. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.

SA 3228. Ms. LANDRIEU (for herself, Mr. WARNER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra, which was ordered to lie on the table.
beneficiary, or enrollee may be required to furnish information concerning the claim. Such access shall not remove the obligation of the plan or issuer to make a decision in accordance with the medical exigencies of the case and as soon as possible, based on the available information provided to the participant, beneficiary, or enrollee. In the case of an oral request for benefits, the making of the request (and the timing of such request) shall be treated as the making at that time of a claim for such benefits without regard to whether and when a written confirmation of such request is made.

(b) Notice of Denial of a Claim for Benefits.—Written notice of a denial of a claim made under an initial claim for benefits shall be issued to the participant, beneficiary, or enrollee or a representative of the participant, beneficiary, or enrollee and shall include—

(1) the specific reasons for the determination (including a summary of the clinical or scientific evidence used in making the determination); and
(2) the procedures for obtaining additional information concerning the determination.

(d) Definitions:—

(1) Authorized Representative.—The term "authorized representative" means, with respect to an individual who is a participating provider, any health care professional or other person acting on behalf of the individual with the individual's consent or without such consent if the individual is medically unable to provide such consent.

(2) Claim for Benefits.—The term "claim for benefits" means any request for coverage (including authorization for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage).

(3) Denial of Claim for Benefits.—The term "denial" means, with respect to a claim for benefits, a denial (in whole or in part) of, or a failure to act on a timely basis with respect to such claim for benefits.

Subpart F—Access to Care

SEC. 1611. SOURCE OF HEALTH CARE PROFESSIONAL.

(a) Primary Care.—If a group health plan, or a health insurance issuer that offers health insurance coverage, requires or provides for designation by a participant, beneficiary, or enrollee of a participating primary care provider, then the plan or issuer shall permit each participant, beneficiary, or enrollee to designate any participating primary care provider who is available to accept such individual.

(b) Special Rules.—

(1) In General.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary and appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care professional who is available to accept such individual for such care.

(2) Limitation.—Paragraph (1) shall not apply to an individual enrolled under section 1867 of such Act if the health plan, or the insurance coverage offered by a health insurance issuer, provides or covers any benefits with respect to services in an emergency department of a hospital, the provider of such services (as defined in section 1881(b)(4)(D))—

(A) without the need for any prior authorization; or
(B) whether the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee—

(i) by a nonparticipating health care provider with or without prior authorization; or
(ii) by (I) such services will be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage where the provider of such services has an contractual relationship with the plan for the providing of services that is more restrictive than the requirements or limitations that apply to emergency department services received from providers who do have such a contractual relationship with the plan; and

(ii) such services are provided in-network, the cost-sharing requirement (expressed as a copayment amount or coinsurance rate) is the same requirement that would apply if such services were provided in-network;

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) Definitions:—In this section:

(A) Medical Emergency.—The term "medical emergency condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placement in a hospital or other facility described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) Emergency Services.—The term "emergency services" means, with respect to an emergency medical condition—

(i) a medical screening examination (as required under section 1867 of the Social Security Act), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition, and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(C) Stabilize.—The term "to stabilize", with respect to an emergency medical condition—

(1) a medical screening examination (as required under section 1867 of the Social Security Act); and

(2) prior to stabilization, treatment described in clause (i) of section 1867(e)(1)(A) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

(b) Reimbursement for Maintenance Care and Stabilization.—In the case of a group health plan, and health insurance coverage offered by a health insurance issuer, must...
provide reimbursement for maintenance care and post-stabilization care in accordance with the requirements of section 1852(d)(2) of the Social Security Act (42 U.S.C. 1395w–22(d)(2)) that shall be furnished in a manner consistent with subsection (a)(1)(C).

(c) COVERAGE OF EMERGENCY AMBULANCE SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage provided by a health insurance issuer, provides any benefits with respect to ambulance services and emergency services, the plan or issuer shall cover emergency ambulance services (as defined in paragraph (2)) furnished under the plan or coverage pursuant to the same terms and conditions under subparagraphs (A) through (D) of subsection (a)(1) under which coverage is provided for emergency services.

(2) EMERGENCY AMBULANCE SERVICES.—For purposes of this subsection, the term ‘emergency ambulance services’ means ambulance services (as defined for purposes of section 1861(s)(7) of the Social Security Act) furnished to transport an individual who has an emergency medical condition (as defined in subsection (a)(2)(A)) to a hospital for the receipt of emergency services (as defined in subsection (a)(2)(B)) in a case in which the emergency services are covered under the plan or coverage pursuant to subsection (a)(1).

SEC. 1613. TIMELY ACCESS TO SPECIALISTS.

(a) Definition of Specialist.—

(1) IN GENERAL.—A group health plan or health insurance issuer offering health insurance coverage shall ensure that participants, beneficiaries, enrollees, and plan or issuer's participants, beneficiaries, or enrollees would otherwise pay for such specialty care if provided by a participating specialist.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

(A) waive any exclusion of coverage under a group health plan or health insurance coverage of benefits or services;

(B) to prohibit a plan or issuer from including participating physicians in the network only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees;

(C) to override any State licensure or scope-of-practice law; or

(D) to override the normal community standards, taking into account the geographic location of such community, regarding timely access to specialists.

(b) ACCESS TO CERTAIN PROVIDERS.—

(1) IN GENERAL.—With respect to specialty care provided by a participating health care provider, a participating health care provider is available to provide such care to the participant, beneficiary, or enrollee, the plan or issuer shall provide for coverage of such care by a non-participating specialist.

(2) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a participant, beneficiary, or enrollee receives care from a nonparticipating specialist pursuant to subparagraph (A), such specialty care shall be provided at no additional cost to the participant, beneficiary, or enrollee, the plan or issuer shall provide for coverage of such care by a non-participating specialist.

(b) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a participant, beneficiary, or enrollee receives care from a nonparticipating specialist pursuant to subparagraph (A), such specialty care shall be provided at no additional cost to the participant, beneficiary, or enrollee, the plan or issuer shall provide for coverage of such care by a non-participating specialist.

(c) COVERAGE OF EMERGENCY AMBULANCE SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage provided by a health insurance issuer, provides any benefits with respect to ambulance services and emergency services, the plan or issuer shall cover emergency ambulance services (as defined in subparagraphs (A) through (D) of subsection (a)(1) under which coverage is provided for emergency services.

SEC. 1614. ACCESS TO PEDIATRIC CARE.

(a) PEDIATRIC CARE.—In the case of a person who has a child who is a participant, beneficiary, or enrollee under a group health plan, or health insurance coverage provided by a health insurance issuer, and the plan or issuer requires or provides for the designation of a participating primary care provider for the child, the plan or issuer shall permit the child to select a pediatrician (allopathic or osteopathic) who specializes in pediatrics as the child’s primary care provider if such provider participates in the network of the plan or issuer.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

(A) waive any exclusion of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of pediatric care.

SEC. 1615. PATIENT ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) GENERAL RIGHTS.—

(1) DIRECT ACCESS.—A group health plan, or health insurance issuer offering health insurance coverage, described in subsection (b) may not require authorization or referral by the plan or issuer, or requiring a primary care provider described in subsection (b)(2) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology. Such professional shall agree to otherwise adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization, to waive any exclusions of services pursuant to a treatment plan (if any) approved by the plan or issuer.

(2) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan or health insurance issuer offering health insurance coverage described in subsection (b) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological care and services, pursuant to the direct access described under paragraph (1), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

(b) APPLICATION OF SECTION.—A group health plan, or health insurance issuer offering health insurance coverage, described in this subsection is a group health plan or coverage that—

(1) provides coverage for obstetric or gynecologic care; and

(2) requires the designation by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

(c) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

(1) waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care.

(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care provider or the health care professional or the plan or issuer of treatment decisions.

SEC. 1616. CONTINUITY OF CARE.

(a) TERMINATION OF PROVIDER.—

(1) IN GENERAL.—If—

(A) a contract between a group health plan, or health insurance issuer offering health insurance coverage, and a treating health care provider is terminated (as defined in subsection (e)(4)), or

(B) benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in such plan or coverage, the plan or issuer shall provide the requirements of paragraph (3) with respect to each covered health care provider whose health care provider is terminated.

(2) TREATMENT OF TERMINATION OF CONTRACT WITH HEALTH INSURANCE INSURER.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to plan participants, the provisions of paragraph (1) and the succeeding provisions of this section shall
(c) Permissible Terms and Conditions.—A group health plan or health insurance issuer may exclude from continued treatment by a provider under this section upon the provider agreeing to the following terms and conditions.

(1) The treating health care provider agrees to accept reimbursement from the plan or issuer and continuing care patient involved (without respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or coverage after the date of the termination of the contract with the group health plan or health insurance issuer) and not to impose any cost-sharing on the patient in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The treating health care provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(TERMINATED.)—The term “terminated” includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a contract for failure to meet applicable quality standards or for fraud.

Subpart C—Protecting the Doctor-Patient Relationship

SEC. 1621. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) General Rule.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or otherwise restrict a health care professional from advising a participant, beneficiary, or enrollee about the health status of the individual or medical care or treatment for the individual’s condition or disease, regardless of whether benefits for such health care services are provided under the plan or coverage, if the professional is acting within the lawful scope of practice.

(b) Nullification.—Any contract provision or agreement that restricts or prohibits medical communications in violation of subsection (a) shall be null and void.

Subpart D—Definitions

SEC. 1631. DEFINITIONS.

(a) Incorporation of General Definitions.—Except as otherwise provided, the provisions of section 2791 of the Public Health Service Act shall apply for purposes of this part in the same manner as they apply for purposes of title XXVII of such Act.

(b) Secretary.—Except as otherwise provided, the term “Secretary” means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), in consultation with the Secretary of Health and Human Services in relation to carrying out this part under the applicable State authority, if such State is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(c) Additional Definitions.—For purposes of this part:

(1) Applicable Authority.—The term “applicable authority” means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this part, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) Enrollee.—The term “enrollee” means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

(3) Group Health Plan.—The term “group health plan” has the meaning given such term in section 733(a) of the Employee Retirement Income Security Act of 1974, except that such term includes an employee welfare benefit plan treated as a group health plan.

(4) Miscellaneous Medical Treatment.—The term “miscellaneous medical treatment” includes, in addition to the items and services described in section 204(g)(1)(B), care not regularly associated with the diagnosis or treatment of the terminal illness or its medical manifestations.

(5) Patient.—The term “patient” includes, in addition to the individual described in section 204(e)(1)(B), any individual with a serious and complex condition from the time of such notice; or coverage termination described in paragraph (1) (or paragraph (2), if applicable); or

(A) notify participants, beneficiaries, or enrollees of any covered benefit for which the plan or issuer is responsible for payment under subsection (a)(1) after the notice described in subsection (a)(1) is provided; or

(B) provide the plan or issuer with the provider’s consent during a transitional period (as provided for under subsection (b)).
under section 732(d) of such Act or defined as a plan under section 607(1) of such Act.

(4) HEALTH CARE PROFESSIONAL.—The term "health care professional" means an individual, including an allied health professional, licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

(5) HEALTH CARE PROVIDER.—The term "health care provider" includes a physician or other health care professional, as well as an institutional or other facility or agency that provides health care services and that is licensed, accredited, or certified to provide health care items and services under applicable State law.

(6) NETWORK.—The term "network" means, with respect to a group health plan or health insurance coverage, a health care provider with respect to such items and services that is a participating health care provider under the terms of such plan or coverage.

(7) NONPARTICIPATING.—The term "nonparticipating" means, with respect to a health care provider, that provider, whether that provider provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(8) PARTICIPATING.—The term "participating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

(9) PRIOR AUTHORIZATION.—The term "prior authorization" means the process of obtaining prior approval from a health insurance issuer or group health plan for the provision or coverage of medical services.

(10) TERMS AND CONDITIONS.—The term "terms and conditions" includes, with respect to a group health plan or health insurance coverage, requirements imposed under this part with respect to the plan or coverage.

SEC. 1632. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUATION APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this part shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers (in connection with group health insurance coverage or otherwise) except to the extent that such standard or requirement prevents the application of a requirement of this part.

(2) CONSTRUCTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this part shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(b) APPLICATION OF SUBSTANTIALLY COMPLIANT STATE LAWS.—

(1) IN GENERAL.—In the case of a State that has submitted a petition for a certification under paragraph (1) of section 1862, a group health plan, health insurance issuer, participant, beneficiary, or enrollee under such a plan may submit a petition to the Secretary for an advisory opinion with respect to a State law that provides for greater protections for patients than those protections otherwise required to establish substantial compliance.

(2) DEFINITIONS.—For purposes of this section:

(A) PATIENT PROTECTION REQUIREMENT.—The term "patient protection requirement" means a requirement under a State law that provides for patient protections that substantially comply with the patient protection requirements and has a similar effect.

(B) DETERMINATIONS OF SUBSTANTIALLY COMPLIANT.—

(1) Certification by States.—A State may submit to the Secretary a certification that a State law provides for patient protections that are at least substantially compliant with one or more patient protection requirements. Such certification shall be accompanied by such information as may be required to provide the Secretary with the determination described in paragraph (2)(A).

(2) REVIEW.—

(A) IN GENERAL.—The Secretary shall promulgate a regulation, and provide a State with a notice of the determination, within 30 days after the date on which such petition is submitted.

(B) OPINION.—The Secretary shall issue an advisory opinion with respect to a petition submitted under subparagraph (A) within the 60-day period beginning on the date on which such petition is submitted.

(c) PETITIONS.—

(A) PETITION PROCESS.—Effective on the date on which the provisions of this subtitle become effective, and whenever a State law under this subsection solely because it provides for greater protections for patients than those protections otherwise required to establish substantial compliance.

(B) OPINION.—The Secretary shall issue an advisory opinion with respect to a petition submitted under subparagraph (A) within the 60-day period beginning on the date on which such petition is submitted.

(C) PETITION PROCESS.—Effective on the date on which the provisions of this subtitle become effective, and whenever a State law under this subsection solely because it provides for greater protections for patients than those protections otherwise required to establish substantial compliance.

(D) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action with respect to any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law under this law of the United States.

(2) STATE.—The term "State" includes a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any political subdivisions of such, or any agency or instrumentality of such.

SEC. 1633. REGULATIONS.

The requirements of this part with respect to a group health plan or health insurance coverage are deemed to be incorporated into, and made a part of, such plan or the policy,
section, or contract providing such coverage and are enforceable under law as if directly included in the documentation of such plan or such policy, certificate, or contract.

PART II—APPLICATION OF QUALITY CARE STANDARDS TO GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE UNDER THE PUBLIC HEALTH SERVICE ACT

SEC. 1641. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) In General.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by section 1001, is further amended by adding at the end the following new section:

"SEC. 716. PATIENT PROTECTION STANDARDS.

"(a) In General.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act (as in effect 6 months after the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

"(b) Plan Satisfaction of Certain Requirements.—

"(1) SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of this Act, if a section of the Patient Protection and Affordable Care Act provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(A) Section 1615 (relating to patient access to specialists);

"(B) Section 1616 (relating to access to primary care); and

"(C) Section 1617 (relating to access to specialist's advice).

"(2) I CERTIFICATION OF COMPLIANCE.—The Secretary for the delegation to the State of the responsibilities of the fiduciaries of a group health plan (and a health insurance issuer offering group health insurance coverage through a health insurance issuer) shall certify to the Secretary of Labor that the group health plan (and a health insurance issuer offering group health insurance coverage through a health insurance issuer) complies with the requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act (as in effect 6 months after the date of the enactment of such Act). On such certification, the group health plan (and a health insurance issuer offering group health insurance coverage through a health insurance issuer) shall be treated as meeting the following requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(A) Section 1615 (relating to patient access to specialists);

"(B) Section 1616 (relating to access to primary care); and

"(C) Section 1617 (relating to access to specialist's advice).

"(3) STATE OPTION TO OPT-OUT OF NEW FEDERAL PROGRAMS AND REQUIREMENTS.—

"(A) Notwithstanding paragraph (1), a State may elect not to implement the provisions of this Act to the extent that such provisions violate the laws of such State, as long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(I) the residents of such State shall not be subject to any requirement under this Act, including tax provisions or penalties, that would otherwise require such residents to purchase health insurance;

"(ii) the employers located in such State shall not be subject to any requirement under this Act, including tax provisions or penalties, that would otherwise require such employers to provide health insurance to their employees or make contributions relating to health insurance;

"(iii) the residents of such State shall not be prohibited under this Act from receiving health care services from any provider of health care services, and conditions subject to the laws of such State and mutually acceptable to the patient and the provider;

"(iv) the residents of such State shall not be prohibited under this Act from entering into a contract subject to the laws of such State...
with any group health plan, health insurance issuer, or other business, for the provision of, or payment to other parties for, health care services;

(v) the eligibility of residents of such State for any program operated by or funded wholly or partly by the Federal Government shall not be adversely affected as a result of having provided services in a manner consistent with clauses (iii) and (iv);

(vi) the health care providers within such State shall not be denied participation in or payment from a Federal program for which they would otherwise be eligible as a result of having provided services in a manner consistent with clauses (iii) and (iv); and

(II) such State elect to opt out shall not be subject to the taxes and fees enumerated in the amendments made by title IX.

(C) Process—

(i) IN GENERAL.—A State shall be treated as making an election under subparagraph (a) if—

(I) the Governor of such State provides timely and appropriate notice to the Secretary of Health and Human Services notifying the Secretary that the State is making such election; or

(II) such State enacts a law making such election.

Such notice shall be provided at least 180 days before the election is to become effective.

(ii) REVOCATION OF ELECTION.—A State shall be treated as revoking an election made by the State under subparagraph (A) if—

(I) the Governor of such State provides timely and appropriate notice to the Secretary of Health and Human Services of such revocation; or

(II) such State repeals a law described in subparagraph (i)(I).

Such notice of revocation shall be provided at least 180 days before the date the revocation is to become effective. As of such effective date the State and the residents, employers, and health insurance issuers of such State, shall be treated as if the election under subparagraph (A) had not been made.

SA 3221. Mr. WYDEN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2786 by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1203, between lines 16 and 17, insert the following:

SEC. 4109. IMPROVING ACCESS TO CLINICAL TRIALS.

(a) FINDINGS.—Congress finds the following:

(1) Advances in medicine depend on clinical trial research conducted at public and private research institutions across the United States.

(2) The challenges associated with enrolling participants in clinical research studies are especially difficult for studies that evaluate treatments for rare diseases and conditions (defined by the Orphan Drug Act as a disease or condition affecting fewer than 200,000 Americans), where the available number of willing and able research participants may be very small.

(3) In accordance with ethical standards established by the National Institutes of Health, sponsors of clinical research may provide payments to trial participants for out-of-pocket costs associated with trial enrollment and for the time and commitment demanded by the trial. When offering compensation, clinical trial sponsors are required to provide such payments to all participants.

(b) EXCLUSION FOR COMPENSATION FOR PARTICIPATION IN CLINICAL TRIALS FOR RARE DISEASES OR CONDITIONS.—

(1) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(A) by striking "and" at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting "; and"; and

(C) by adding at the end the following:

"(26) the first payment during a calendar year by such individual (or such spouse) as compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition (as defined in section 5(b)(2) of the Orphan Drug Act), but only if the clinical trial was reviewed and approved by the Comptroller General determines appropriate.

(A) has been reviewed and approved by an institutional review board that is established—

"(i) to protect the rights and welfare of human subjects participating in scientific research; and

"(ii) in accord with the requirements under part 46 of title 45, Code of Federal Regulations; and

(B) meets the standards for protection of human subjects as provided under part 46 of title 45, Code of Federal Regulations.

(2) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(A) by striking "and" at the end of paragraph (15);

(B) by striking the period at the end of paragraph (15) and inserting "; and"; and

(C) by inserting after paragraph (16) the following:

"(17) any amount received by such individual (or such spouse) which is excluded from income under section 1612(b)(26) (relating to compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition).

(3) MEDICAID EXCLUSION.—

(A) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)), as amended by section 2002(a), is amended by adding at the end the following:

"(15) EXCLUSION OF COMPENSATION FOR PARTICIPATION IN A CLINICAL TRIAL FOR TESTING OR TREATMENT OF RARE DISEASE OR CONDITION.—The first $2,000 received by an individual (who has attained 19 years of age) as compensation for participation in a clinical trial conducted at a private research institution, if such payment is made by this section on enrollment of individuals who would otherwise be ineligible as a result of having provided services in a manner consistent with clauses (iii) and (iv); and

(B) CONFORMING AMENDMENT.—Section 1902(a)(17) of such Act (42 U.S.C. 1396a(a)(17)), as amended by section 2002(b), is amended by inserting "(e)(15)," before ";(15)".

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is the earlier of—

(A) the effective date of final regulations promulgated by the Commissioner of Social Security to carry out this section and such amendments; or

(B) 180 days after the date of enactment of this Act.

(5) SUNSET PROVISION.—This section and the amendments made by this section are repealed on the date that is 5 years after the date of enactment of this Act.

(c) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 36 months after the effective date of this section, the Comptroller General of the United States shall conduct a study to evaluate the impact of this section on enrollment of individuals who receive Supplemental Security Income benefits under title XVI of the Social Security Act (referred to in this section as "SSI beneficiaries") in clinical trials for rare diseases or conditions. Such study shall include an analysis of the following:

(A) the percentage of enrollees in clinical trials for rare diseases or conditions who were SSI beneficiaries during the 3-year period prior to the effective date of this section as compared to such percentage during the 3-year period after the effective date of this section.

(B) the range and average amount of compensation provided to SSI beneficiaries who participated in clinical trials for rare diseases or conditions.

(C) the overall ability of SSI beneficiaries to participate in clinical trials.

Any additional internal matters that the Comptroller General determines appropriate.

(2) REPORT.—Not later than 12 months after completion of the study conducted under paragraph (1), the Comptroller General shall submit to Congress a report containing the results of such study, together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SA 3222. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1525, between lines 21 and 22, insert the following:

(iv) USE OF EXISTING DATA AND STATISTICS AND NEW DATA AND METHODOLOGIES.—In carrying out the responsibilities described in subclauses (I) through (III) of clause (iii), the Institute designated under clause (i)(II) shall identify, select, and incorporate existing data and statistical analyses and new data and methodologies that would synthesize, expand, augment, improve, and modernize statistical measures to provide more accurate, transparent, coherent, and comprehensive assessments.

SA 3223. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue
Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2721. INCREASED PAYMENTS TO PRIMARY CARE PRACTITIONERS UNDER MEDICAID.

(a) In General—

(A) for the payment of primary care services (as defined in subsection (hh)(1)) furnished by physicians (or for services furnished by other health care professionals that would be primary care services under such section (furnished by a physician) at a rate not less than 80 percent of the payment rate that would be applicable if the adjustment described in subsection (b)(1) were to apply to such services furnished by physicians or other health care professionals (as the case may be) under section 3001(f) of title XVIII for services furnished in 2010, 90 percent of such adjusted payment rate for services and physicians (or professionals) furnished in 2011, or 100 percent of such adjusted payment rate for services furnished by physicians or other health care professionals furnished in 2012 and each subsequent year; and

(b) by adding at the end the following new subparagraph:

"(C) payment for primary care services (as defined in subsection (hh)(1)) furnished by physicians (or for services furnished by other health care professionals that would be primary care services under such section (furnished by a physician) at a rate not less than 80 percent of the payment rate that would be applicable if the adjustment described in subsection (b)(1) were to apply to such services furnished by physicians or other health care professionals (as the case may be) under section 3001(f) of title XVIII for services furnished in 2010, 90 percent of such adjusted payment rate for services and physicians (or professionals) furnished in 2011, or 100 percent of such adjusted payment rate for services furnished by physicians or other health care professionals furnished in 2012 and each subsequent year; and

(B) by adding at the end the following new subsection:

"(b) Increased Payment for Primary Care Services.—For purposes of subsection (a)(13)(C):

"(1) primary care services defined.—The term ‘primary care services’ means evaluation and management services, without regard to the specialty of the physician furnishing the services, that are procedure codes coordinated with the American Medical Association Physician Current Procedural Terminology (in accordance with subsection (d)) to services in the category designated Evaluation and Management in the Health Care Common Procedure Coding System (established by the Secretary under section 1848(c)(5) of the Social Security Act (42 U.S.C. 1395g(c)(5)) as of December 31, 2009, and as subsequently modified by the Secretary).

"(2) adjustment.—The adjustment described in subparagraph (A) shall not be applied to the services furnished in 2010 if the services furnished in 2011 and each subsequent year.

SEC. 2224. MRAPO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 1015. ESTABLISHMENT OF OFFICE OF DEPUTY SECRETARY FOR HEALTH CARE FRAUD PREVENTION IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, APPOINTMENT AND POWERS OF DEPUTY SECRETARY.

(a) IN GENERAL.—There is hereby established in the Department of Health and Human Services the Office of the Deputy Secretary for Health Care Fraud Prevention (referred to in this section as the ‘‘Office’’).

(b) DUTIES OF THE OFFICE.—The Office shall—

(1) direct the appropriate implementation within the Department of Health and Human Services of health care fraud prevention and detection recommendations made by Federal Government and private sector health care anti-fraud entities to identify emerging health care fraud issues requiring immediate action by the Office;

(2) through a fixed fee for implementation and maintenance plus results-based contingency fee contract entered into with an entity that has experience in designing and implementing anti-fraud and anti-waste systems in the financial sector and experience and knowledge of the various service delivery and reimbursement models of Federal health programs, work with the designated Federal health agencies to develop an effective system for the design, development and operation of a predictive model anti-fraud system (in accordance with subsection (d)) to analyze health care claims data in real-time and identify high risk claims, and make appropriate rules, processes, and procedures and investigative research approaches, in coordination with the Office of the Inspector General for the Department of Health and Human Services, the Attorney General for the Federal health agencies, and private sector health care anti-fraud entities; and

(3) promulgate and enforce regulations relating to the reporting of data claims to the health care anti-fraud system developed under paragraph (3) by all Federal health agencies; and

(4) establish thresholds, in consultation with the Office of the Inspector General of the Department of Health and Human Services and the Department of Justice—

(A) for the amount and extent of claims verified and designated as fraudulent, wasteful, or abusive through the fraud prevention system developed under paragraph (3) for excluding providers or suppliers from participating in Federal health programs; and

(B) for the referral of claims identified through the health care fraud prevention system.
system developed under paragraph (3) to law enforcement entities (such as the Office of the Inspector General, Medicaid Fraud Control Units, and the Department of Justice); and

(6) share antifraud information and best practices with Federal health agencies, health insurance issuers, health care providers, fraud organizations, antifraud entities, and Federal agencies, and local law enforcement and regulatory agencies.

(c) DEPUTY SECRETARY FOR HEALTH CARE FRAUD PREVENTION.—

(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services a Deputy Secretary for Health Care Fraud Prevention (referred to in this section as the ‘‘Deputy Secretary’’). The Deputy Secretary shall serve as the head of the Office of Inspector General of the United States, and shall consider and direct the appropriate implementation of recommendations to prevent and detect health care fraud, waste, and abuse activities and initiatives within the Department.

(2) APPOINTMENT.—The Deputy Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and serve for a term of 5 years, unless removed by the President for cause by the Senate.

(3) POWERS.—Subject to oversight by the Secretary, the Deputy Secretary shall exercise such authority as the Secretary may confer upon such Deputy Secretary, including the hiring of staff, entering into contracts, and the delegation of responsibilities to any employee of the Department of Health and Human Services or the Office appropriately designated for such responsibility.

(d) DUTIES.—

(A) IN GENERAL.—The Deputy Secretary shall—

(i) establish and manage the operation of the predictive modeling system developed under subsection (b)(3) to analyze Federal health claims in real-time to identify high risk claims activity and refer risky claims for appropriate verification and investigatory research;

(ii) consider and order the appropriate implementation of fraud prevention and detection strategies as those recommended by the Office of Inspector General of the Department of Health and Human Services, the Government Accountability Office, Medicaid privatization sector health care anti-fraud entities;

(iii) not later than 6 months after the date on which he or she is initially appointed, submit an initial implementation plan for the health care fraud prevention systems under subsection (d); and

(iv) submit annual performance reports to the Secretary and Congress that, at a minimum, shall provide an estimate of the return on investment with respect to the system, for all recommendations made to the Department, under this section, a description of whether such recommendations are implemented or not implemented, and contain other relevant performance metrics.

(B) ANALYSIS AND RECOMMENDATIONS.—The Deputy Secretary shall provide required strategies and treatments for claims identified as high risk (including a system of designating claims as ‘‘fraudulent claim,’’ ‘‘questionable claim,’’ ‘‘suspicious claim,’’ ‘‘noncompliance claim’’ or ‘‘indeterminate’’); and the Department shall provide for high risk claims to be combined with the ability to utilize predictive models that have a comprehensive view of activity across all payers (and markets).

(5) REGULATIONS.—The Deputy Secretary shall promulgate such rules, regulations, orders, and interpretations as the Deputy Secretary determines to be necessary to carry out the purposes of this section. Such authority shall be exercised under section 553 of title 5, United States Code.

(d) HEALTH CARE FRAUD PREVENTION SYSTEM.—

(1) IN GENERAL.—The fraud prevention system established under subsection (b)(3) shall be designed to prevent waste, fraud, and abuse.

(A) IN GENERAL.—The fraud prevention system shall—

(i) be holistic;

(ii) be able to review all provider and patient activities across all Federal health program payers;

(iii) be able to integrate into the existing health care claims flow with minimal effort, time, and cost;

(iv) be modeled after systems used in the Financial Services industry; and

(v) utilize real-time risk scoring, requiring transaction risk scoring and referral strategy capabilities to identify claims that are statistically unusual.

(B) MODULARIZED ARCHITECTURE.—The fraud prevention system shall be designed from an end-to-end modularized perspective to allow for potential multiple points along a health care claim flow (pre- or post-adjudication), which shall—

(i) utilize a single entity host to host, support, manage, and maintain software-based services, predictive models, and solutions from a central location for the customers who access the fraud prevention system;

(ii) allow access through a secure private data connection rather than the installation of software in multiple information technology infrastructures (and data facilities);

(iii) provide access to the best and latest software without the need for upgrades, data security, and costly installations;

(iv) permit modifications to the software and system edits in a rapid and timely manner;

(v) ensure that all technology and decision corpus is comprehensible and communicable and is otherwise required under this section to verify, research, or investigate the risk of claims.

(C) PROCESSING, SCORING, AND STORAGE.—The platform of the fraud prevention system shall be a high volume, rapid, real-time information technology solution, which is used to provide real-time ability to identify high-risk behavior patterns across markets, geographies, and specialty group providers to detect waste, fraud, and abuse, and to identify providers that exhibit unusual behavior patterns. Behavior pattern technology that provides the capability to compare a provider’s current behavior to that of other providers in the same specialty group and geographic location can be used to improve the comprehensiveness of waste, fraud, and abuse prevention solution.

(D) ENTITY MODEL.—The fraud prevention system shall involve the implementation of a statistically sound, empirically derived predictive modeling technology that is designed to prevent (versus post-payment detect) waste, fraud, and abuse. Such prevention system shall utilize historical transaction data, from across all Federal health programs and markets, to build and re-develop scoring models, have the capability to incorporate external data and external models from other sources into the health care predictive waste, fraud, and abuse model, and provide for a feedback loop to provide outcome information on verified claims so future system enhancements can be developed based on previous claims experience.

(E) CHANGE CONTROL.—The fraud prevention system platform shall have the infrastructure to implement new models and attributes in both an incremental and moving into a production environment. Capabilities shall be developed to quickly make changes to models, attributes, or strategies to react to changing patterns in waste, fraud, and abuse.

(F) SCORING ENGINE.—The fraud prevention system shall identify claims by scoring all such claims on a real-time capacity prior to payment. Such scores shall then be communicated to the fraud management system provided for in subsection (j).

(G) FRAUD MANAGEMENT SYSTEM.—The fraud prevention system shall utilize a fraud management system, that contains workflow and worktracking tools to provide the ability to systematically present scores, reason codes, and treatment actions for high-risk scored transactions. The fraud prevention system shall ensure that analysts who review claims have the capability to access, review, and research claims efficiently, as well as decline or approve claims (payments) in an automated manner. Workflow management under this subparagraph shall be combined with the ability to utilize principles of experimental design to compare and identify prevention strategies that work best between test and control strategies. Such strategy testing shall allow for continuous improvement and maximum effectiveness in identifying and containing fraudulent and abuse patterns. Such system shall provide the capability to test different treatments or
actions randomly (typically through use of random digit assignments).

(K) DECISION TECHNOLOGY.—The fraud prevention system shall have the capability to monitor all transactions in real time and monitor provider behavior at different stages within the transaction flow based upon provider, transaction and consumer trends. The fraud prevention system shall provide for the identification of provider and claims excessive usage patterns and trends that differ from similar peer groups, have the capability to trigger on multiple criteria, such as predictive model scores or custom attributes, and be able to segment transactions based on fraud, and split them into multiple types for health care categories and business types.

(M) FEEDBACK LOOP.—The fraud prevention system shall have a feedback loop that all Federal health care program leaders shall coordinate the operation of the fraud and abuse solution development.

(O) PROTECTING PARTICIPATION IN HEALTH CARE ANTIFRAUD PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no person providing information to the Secretary under this section shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) unless such information is false and the person providing it knew, or had reason to believe, that such information was false.

(a) CONFIDENTIALITY.—The Office shall, through the promulgation of regulations, establish standards for—

(A) the protection of confidential information submitted or obtained with regard to suspected or actual health care fraud; and

(B) the protection of the ability of representatives of the Office to testify in private civil actions concerning any such information; and

(C) the sharing by the Office of any such information related to the medical antifraud programs established under this section.

(2) PROTECTING LEGITIMATE PROVIDERS AND SUPPLIERS.—

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Office shall develop procedures for the implementation of fraud and abuse detection methods under all Federal health programs (including the programs under the Social Security Act) with respect to items and services furnished by providers of services and suppliers that includes the following:

(i) The fraud prevention system shall not be designed to deny health care services to or negatively impact prompt-pay laws because assessments are late. The system shall be designed to speed up the payment process. The fraud prevention system shall require the implementation of constant and consistent test and control procedures, with results shared with Federal health program leadership on a quarterly basis to validate improving progress in identifying and preventing waste, fraud, and abuse. Under such implementation, Federal health care payers shall use standard industry waste, fraud, and abuse measures of success.

(ii) Coordinated.—The Deputy Secretary shall coordinate the operation of the fraud prevention system with the Department of Justice and other related Federal fraud prevention efforts.

(iii) Operation.—The Deputy Secretary shall phase-in the implementation of the system under this subsection beginning not later than the date of enactment of this Act, through the analysis of a limited number of Federal health program claims. Not later than 5 years after such date of enactment, the Deputy Secretary shall ensure that such system is fully phased-in and applicable to all Federal health programs.

(b) NON-PAYMENT OF CLAIMS.—The Deputy Secretary shall promulgate regulations to prohibit the payment of any health care claim identified as potentially "fraudulent", "wasteful", or "abusive" until such time as the claim has been validated.

(c) APPLICATION.—The system under this section shall only apply to Federal health programs (all such programs), including programs established after the date of enactment of this Act.

(d) REGULATIONS.—The Deputy Secretary shall promulgate regulations providing the maximum appropriate protection of personal privacy consistent with carrying out the Office’s responsibilities under this section.

(e) PROTECTING PARTICIPATION IN HEALTH CARE ANTIFRAUD PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no person providing information to the Secretary under this section shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) unless such information is false and the person providing it knew, or had reason to believe, that such information was false.

(f) PROTECTING PARTICIPATION IN HEALTH CARE ANTIFRAUD PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no person providing information to the Secretary under this section shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) unless such information is false and the person providing it knew, or had reason to believe, that such information was false.

(g) USE OF SAVINGS.—Notwithstanding any other provision on law, amounts remaining at the end of a fiscal year in the account for any Federal health program to which this section applies that the Secretary of Health and Human Services determines are remaining as a result of the fraud prevention activities applied under this section shall remain in such accounts and be used for such program for the next fiscal year.

(h) DEFINITION.—The term ‘Federal health agency’ means the Department of Health and Human Services, the Department of Veterans Affairs, and any Federal agency with any Federal health program that provides for the identification of fraud and abuse perpetrated by consumers, providers, or suppliers, for the provision of such items or services to an individual patient.

(i) USE OF SAVINGS.—Notwithstanding any other provision on law, amounts remaining at the end of a fiscal year in the account for any Federal insurance for any Federal health program to which this section applies that the Secretary of Health and Human Services determines are remaining as a result of the fraud prevention activities applied under this section shall remain in such accounts and be used for such program for the next fiscal year.

(j) USE OF SAVINGS.—Notwithstanding any other provision on law, amounts remaining at the end of a fiscal year in the account for any Federal insurance for any Federal health program to which this section applies that the Secretary of Health and Human Services determines are remaining as a result of the fraud prevention activities applied under this section shall remain in such accounts and be used for such program for the next fiscal year.

(k) USE OF SAVINGS.—Notwithstanding any other provision on law, amounts remaining at the end of a fiscal year in the account for any Federal insurance for any Federal health program to which this section applies that the Secretary of Health and Human Services determines are remaining as a result of the fraud prevention activities applied under this section shall remain in such accounts and be used for such program for the next fiscal year.
With respect to a covered entity's net premiums written with respect to Medicaid business during the calendar year that are:

| Amount                     | Percentage
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<tbody>
<tr>
<td>Not more than $100,000,000</td>
<td>0 percent</td>
</tr>
<tr>
<td>More than $100,000,000 but not more than $150,000,000</td>
<td>25 percent</td>
</tr>
<tr>
<td>More than $150,000,000 but not more than $200,000,000</td>
<td>50 percent</td>
</tr>
<tr>
<td>More than $200,000,000</td>
<td>100 percent</td>
</tr>
</tbody>
</table>

(II) MEDICAID BUSINESS.—For purposes of this section, net premiums written with respect to Medicaid business means, with respect to any covered entity, that portion of the net premiums written with respect to health insurance for United States health risks which are written with respect to individuals who are eligible for medical assistance under, and enrolled in, a State plan under title XIX of the Social Security Act or a waiver of such plan. Such amounts shall be reported separately by each covered entity in the report required under subsection (g).

With respect to a covered entity's third party administration agreement fees during the calendar year that are:

| Amount                     | Percentage
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<tbody>
<tr>
<td>Not more than $5,000,000</td>
<td>0 percent</td>
</tr>
<tr>
<td>More than $5,000,000 but not more than $10,000,000</td>
<td>50 percent</td>
</tr>
<tr>
<td>More than $10,000,000</td>
<td>100 percent</td>
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</table>

(3) SECRETARIAL DETERMINATION.—The Secretary shall calculate the amount of each covered entity’s fee for any calendar year under paragraph (1). In calculating such amount, the Secretary shall determine such covered entity’s net premiums written with respect to any United States health risk and third party administration agreement fees that are taken into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

| Amount                     | Percentage
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<thead>
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<tbody>
<tr>
<td>Not more than $4,000,000</td>
<td>0 percent</td>
</tr>
<tr>
<td>More than $4,000,000 but not more than $20,000,000</td>
<td>25 percent</td>
</tr>
<tr>
<td>More than $20,000,000</td>
<td>100 percent</td>
</tr>
</tbody>
</table>

(A) IN GENERAL.—The amount determined under this subparagraph is the amount equal to the ratio of—

(i) the sum of all penalty amounts assessed in the calendar year under paragraph (3), and

(ii) the fee distribution ratio.

(B) PENALTY AMOUNT.—

(i) the sum of the amounts determined under subparagraphs (C) and (D).

(C) WEIGHTED NET PREMIUM AMOUNT.—For purposes of this paragraph, the weighted net written premium amount is the amount described in subsection (b)(1)(A)(i) with respect to such covered entity, increased by the product of—

(i) such amount, and

(ii) the product of 0.05 and the sum of the amounts determined under subparagraphs (D) and (E).

(D) MEDICAL LOSS RATIO COMPONENT.—The amount determined under this paragraph is the amount equal to the excess of—

(i) the medical loss ratio threshold established under paragraph (2)(A), over

(ii) the medical loss ratio (expressed in decimal form) of the penalized covered entity.
(i) the medical loss ratio (expressed as a percentage) of the covered entity, over
(ii) the medical loss ratio threshold established under paragraph (2)(A);

(E) ESSENTIAL HEALTH BENEFITS.—The amount determined under this subparagraph is the amount equal to the ratio of—
(i) the excess of—
(I) the maximum financial reserve threshold established under paragraph (2)(B)(ii), over
(II) the financial reserves of the covered entity,
(ii) such maximum financial reserve threshold.

SA 3227. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, strike line 17 and all that follows through line 10 on page 732 and insert the following:

"(xix) Using commonly available and inexpensive technologies, including wireless and Internet-based tools, that have a demonstrated ability to improve patient outcomes or reduce health care costs, to simplify the complex management and treatment of chronic diseases for patients and health care providers.

(C) ADDITIONAL FACTORS FOR CONSIDERATION.—In selecting models for testing under subparagraph (A), the CMI may consider the following additional factors:

(1) Whether the model includes a regular process for monitoring and updating patient care plans in a manner that is consistent with the needs and preferences of applicable individuals.

(2) Whether the model places the applicable individual, including family members and other informal caregivers of the applicable individual, at the center of the care team of the applicable individual.

(3) Whether the model provides for in-person contact with applicable individuals.

(D) APPLICATION TO EARMARKED HEALTH CARE ARRANGEMENTS.—(1) The model utilizes technology, such as electronic health records, wireless and Internet-based tools.

SA 3228. Ms. LANDRIEU (for herself, Mr. WARNER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 8 and 9, insert the following:

SEC. 3130. ENHANCED FMAP TO PROVIDE INCREASED PAYMENTS FOR PHYSICIANS' SERVICES AND INPATIENT HOSPITAL SERVICES FURNISHED IN RURAL AREAS.

Notwithstanding any other provision of law, if at any time after January 1, 2014, a State increases, by not less than the rate applicable under the Medicaid program for fiscal year 2009, the payment rates under its State Medicaid program for medical assistance consisting of physician services or inpatient hospital services that are furnished in rural areas (as defined in section 1866(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))), the Federal medical assistance percentage otherwise applicable to such expenditures shall be increased by an amount equal to 100 percent of the increase in such rates from the applicable under the State Medicaid program for fiscal year 2009.

SA 3232. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1356, strike line 3 and insert the following:

"(3) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to eligible entities that are located in"
States that have high rates of dental health care disparities.

SA 3233. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 3 and 4, insert the following:

"(4) SELECTION.—In selecting States to participate in the demonstration project under this subsection, the Secretary shall give priority to States that have populations with high rates of—"

"(A) chronic diseases, with particular emphasis on inclusion of States that have populations in 1 percent rates of diabetes, hypertension, and cardiovascular disease;"

"(B) smoking and use of tobacco products; or"

"(C) obesity."

SA 3234. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 761, between lines 2 and 3, insert the following:

"(1) APPLICABILITY OF PILOT PROGRAM TO CONTINUING CARE HOSPITALS.—"

"(1) IN GENERAL.—In conducting the pilot program, the Secretary shall apply the provisions of the program so as to separately pilot test the continuing care hospital model.

"(2) SPECIAL RULES.—In pilot testing the continuing care hospital model under paragraph (1), the following rules shall apply:

"(A) Such model shall be tested without the limitations of the conditions set forth under subsection (a)(2)(B).

"(B) Notwithstanding subsection (a)(2)(D), an episode of care shall be defined as the full period that a patient stays in the continuing care hospital plus the first 30 days following discharge from such hospital.

"(3) CONTINUING CARE HOSPITAL DEFINED.—In this subsection, the term "continuing care hospital" means an entity that has demonstrated the ability to meet patient care and patient safety standards and that provides ongoing, common management of medical and rehabilitation services provided in inpatient rehabilitation hospitals and units (as defined in section 1886(d)(1)(B)(ii)), long term care hospitals (as defined in section 1886(d)(1)(B)(iv)(I)), and skilled nursing facilities (as defined in section 1819(a)) that are located in a hospital described in section 1886(d)."

SA 3235. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 923, between lines 7 and 8, insert the following:

"(4) SELECTION.—In selecting States to participate in the demonstration project under this subsection, the Secretary shall give priority to States that have populations with high rates of—"

"(A) chronic diseases, with particular emphasis on inclusion of States that have populations in 1 percent rates of diabetes, hypertension, and cardiovascular disease;"

"(B) smoking and use of tobacco products; or"

"(C) obesity."

SA 3236. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, between lines 16 and 17, insert the following:

"(2) SPECIAL RULES.—In pilot testing the continuing care hospital model under paragraph (1), the following rules shall apply:

"(A) Such model shall be tested without the limitations of the conditions set forth under subsection (a)(2)(B).

"(B) Notwithstanding subsection (a)(2)(D), an episode of care shall be defined as the full period that a patient stays in the continuing care hospital plus the first 30 days following discharge from such hospital.

"(3) CONTINUING CARE HOSPITAL DEFINED.—In this subsection, the term "continuing care hospital" means an entity that has demonstrated the ability to meet patient care and patient safety standards and that provides ongoing, common management of medical and rehabilitation services provided in inpatient rehabilitation hospitals and units (as defined in section 1886(d)(1)(B)(ii)), long term care hospitals (as defined in section 1886(d)(1)(B)(iv)(I)), and skilled nursing facilities (as defined in section 1819(a)) that are located in a hospital described in section 1886(d)."

SA 3237. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

"SEC. 3. PERMITTING PHYSICAL THERAPY TO BE FURNISHED UNDER THE MEDICARE PROGRAM UNDER THE CARE OF A DENTIST.

(a) IN GENERAL.—Section 1861(p)(1) of the Social Security Act (42 U.S.C. 1395x(p)(1)) is amended by inserting "(2)," after "(1),"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after the date of the enactment of this Act.

SA 3238. Mr. ROCKEFELLER (for himself, Mr. KOHL, Mr. CARPER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

"TITLE X—COVERAGE OF ADVANCE CARE PLANNING

SEC. 10001. MEDICARE, MEDICAID, AND CHIP COVERAGE.

(a) MEDICARE.—"

"(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 4108, is amended—"

"(A) in subsection (a)(2)(C)—"

"(i) by striking "and" at the end of subparagraph (EE);"

"(ii) by adding "and" at the end of subparagraph (FF); and"

"(B) in adding at the end the following new subparagraph:

"(GG) voluntary advance care planning consultation (as defined in subsection (ii)(1));"

"(ii) by adding "and" at the end of subparagraph (FF); and"

"(B) by adding at the end the following new subsection:

"(Voluntary Advance Care Planning Consultation"

"(i)(1) Subject to paragraphs (3) and (4), the term 'voluntary advance care planning consultation' means an optional consultation between the individual and a practitioner described in paragraph (2) regarding advance care planning, if, subject to subparagraphs (A) and (B) of paragraph (3), the individual involved has not had such a consultation within the last 5 years. Such consultation shall include the following:

"(A) An explanation by the practitioner of advance care planning, including key questions and considerations, important steps, and suggested people to talk to;

"(B) An explanation by the practitioner of advance directives, including living wills and durable powers of attorney, and their uses.

"(C) An explanation by the practitioner of the role and responsibilities of a health care proxy.

"(D) The provision by the practitioner of a list of national and State-specific resources to assist consumers and their families with advance care planning, including the national toll-free hotline, the advance care planning clearinghouses, and State legal service organizations or programs funded through the Older Americans Act.

"(E) An explanation by the practitioner of the continuum of end-of-life services and supports available, including palliative care and hospice, and benefits for such services and supports that are available under this title.

"(F) Subject to clause (1), an explanation of orders regarding life sustaining treatment or similar orders, which shall include—"

"(i) the reasons why an order should be updated periodically to reflect the health of the individual, the role and responsibilities of the beneficiary, and the health care proxy;

"(ii) the information needed for an individual or legal surrogate to make informed decisions;"
decisions regarding the completion of such an order; and

“(III) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes.

“(i) The Secretary may limit the requirement that an order under clause (v) be followed by health care professionals and individuals who have the authority under State law to sign orders for life sustaining treatment or a similar order—

“(I) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted;

“(II) to an individual who has the authority under State law to sign orders for life sustaining treatment or a similar order. Such indicated levels of treatment may range from one that permits it to stay with the patient and give recommendations regarding the completion of such an order; and

“(III) to an individual who is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

“(ii) The Secretary may limit the requirement that an order under clause (v) be followed by health care professionals and individuals who have the authority under State law to sign orders for life sustaining treatment or a similar order—

“(I) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted;

“(II) to an individual who has the authority under State law to sign orders for life sustaining treatment or a similar order. Such indicated levels of treatment may range from one that permits it to stay with the patient and give recommendations regarding the completion of such an order; and

“(III) to an individual who is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

“(ii) The Secretary may limit the requirement that an order under clause (v) be followed by health care professionals and individuals who have the authority under State law to sign orders for life sustaining treatment or a similar order—

“(I) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted;

“(II) to an individual who has the authority under State law to sign orders for life sustaining treatment or a similar order. Such indicated levels of treatment may range from one that permits it to stay with the patient and give recommendations regarding the completion of such an order; and

“(III) to an individual who is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

“(ii) The Secretary may limit the requirement that an order under clause (v) be followed by health care professionals and individuals who have the authority under State law to sign orders for life sustaining treatment or a similar order—

“(I) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted;

“(II) to an individual who has the authority under State law to sign orders for life sustaining treatment or a similar order. Such indicated levels of treatment may range from one that permits it to stay with the patient and give recommendations regarding the completion of such an order; and

“(III) to an individual who is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

“(ii) The Secretary may limit the requirement that an order under clause (v) be followed by health care professionals and individuals who have the authority under State law to sign orders for life sustaining treatment or a similar order—

“(I) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted;

“(II) to an individual who has the authority under State law to sign orders for life sustaining treatment or a similar order. Such indicated levels of treatment may range from one that permits it to stay with the patient and give recommendations regarding the completion of such an order; and

“(III) to an individual who is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).
The information presented under paragraph (1) shall provide for the dissemination of information that includes options to—

(A) withhold or withdraw of medical treatment or medical care;

(B) withhold or withdraw of nutrition or hydration; and

(C) provide palliative or hospice care or use an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if it increases the risk of death, so long as such item, good, benefit, or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death of said patient.

(3) NO PREEMPTION OF STATE LAW.—Nothing in this section shall be construed to preempt or otherwise have any effect on State laws regarding advance directive, palliative care, or end-of-life decision-making.

SA 3239. Mr. ROCKEFELLER (for himself, Ms. COLLINS, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill S.820, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

TITLE X—ADVANCE CARE PLANNING AND COMPASSIONATE CARE

SECTION 10001. This title may be cited as the “Advance Planning and Compassionate Care Act of 2009”.

SEC. 10002. DEFINITIONS. In this title:

(1) ADVANCE CARE PLANNING.—The term “advance care planning” means the process of:

(A) determining an individual’s priorities, values and goals for care in the future when the individual is no longer able to express his or her wishes;

(B) engaging family members, health care proxies, and health care providers in an ongoing dialogue about—

(i) the individual’s wishes for care;

(ii) what the future may hold for people with serious illnesses or injuries;

(iii) how individuals, their health care proxies, and health care providers share their beliefs and preferences to guide care decisions; and

(iv) the steps that individuals and family members should take in regard to, the resources available to help with, finances, family matters, spiritual questions, and other issues that impact seriously ill or dying patients and their families;

(C) executing and updating advance directives and appointing a health care proxy.

(2) ADVANCE DIRECTIVE.—The term “advance directive” means a living will, medical directive, health care power of attorney, durable power of attorney, or other written statement by a competent individual that is recognized under State law and indicates the individual’s wishes regarding medical treatment in the event of future incompetence. Such term includes an advance directive or a physician’s order for life-sustaining treatment or other end-of-life decision-making.

(3) END-OF-LIFE-CARE.—The term “end-of-life care” means all aspects of care of a patient with a potentially fatal condition, and includes care that is focused on specific preparations for an impending death.

(4) HEALTH CARE POWER OF ATTORNEY.—The term “health care power of attorney” means a legal document that identifies a health care proxy or decisionmaker for a patient who has the authority to act on the patient’s behalf when the patient is unable to communicate his or her wishes for medical care on matters that the patient specifies when he or she is competent. Such term includes a durable power of attorney that relates to medical care.

(5) MEDICAID.—The term “Medicaid” means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(6) ORDER FOR LIFE-SUSTAINING TREATMENT.—The term “order for life-sustaining treatment” means an order, consent, or instruction, including any type of medical treatment, including life-sustaining procedures if that person becomes permanently unconscious or is otherwise dying; the an individual wants provided or withheld in the event the individual cannot speak for himself or herself and cannot express his or her wishes; and

(B) that requires a physician to honor the provisions of upon receipt or to transfer the care of the individual covered by the document to another physician that will honor such provisions.

(7) MEANING.—The term “Medicare” means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(8) MEDICARE.—The term “Medicare” means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(9) ORDERS FOR LIFE-SUSTAINING TREATMENT.—The term “orders for life-sustaining treatment” means a statement, including a patients’ values, goals, and preferences on current medical circumstances and to translate such into visible and portable medical orders applicable across care settings, including home, long-term care, emergency medical services, and hospitals.

(10) PALLIATIVE CARE.—The term “palliative care” means interdisciplinary care for individuals with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs that seeks to improve the quality of life for the individual and the individual’s family.

(11) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

Subtitle A—Consumer and Provider Education

PART I—CONSUMER EDUCATION

Subpart A—Consumer Initiatives

SEC. 1001. ADVANCE CARE PLANNING TELEPHONE HOTLINE.

(a) IN GENERAL.—Not later than January 1, 2011, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish and operate directly, or by grant, contract, or interagency agreement, a 24-hour toll-free hotline to provide consumer information regarding advance care planning, including—
(1) an explanation of advanced care planning and its importance;
(2) issues to be considered when developing an individual’s advance care plan;
(3) how to establish an advance directive;
(4) procedures to help ensure that an individual’s directives for end-of-life care are followed;
(5) Federal and State-specific resources for assistance with advance care planning; and
(6) hospice and palliative care (including their respective purposes and services).

(b) Establishment.—In carrying out the requirements under subsection (a), the Director of the Centers for Disease Control and Prevention may designate an existing 24-hour toll-free telephone hotline or, if no such service is available or appropriate, establish a new 24-hour toll-free telephone hotline.

SEC. 10102. ADVANCE CARE PLANNING INFORMATION CLEARINGHOUSES.

(a) Expansion of National Clearinghouse for Long-Term Care Information.

(1) Development.—Not later than January 1, 2010, the Secretary shall establish an online clearinghouse to provide comprehensive information regarding advance care planning.

(2) The advance care planning clearinghouse, which shall be clearly identifiable and available on the homepage of the Department of Health and Human Services’ National Clearinghouse for Long-Term Care Information website, shall be maintained and publicized by the Secretary on an ongoing basis.

(3) Content.—The advance care planning clearinghouse shall include—

(A) the advance care planning toll-free telephone hotline established under section 10101;

(B) the advance care planning clearinghouses established under section 10102;

(C) the advance care planning toolkit established under this section;

(D) available State legal service organizations to assist individuals and their families with advance care planning, including—

(i) contact information for any State public health department that is responsible for issues regarding end-of-life care;

(ii) contact information for relevant legal service organizations, including those funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(iii) advance directive forms for each State and

(D) any additional information, as determined by the Secretary.

(4) Federal and State-specific resources to assist individuals and their families with advance care planning, including—

(A) an explanation of advance care planning and its importance;

(B) issues to be considered when developing an individual’s advance care plan;

(C) how to establish an advance directive;

(D) procedures to help ensure that an individual’s directives for end-of-life care are followed; and

(E) website links or addresses for State-specific advance directive forms; and

(F) any additional information, as determined by the Secretary.

(b) Establishment of Pediatric Advance Care Planning Clearinghouse.

(1) Development.—Not later than January 1, 2011, the Secretary, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, shall establish an online clearinghouse to provide comprehensive information regarding pediatric advance care planning.

(2) Maintenance.—The pediatric advance care planning clearinghouse, which shall be clearly identifiable on the homepage of the Administration for Children and Families website shall be maintained and publicized by the Secretary on an ongoing basis.

(3) Content.—The pediatric advance care planning clearinghouse shall provide advance care planning information specific to children with life-threatening illnesses or injuries and their families.

SEC. 10103. ADVANCE CARE PLANNING TOOLKIT.

(a) Development.—Not later than July 1, 2010, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop an online advance care planning toolkit.

(b) Maintenance.—The advance care planning toolkit shall be available in English, Spanish, and any other languages that the Secretary deems appropriate, shall be maintained and publicized by the Secretary on an ongoing basis and made available on the following websites:

(1) The Centers for Disease Control and Prevention;

(2) The Department of Health and Human Service’s National Clearinghouse for Long-Term Care Information;

(3) The Administration for Children and Families.

(c) Content.—The advance care planning toolkit shall include content addressing—

(1) common issues and questions regarding advance care planning, including individuals and resources to contact for further inquiries;

(2) advance directives and their uses, including living wills and durable powers of attorney;

(3) the roles and responsibilities of a health care proxy;

(4) Federal and State-specific resources to assist individuals and their families with advance care planning, including—

(A) the advance care planning toll-free telephone hotline established under section 10101;

(B) the advance care planning clearinghouses established under section 10102;

(C) the advance care planning toolkit established under this section;

(D) available State legal service organizations to assist individuals and their families with advance care planning, including—

(i) contact information for any State public health department that is responsible for issues regarding end-of-life care;

(ii) contact information for relevant legal service organizations, including those funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(iii) website links or addresses for State-specific advance directive forms; and

(E) any additional information, as determined by the Secretary.

SEC. 10104. NATIONAL PUBLIC EDUCATION CAMPAIGN.

(a) National Public Education Campaign.

(1) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary shall update the online version of the “Planning Ahead” section of the Medicare & You Handbook to include—

(A) an explanation of advance care planning and advance directives, including—

(i) living wills;

(ii) health care proxies; and

(iii) after-death directives;

(B) and State-specific resources to assist individuals and their families with advance care planning, including—

(i) the advance care planning toll-free telephone hotline established under section 10101;

(ii) the advance care planning clearinghouses established under section 10102;

(iii) the advance care planning toolkit established under section 10103;

(iv) available State legal service organizations to assist individuals with advance care planning, including those organizations that receive funding pursuant to the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(v) website links or addresses for State-specific advance directive forms; and

(C) any additional information, as determined by the Secretary.

(b) Update of Paper and Subsequent Versions.—The Secretary shall include the information described in paragraph (1) in all paper and electronic versions of the Medicare & You Handbook that are published on or after the date that is 60 days after the date of enactment of this Act.

(c) Social Security Handbook.—The Commissioner of Social Security shall include their respective purposes and services.

(i) living wills;

(ii) health care proxies; and

(iii) after-death directives;

(B) Federal and State-specific resources to assist individuals and their families with advance care planning, including—

(i) the advance care planning toll-free telephone hotline established under section 10101;

(ii) the advance care planning clearinghouses established under section 10102;

(iii) the advance care planning toolkit established under section 10103;

(iv) available State legal service organizations to assist individuals with advance care planning, including those organizations that receive funding pursuant to the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(v) website links or addresses for State-specific advance directive forms; and

(C) any additional information, as determined by the Secretary.

(2) Update of Paper and Subsequent Versions.—The Secretary shall include the information described in paragraph (1) in all paper and electronic versions of the Medicare & You Handbook that are published on or after the date that is 60 days after the date of enactment of this Act.
beneficiaries to include the information described in subsection (a)(1); and
(2) include such information in all paper and online versions of such handbook that are produced after the date that is 60 days after the date of enactment of this Act. SEC. 10106. AUTHORIZATION OF APPROPRIATIONS
There is authorized to be appropriated for the period of fiscal years 2010 through 2014—
(1) $195,000,000 to the Secretary to carry out sections 10101, 10102, 10103, 10104 and
10105(c)(1)(B) to make grants and contracts as described in subsection (b) and
(2) $5,000,000 to the Commissioner of Social Security to carry out section 10105(b).
Subpart B—State and Local Initiatives
SEC. 10111. FINANCIAL ASSISTANCE FOR ADVANCE CARE PLANNING.
(a) LEGAL ASSISTANCE FOR ADVANCE CARE PLANNING.—
(1) DEFINITION OF RECIPIENT.—Section 1006(2) of the Legal Services Corporation Act (42 U.S.C. 2996a(a)(6)) is amended by striking "clause (A) of" and inserting "paragraph (A) or (B) of"
(2) ADVANCE CARE PLANNING.—Section 1006 of the Legal Services Corporation Act (42 U.S.C. 2996e) is amended—
(A) in subsection (a)—
(i) by striking "(a)" and "(b)" and making the following: "title;" and
(ii) by inserting after subparagraph (A) the following:
"(B) to provide financial assistance, and
make grants and contracts, as described in subparagraph (A), on a competitive basis for
pursuing the provision of legal assistance in the form of advance care planning (as defined in section 10002 of the Patient Protection and Affordable Care Act, and including provision of legal assistance about State-specific advance directives, as defined in that section) for eligible clients under this title, including providing such planning to the family members of eligible clients and persons with power of attorney to make health care decisions for the clients; and; and
(B) in subsection (b), by adding at the end the following:
"(2) Provide advance care planning, in accordance with subsection (a)(1)(B) shall not be construed to violate the Assisted Suicide Prevention and Rights Act (42 U.S.C. 18508) of the Omnibus Budget Reconciliation Act of 1990 to provide advance care planning services to Medicare beneficiaries, personal representatives of such beneficiaries, and the families of such beneficiaries. Such services shall include information regarding State-specific advance directives and ways to discuss individual care wishes with in care providers.
(2) REQUIREMENTS.—
(A) AWARD OF GRANTS.—In making grants under this subsection for a fiscal year, the Secretary shall satisfy the following requirements:
(i) Two-thirds of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States approved for a grant under this section that have adopted the Uniform Health-Care Decisions Act drafted by the National Conference of Commissioners on Uniform State Laws and approved and recommended for enactment by all States at the annual conference of such commissioners
(ii) One-third of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States approved for a grant under this section that have adopted a uniform form regarding orders for life sustaining treatment (as described in section 10001 of the Patient Protection and Affordable Care Act) or a comparable approach to advance care planning
(B) WORK PLAN; REPORT.—As a condition of being awarded a grant under this subsection, a State shall submit the following to the Secretary:
(i) An approved plan for expending grant funds
(ii) For each fiscal year for which the State is paid grant funds under this subsection, an annual report regarding the use of the funds, including the number of Medicare beneficiaries served and their satisfaction with the services provided.
(C) LIMITATION.—No State shall be paid funds from a grant made under this
subsection prior to July 1, 2010.
(3) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Secretary to the Centers for Medicare & Medicaid Services Program Management Account, $12,000,000 for each of fiscal years 2010 through 2014 for purposes of awarding grants to States under paragraph (1) and for the National Conference of Commissioners on Uniform State Laws, $12,000,000 for each of fiscal years 2010 through 2014 for purposes of awarding grants to States for purposes described in paragraph (2)(G); and
(1) in paragraph (2), by adding at the end the following new subparagraph:
"(G) Methods for improving the effectiveness and efficiency of medical assistance provided under this title by making available to
individuals enrolled in the State plan or under a waiver of such plan information regarding life sustaining treatment
in the form of advance care planning, including at time of enrollment or renewal of enrollment in the plan or waiver, through providers, and through such other innovative means as the State determines appropriate.",(i) in clause (i), by striking "and" at the end;
(ii) in clause (ii), by striking the period at the end and inserting "; and; and
(iii) after clause (ii), the following new clause:
"(iii) $20,000,000 for each of fiscal years 2010 through 2014."

(b) ADVANCE CARE PLANNING COMMUNITY TRAINING GRANTS.—
(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (3) to award grants to area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).
(2) REQUIREMENTS.—(A) USE OF FUNDS.—Funds awarded to an area agency on aging under this subsection shall be used to provide advance care planning education and training opportunities for local aging service providers and organizations.
(B) WORK PLAN; REPORT.—As a condition of being awarded a grant under this subsection, an area agency on aging shall submit the following to the Secretary:
(i) An approved plan for expending grant funds
(ii) For each fiscal year for which the agency is paid grant funds under this subsection, an annual report regarding the use of the funds, including the number of Medicare beneficiaries served and their satisfaction with the services provided.
(C) LIMITATION.—No area agency on aging shall be paid funds from a grant made under this subsection prior to July 1, 2010.
(3) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Secretary to the Centers for Medicare & Medicaid Services Program Management Account, $12,000,000 for each of fiscal years 2010 through 2014 for purposes of awarding grants to area agencies on aging under paragraph (1).
(e) NONDUPICLATION OF ACTIVITIES.—The Secretary shall establish procedures to ensure that funds made available under grants awarded under this section or pursuant to amendments made by this section supplement, not supplant, existing Federal funding and that such funds are not used to duplicate activities carried out under such grants or under other Federally funded programs.
SEC. 10112. GRANTS FOR PROGRAMS FOR ORDERS REGARDING LIFE SUSTAINING TREATMENT.
(a) IN GENERAL.—The Secretary shall make grants to eligible entities for the purpose of—
(1) establishing new programs for orders regarding life sustaining treatment in States or localities;
(2) expanding or enhancing an existing program for orders regarding life sustaining treatment in States or localities; and
(3) providing a clearinghouse of information on programs for life sustaining treatment and consultative services

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for the development or enhancement of such programs.

(b) AUTHORIZED ACTIVITIES.—Activities funded through a grant under this section for an area may include—

(1) developing such a program for the area that includes education, hospice, long-term care, community and assisted living residences, skilled nursing facilities, inpatient rehabilitation facilities, hospitals, and emergency medical care within the area;

(2) securing consultative services and advice from institutions with experience in developing and managing such programs; and

(3) providing or coordinating programs and orders regarding life sustaining treatment to serve more patients or enhance the quality of services, including educational services for patients by adlies or training of health care professionals.

(c) DISTRIBUTION OF FUNDS.—In funding grants under this section, the Secretary shall ensure that, of the funds appropriated to carry out this section for each fiscal year—

(1) at least two-thirds are used for establishing or developing new programs for orders regarding life sustaining treatment; and

(2) one-third is used for expanding or enhancing current programs for orders regarding life sustaining treatment.

(d) DEFINITIONS.—In this section:

(1) The term ‘eligible entity’ includes—

(A) an academic medical center, a medical school, a health care department, a State medical association, a multi-State taskforce, a hospital, or a health system capable of administering a program for orders regarding life sustaining treatment for a State or locality; or

(B) any other health care agency or entity as the Secretary determines appropriate.

(2) The term ‘prisons regard life sustaining treatment’ means, with respect to an individual, an actionable medical order relating to the treatment of that individual that—

(A) is signed and dated by a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395vi(r)(1))) or another health care professional (as specified by the Secretary and who is acting within the scope of the professional’s authority under State law in signing such an order) and is in a form that provides for the patient to be followed by health care professionals and providers across the continuum of care, including home care, hospice, long-term care, community and assisted living residences, skilled nursing facilities, inpatient rehabilitation facilities, hospitals, and emergency medical services;

(B) effectively communicates the individual’s preferences regarding life sustaining treatment, including an indication of the treatment and care desired by the individual;

(C) is uniquely identifiable and standardized with regard to the patient’s served locality, region, or State (as identified by the Secretary);

(D) is portable across care settings; and

(E) may incorporate any advance directive (as defined in section 1866(f)(3) of the Social Security Act (42 U.S.C. 1395cc(f)(3)) if executed by the individual.

(3) The term ‘program for orders regarding life sustaining treatment’ means, with respect to an area, a program that supports the active use of orders regarding life sustaining treatment in the area.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2014.

PART II.—PROVIDER EDUCATION

SEC. 10121. PUBLIC PROVIDER ADVANCE CARE PLANNING WEBSITE.

(a) DEVELOPMENT.—Not later than January 1, 2010, the Administrator of the Centers for Medicare & Medicaid Services shall prepare through the Director of the National Center for Health Care Research and Quality, shall establish, in consultation with health providers under the Medicare, Medicaid, the Children’s Health Insurance Program, the Indian Health Service (including Indian Health Services) and other providers on each individual’s right to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment, and the existence of advance directives.

(b) MAINTENANCE.—The website shall be maintained and publicized by the Secretary on an ongoing basis.

(c) CONTENT.—The website shall include content, tools, and resources necessary to do the following:

(1) Inform providers about the advance directive requirements under the health care programs described in subsection (a) and other State and Federal laws and regulations related to advance care planning.

(2) Educate providers about advance care planning quality improvement activities.

(3) Provide assistance to providers to:

(A) integrate advance directives into electronic health records, including oral directives; and

(B) develop and disseminate advance care planning instructional materials for their patients.

(4) Inform providers about advance care planning continuing education requirements and opportunities.

(5) Encourage providers to discuss advance care planning with their patients of all ages.

(6) Assist providers in enhancing the continuum of end-of-life care services and supports available to patients, including palliative care and hospice.

(7) Inform providers of best practices for discussing end-of-life care with dying patients and their loved ones.

SEC. 10122. CONTINUING EDUCATION FOR PHYSICIANS AND NURSES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary, acting through the Director of the National Center for Health Care Research and Quality, shall establish, in consultation with health care providers and State boards of medicine and nursing, a curriculum for continuing education that States may adopt to—

(1) educate providers of best practices for planning and end-of-life care.

(2) Educate providers about advance care planning.

(3) Provide assistance to providers to—

(A) integrate advance directives into electronic health records, including oral directives; and

(B) develop and disseminate advance care planning instructional materials for their patients.

(4) Inform providers about advance care planning continuing education requirements and opportunities.

(5) Encourage providers to discuss advance care planning with their patients of all ages.

(6) Assist providers in enhancing the continuum of end-of-life care services and supports available to patients, including palliative care and hospice.

(7) Inform providers of best practices for discussing end-of-life care with dying patients and their loved ones.

SEC. 10131. PORTABILITY OF ADVANCE DIRECTIVES; HEALTH INFORMATION TECHNOLOGY

(a) MIDDLEBURY.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ‘and if presented by the individual, to include the content of such advance directive in a prominent part of such record’ before the semicolon at the end;

(B) in subparagraph (D), by striking ‘and’ after the semicolon at the end; and

(C) by inserting after subparagraph (E) the following new subparagraph:

“(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.’’;

(2) in paragraph (3), by striking ‘written’ and inserting ‘written and’; and

(3) by adding at the end the following new paragraph:

“(G)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an individual to a provider of services, a Medicare Advantage organization, or a prepaid or eligible organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented with the given effect.’’;

“(B) The definition of an advance directive shall also include actual knowledge of instructions made while an individual was unable to express the wishes of such individual with regard to health care.

“(ii) For purposes of clause (i), the term ‘actual knowledge’ means the possession of information of an individual’s wishes communicated to the health care provider orally or in writing by the individual, the individual’s medical power of attorney, the individual’s health care surrogate, or other individuals resulting in the health care provider’s personal cognizance of these wishes. Other forms of implied knowledge are not actual knowledge.

“(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides greater portability, more deference to a patient’s wishes, or more latitude in determining a patient’s wishes.’’;

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ‘in the individual’s medical record’ and inserting ‘in a prominent part of the individual’s current medical record’; and

(ii) by inserting ‘and if presented by the individual, to include the content of such advance directive in a prominent part of such record’ after the semicolon at the end;

(B) in subparagraph (D), by striking ‘and’ after the semicolon at the end; and

(C) in subparagraph (E), by striking the period at the end and inserting ‘and’; and

(D) by inserting after subparagraph (E) the following new subparagraph:

“(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.’’;

“(2) by inserting after subparagraph (C) the following new subparagraph:

“(D) by inserting after subparagraph (E) the following new subparagraph:

“(E) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.’’;

“(c) Electronic health records, including oral directives, may incorporate any advance directive validly executed outside of the State in which such advance directive is presented by an individual to a provider of services, a Medicare Advantage organization, or a prepaid or eligible organization to the extent such records are available to electronic health records, including oral directives, may incorporate any advance directive validly executed outside of the State in which such advance directive is presented by an individual to a provider of services, a Medicare Advantage organization, or a prepaid or eligible organization to the extent such records are available to such records as an advance directive validly executed under the law of the State in which it is presented with the given effect.”
executed under the law of the State in which it is presented would be given effect.

“(B)(1) The definition of an advance directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with respect to health care services.

“(2) For purposes of clause (1), the term ‘actual knowledge’ means the possession of information of an individual’s wishes communicated to the health care provider orally or in writing by the individual, the individual’s medical power of attorney representative, the individual’s health care surrogate, or other individuals resulting in the health care provider’s personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

“(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preclude enactment by a State of any law that provides for greater portability, more deference to a patient’s wishes, or more latitude in determining a patient’s wishes.”.

(c) CHIP.—Section 2101(e)(1) of the Social Security Act (42 U.S.C. 1396f(c), as amended by sections 210(d)(2), 210(e), and 4681(c), is further amended—

(1) by redesignating subparagraphs (G) through (O) as subparagraphs (H) through (O), respectively; and

(2) by inserting after subparagraph (F) the following:

“(O) coordination of the implementation of the amendments made by subsections (a) and (b).”.

(d) Study and Report Regarding Implementation.—

(1) STUDY.—The Secretary shall conduct a study together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(e) Effective Dates.—

(1) In general.—Subject to paragraph (2), the amendments made by subsections (a), (b), and (c) shall apply to provider agreements that follow the instructions in an implementation of the amendments made by sections 210(d)(2), 210(e), and 4681(c), respectively.

(2) Compliance.—The amendments made by subsections (a), (b), and (c) shall apply to provider agreements that follow the instructions in an implementation of the amendments made by sections 210(d)(2), 210(e), and 4681(c), respectively.

SEC. 10132. STATE ADVANCE DIRECTIVE REGISTRIES; DRIVER’S LICENSE ADVANCE DIRECTIVE NOTATION.

Part P of the Public Health Service Act (42 U.S.C. 280g) is amended by adding at the end the following:

“SEC. 399X. STATE ADVANCE DIRECTIVE REGISTRY.

“(a) IN GENERAL.—Beginning July 1, 2010, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants on a competitive basis to eligible entities to establish and operate, directly or indirectly (by competitive grant or competitive contract), State advance directive registries.

“(b) ELIGIBLE ENTITIES.—

“(1) In general.—To be eligible to receive a grant under this section, an entity shall—

“(A) be a State department of health; and

“(B) establish and operate an application at such time, in such manner, and containing—

“(i) a plan for the establishment and operation of a State advance directive registry; and

“(ii) such other information as the Director may require.

“(2) NO REQUIREMENT OF NOTATION MECHANISM.—The Secretary shall not require that an entity establish and operate a driver’s license advance directive notation mechanism for a State advance directive registry.

“(c) ELIGIBLE ENTITIES.—

“(1) In general.—To be eligible to receive a grant under this section, an entity shall—

“(A) be a State department of health;

“(B) establish and operate an application at such time, in such manner, and containing—

“(i) a plan for the establishment and operation of a State advance directive registry; and

“(ii) such other information as the Director may require.

“(2) NO REQUIREMENT OF NOTATION MECHANISM.—The Secretary shall not require that an entity establish and operate a driver’s license advance directive notation mechanism for a State advance directive registry.

“(d) STUDY.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

“(e) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2010 and each fiscal year thereafter.”.

SEC. 10133. STATE STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (a) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

Subtitle C—National Uniform Policy on Advance Directives

SEC. 10141. STUDY AND REPORT BY THE SECRETARY REGARDING THE ESTABLISHMENT AND IMPLEMENTATION OF A NATIONAL UNIFORM POLICY ON ADVANCE DIRECTIVES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the Office of the Assistant Secretary for Planning and Evaluation, shall conduct a thorough study of all matters relating to the establishment and implementation of a national uniform policy on advance directives for individuals receiving items and services under titles XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.; 1397aa et seq.).

(2) MATTERS STUDIED.—The matters studied by the Secretary under paragraph (1) shall include issues concerning—

(A) family satisfaction that a patient’s wishes, as stated in the patient’s advance directive, were carried out;

(B) the portability of advance directives, including cases involving the transfer of an individual from 1 health care setting to another;

(C) immunity from civil liability and criminal responsibility for health care providers that follow the instructions in an individual’s advance directive that was validly executed in, and consistent with the laws of, the State in which it was executed;

(D) regulations governing under which an advance directive is operative;

(E) revocation of an advance directive by an individual;

(F) criteria used by States for determining that an individual has a terminal condition;

(G) surrogate decisionmaking regarding end-of-life care;

(H) the provision of adequate palliative care (as defined in paragraph (3)), including pain management;

(i) adequate and timely referrals to hospice care programs; and

(J) the end-of-life care needs of children and their families.

(b) REPORT.—For purposes of paragraph (2)(H), the term ‘palliative care’ means interdisciplinary care for individuals...
with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs and that seeks to improve the quality of life for the individual and the individual’s family.

(b) Report to Congress.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) Consultation.—In conducting the study and developing the report under this section, the Secretary shall consult with the Uniform Law Commissioners, and other interested parties.

Subtitle D—Compassionate Care Workforce Development

SEC. 10151. EXEMPTION OF PALLIATIVE MEDICINE FELLOWSHIP TRAINING FROM MEDICARE GRADUATE MEDICAL EDUCATION CAPS.

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(b)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)), as amended by section 5508(a)(1), is amended—

(1) by inserting “and” after “subject to”;

and (2) by adding at the end the following new clause:

“(iii) INCREASE ALLOWED FOR PALLIATIVE MEDICINE FELLOWSHIP TRAINING.—For cost reporting periods beginning on or after January 1, 2011, in applying clause (i), there shall not be taken into account full-time equivalent residents in the field of palliative or hospice medicine who are in palliative medicine fellowship training that is approved by the Accreditation Council for Graduate Medical Education.”;

(b) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(B)), as amended by sections 5508(b)(2) and 5508(b), is further amended by adding at the end the following new clause:

“(iv) Clause (iii) of subsection (b)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.”.

SEC. 10152. INCREASED MEDICAL-SCHOOL CURRICULA.

(a) IN GENERAL.—The Secretary, in consultation with the Association of American Medical Colleges, shall establish guidelines for the medical schools of a minimum amount of end-of-life training as a requirement for obtaining a Doctor of Medicine degree in the field of palliative or hospice medicine.

(b) Training.—Under the guidelines established under subsection (a), minimum training shall include—

(1) training in how to discuss and help patients and their loved ones with advance care planning;

(2) with respect to students and trainees who will work with children, specialized pediatric training;

(3) training in the continuum of end-of-life services and supports, including palliative care and hospice;

(4) training in how to discuss end-of-life care with dying patients and their loved ones; and

(5) medical and legal issues training.

(c) DISTRIBUTION.—Not later than January 1, 2011, the Secretary shall disseminate the guidelines established under subsection (a) to medical schools.

(d) Compliance.—Effective beginning not later than July 1, 2012, a medical school that is receiving Federal assistance shall be required by the guidelines established under subsection (a). A medical school that the Secretary determines is not implementing such guidelines shall not be eligible for Federal assistance.

Subtitle E—Additional Reports, Research, and Evaluations

SEC. 10161. NATIONAL MORTALITY FOLLOWBACK SURVEY.

(a) IN GENERAL.—Not later than December 31, 2010, and annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a survey, referred to in this section as the “Survey” to collect data on end-of-life care.

(b) PURPOSE.—The purpose of the Survey shall be to gain a better understanding of current end-of-life care in the United States.

(c) QUESTIONS.—

(1) IN GENERAL.—In conducting the Survey, the Director of the Centers for Disease Control and Prevention shall, at a minimum, include the following questions with respect to the loved one of a respondent:

(A) Did he or she have an advance directive, and if so, when it was completed?

(B) Did he or she discuss his or her wishes with his or her physician, and if so, when?

(C) Had he or she discussed his or her wishes with his or her attorney, and if so, when?

(D) Had he or she discussed his or her wishes with his or her wishes, and if so, when and how?

(E) Had he or she discussed his or her wishes with his or her attending physician, and if so, when?

(F) In the opinion of the respondent, was the care he or she received during the last year of life and in the last week of life adequate?

(G) Was he or she cared for by hospice, and if so, when?

(H) Was he or she cared for by palliative care specialists, and if so, when?

(I) Did he or she receive effective pain management if needed?

(J) What was the experience of the main caregiver (including if such caregiver was the respondent), and whether or he she received sufficient support in this role.

(2) ADDITIONAL QUESTIONS.—Additional questions to be asked during the Survey shall be determined by the Director of the Centers for Disease Control and Prevention on an ongoing basis with input from relevant research entities.

SEC. 10162. INSPECTOR GENERAL INVESTIGATION OF FRAUD AND ABUSE.

In accordance with the recommendations of the Medicare Payment Advisory Commission for additional data (as contained in the March 2009 report entitled “Report to Congress: Medicare Payment Policy”), the Secretary shall direct the Office of the Inspector General of the Department of Health and Human Services to investigate, not later than January 1, 2012, the following with respect to hospice benefit under Medicare, Medicaid, and CHIP:

(1) the prevalence of financial relationships between hospices and long-term care facilities, such as nursing facilities and assisted living facilities, that may represent a conflict of interest and influence admissions to hospice;

(2) differences in patterns of nursing home referrals to hospice;

(3) the appropriateness of enrollment practices for hospices with unusual utilization patterns (such as high frequency of very long stays, very short stays, or enrollment of patients discharged from other hospices);

(4) the appropriateness of hospice marketing materials and other admissions practices.

SEC. 10163. GAO STUDY AND REPORT ON PROVIDER ADHERENCE TO ADVANCE DIRECTIVES.

Not later than January 1, 2012, the Comptroller General of the United States shall conduct a study of the extent to which providers comply with advance directives under the Medicare and Medicaid programs and shall submit a report to Congress on the results of such study, together with such recommendations for administrative or legislative changes as the Comptroller General determines appropriate.

SA 3240. Mr. ROCKEFELLER (for himself, Mr. JOHNSON, Mr. WHITEHOUSE, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1053, between lines 2 and 3, insert the following:

SEC. 3403A. IMPROVEMENTS TO THE INDEPENDENT MEDICARE ADVISORY BOARD.

Section 1899A of the Social Security Act, as added by section 3406, is amended—

(1) in subsection (a), by striking clause (iii) and inserting the following new clause:

“(iii) As appropriate, the proposal may include recommendations to adjust payments with respect to all providers of services (as defined in section 1861(u)) and (suppliers (as defined in section 1861(d)))”;

(2) in paragraph (3)(A)(ii) in clause (i), by inserting “or” at the end; and

(3) in subsection (b), by striking “: or” at the end and inserting a period; and

(4) by redesignating subsections (g) through (m) as subsections (i) through (o), respectively; and

(5) by adding at the end the following new subsections:

“(g) Proposals in Non-Determination Years.—

(1) in general.—In any proposal year in which the Board is not required to transmit a proposal to the President by reason of the application of subsection (c) or (d) of subsection (c) of subsection (a)(II), the Board shall transmit a proposal under this section to the President on January 15 of the year. Except as provided in paragraph (2), such a proposal shall be treated as a proposal under this section and all of the provisions of this section with respect to proposals, including the requirement that the proposal be provided in paragraph (4) of subsection (c) and the required Congressional consideration under subsection (d), shall apply to the proposal.

The following rules shall apply to a proposal transmitted pursuant to paragraph (1):
‘(A) RECOMMENDATIONS FOR ACHIEVING TARGET.—The requirement under subsection (c)(2)(A)(i) shall not apply.

‘(B) REQUIRED INFORMATION.—The proposal shall—

‘(i) recommend the following:

‘(II) an actuarial opinion by the Chief Actuary of the Centers for Medicare & Medicaid Services certifying that the proposal meets the requirements of subsection (c)(2)(A)(i), pursuant to subsection (c)(3)(B)(i); or

‘(ii) a procedural opinion by the Chief Actuary of the Centers for Medicare & Medicaid Services certifying that the proposal meets the requirements of subsection (c)(2)(A)(i), pursuant to subsection (c)(3)(B)(ii); or

‘(C) CONTINGENT SECRETARIAL PROPOSAL.—The Secretary shall not submit a proposal if the Board fails to submit a proposal pursuant to subsection (c)(2)(A)(i), (B)(ii), or (C)(ii).

‘(D) CONGRESSIONAL CONSIDERATION.—

‘(i) Subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting ‘subsection (c)(2)(C)’ for ‘subsection (c)(2)’.

‘(ii) Subparagraphs (D) and (E) of subsection (d)(3) and subsection (d)(4)(B)(v) shall be applied by requiring a simple majority rather than three-fifths of the Members duly chosen and sworn.

‘(iii) Subsection (d)(4)(B)(iv) shall not apply.

‘(iv) Subsection (d)(4)(C)(v)(II) shall be applied by substituting ‘subsection (c)(2)(C)’ for subparagraphs (A)(i) and (C) of subsection (c)(2).

‘(v) Subsection (d)(4)(E)(iv)(I) shall be applied by substituting ‘subsection (c)(2)(C)’ for subparagraphs (A)(i) and (C) of subsection (c)(2).

‘(E) SECRETARIAL IMPLEMENTATION.—Subsection (e) shall not apply and the Secretary shall not implement the recommendations contained in any proposal unless the Secretary otherwise has the authority to implement such recommendations.

‘(F) ANNUAL REPORT WITH RECOMMENDATIONS WITH RESPECT TO THE PRIVATE SECTOR.—

‘(1) IN GENERAL.—Not later than January 1, 2014, and January 15, 2015, and annually thereafter, the Board shall submit to Congress a report on the application of subparagraph (A). Such report shall include, with respect to each recommendation contained in a report submitted by the Board in that year, a description of whether or not the Secretary incorporated the recommendations into the requirements for certification under section 1311(c), and if not, the reasons why.

‘(2) MACPAC.—The Medicaid and CHIP Payment and Access Commission shall—

‘(A) review recommendations contained in a report submitted to the Commission by the Board under paragraph (1) that would improve the Medicaid program under section 1903 of the Social Security Act, and

‘(B) include in the Commission’s annual report to Congress the results of such review.

SA 3241. Mr. CARPER (for himself, Mr. CONRAD, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCCUS, Mr. DODD, and Mr. HARKIN) to the bill S. 1299, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 722, after line 20, insert the following:

SEC. 3016. INTEGRATED HEALTH CARE SYSTEM COLLABORATIVE INITIATIVE.

(a) IN GENERAL.—In order to improve health care quality and reduce costs, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) may develop an integrated health care system, referred to in this section as the “Collaborative”. The Secretary shall—

‘(1) develop a model of integrated health care delivery by developing a measurement, integrated information technology infrastructure, standards, care pathways, and population-based payment models, to measure, publicly report, and share information on quality, outcomes, and patient satisfaction and achieve cost savings.

‘(b) PARTICIPATION.—Prior to January 1, 2010, the Secretary shall determine 5 initial participants who would participate in the Collaborative beginning in the fourth year that the Collaborative is in effect.

‘(c) ADDITIONAL CRITERIA.—In addition to the criteria described in paragraphs (1) and (2), the participants in the Collaborative shall meet the following criteria:

‘(1) Agree to report on quality, cost, and efficiency in such form, manner, and frequency as specified by the Secretary.

‘(2) Provide care to patients enrolled in the Medicare program.

‘(3) Agree to contribute to a best practices network and website, that is maintained by the Collaborative for sharing strategies on quality improvement, care coordination, efficiency, and effectiveness.

‘(4) Use patient-centered processes of care, including those that emphasize patient and caregiver involvement in shared decision-making for any important health care decision.

‘(5) Meet other criteria determined to be appropriate by the Secretary.

‘(d) COLLABORATIVE INITIATIVE.—

‘(1) IN GENERAL.—Beginning January 1, 2010, the Collaborative shall begin a 2 year development phase in which the Collaborative shall work with the Secretary to identify future participants that should be included in the requirements established under section 1311(c) of the Patient Protection and Affordable Care Act for a health plan to be certified as a qualified health plan. The requirement under this title (or requirements included in a report submitted under this section in the year) that should be included in the requirements established under section 1311(c) of the Patient Protection and Affordable Care Act for a health plan to be certified as a qualified health plan.

‘(3) QUALIFICATIONS.—The Coordinating Organization will have in place a comprehensive Medicare database and possess experience using and analyzing Medicare data to measure health care utilization, cost, and variation. The Coordinating Organization shall have the capability to report to the Secretary as required and for any other requirements deemed necessary by the Secretary.

‘(4) RESPONSIBILITIES.—The Coordinating Organization shall—

‘(A) lead efforts to develop each aspect of the learning model.

‘(B) implement any additional participants who represent diverse geographic areas and are situated in areas of differing population densities who agree to comply with the guidance provided by the Secretary.
(B) organize efforts to disseminate the learning model for high value health care, including educating participant institutions; and

(C) provide administrative, technical, accounting, reporting, organizational and infrastructure support needed to carry out the goals of the Collaborative.

(2) IMPLEMENTATION OF LEARNING MODEL.—

(A) IN GENERAL.—Initial participants in the Collaborative shall work together to develop a learning model based on their experience that integrates evidence-based care that emphasizes quality and practice techniques that emphasize efficiency, joint development and implementation of health information technology models, additional clinical microsystems of care, shared decision-making, outcomes and measurement, and the establishment of an e-learning distributed network, which have been put into practice at their respective institutions.

(B) RESPONSIBILITIES.—The Coordinating Member shall do the following:

(i) Provide and measure value-based health care in a manner that ensures that measures are aligned with current measures approved by a consensus-based organization, such as the National Quality Forum, or other measures as determined appropriate by the Secretary, while also incorporating patient self-reported status and outcomes.

(ii) Create a replica and scalable infrastructure for common measurement of value-based care that can be broadly disseminated across the Collaborative and other institutions.

(iii) Implement care pathways for common conditions using standard measures for assessment across institutions, targeting high variation and high cost conditions, including but not limited to—

(A) acute myocardial infarction (AMI) and angioplasty;

(B) coronary artery bypass graft surgery and percutaneous coronary intervention;

(C) hip or knee replacement;

(D) spinal surgery; and

(E) chronic diseases including, but not limited to, diabetes, heart disease, and high blood pressure.

(v) Develop and disseminate the comprehensive learning model across initial participant institutions, achieving improvements in care delivery and lowering costs, and demonstrating the portability and viability of the program.

(6) ADDITIONAL BEST PRACTICES.—As additional methods of improving health care quality and efficiency are identified by members of the Collaborative or by other institutions, Initial Participants in the Collaborative shall incorporate those practices into the learning model.

(d) IMPLEMENTATION OF LEARNING MODEL.—

Beginning January 1, 2013, as additional participants are selected by the Secretary, Initial Participants in the Collaborative shall actively engage in the deployment of the learning model to educate each additional participant in the common conditions that have been identified.

(1) PERFORMANCE RESULTS REPORTS.—The Secretary shall provide such data as is necessary for the Collaborative to measure the efficacy of the Collaborative and facilitate improvement reporting on key savings and improvements relative to a value-based program initiative.

(2) REPORTS TO CONGRESS.—Not later than 2 years after the date on which an agreement is entered into under this section, and annually thereafter, the Secretary shall submit to Congress and make publicly available a report on each participant's performance with respect to the quality and measurement standards established by the Secretary. Such report shall be submitted to the Congress as and shall be made publicly available.

(e) CONTINUATION OR EXPANSION.—

(1) TERMINATION.—Subject to paragraph (2), the Collaborative shall terminate on the date that is 6 years after the date that the Collaborative is established.

(2) EXPANSION.—The Secretary may continue or expand the Collaborative if the Collaborative is meeting quality standards and is not increasing spending under the program.

(f) OTHER PROVISIONS.—

(1) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under this subsection or otherwise of—

(A) the elements, parameters, scope, and determination of the Collaborative, or with an entity to provide health care items or services under the Collaborative, or with an entity to provide health care items or services under the Collaborative.

(2) ADMINISTRATION.—Chapter 35 of title 44, United States Code shall apply to the Secretary to carry out the Collaborative under this section.

(3) MONITORING.—The Inspector General of the Department of Health and Human Services shall provide for monitoring of the operation of the Collaborative with regard to violations of section 1877 of the Social Security Act (popularly known as the “Stark law”).

(g) ANTI-DISCRIMINATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the Collaborative, or with an entity to administer the Collaborative, unless the entity guarantees, by any means authorized by law, that no entity or individual, including the Secretary, is provided benefits, funds, or anything of value under the Collaborative.

(h) TERMINATION.—The Secretary may terminate an agreement with a participating organization under the Collaborative if such organization consistently failed to meet quality standards in the fourth year or any subsequent year of the Collaborative.
NOTICE OF HEARING
COMMITTEE ON INDIAN AFFAIRS—
Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, December 17, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues, to be followed by an oversight hearing on the Cobell v. Salazar Settlement Agreement.

Those wishing additional information may contact the Indian Affairs Committee at 224-2231.

AUTHORITY FOR COMMITTEES TO MEET—
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 15, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES
Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on December 15, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY
Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate and to conduct a hearing on December 15, 2009, at 9 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Ensuring the Effective Use of DNA Evidence to Solve Rape Cases Nationwide.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE
Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 15, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA
Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on December 15, 2009, at 10 a.m. to conduct a hearing entitled “One DHS, One Mission: Efforts to Improve Management Integration at DHS.”

The PRESIDING OFFICER. Without objection, it is so ordered.

NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS SUBCOMMITTEE

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 15, 2009, at 10 a.m., to hold a Near Eastern Subcommittee hearing entitled “Reevaluating U.S. Policy in Central Asia.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR
Mr. CRAFO. Mr. President, I ask unanimous consent that Rachel Johnson and Amanda Crichtfield, two staffers from my office, be granted the privilege of the floor for the remainder of the consideration of H.R. 3590.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Megan Moreau, a fellow in my office, be given floor privileges for the remainder of debate on H.R. 3590, the health care reform legislation currently pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Wednesday, December 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation, with the first hour equally divided and controlled between the leaders or their designees, with the majority leader controlling the first half and the Republicans controlling the second half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. PRYOR. Mr. President, we expect votes tomorrow in relation to the Hutchison motion to commit regarding taxes and implementation and the Sanders amendment regarding a national single-payer system. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Wednesday, December 16, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

The following named officer for appointment to the grade indicated in the Regular Air Force Under Title 10, U.S.C., Sections 531 and 3064:

To be major

BERNHARD K. STEPKE
RAYMOND KING

IN THE ARMY

The following named individuals for appointment to the grade indicated in the Regular Army Nurse Corps Under Title 10, U.S.C., Sections 531 and 3064:

To be major

DANIEL S. OPPENHEIMER
JOHN W. TROGDON

IN THE NAVY

The following named individuals for appointment to the grade indicated in the Reserve of the United States Navy Medical Service Corps Under Title 10, U.S.C., Sections 531 and 3064:

To be midshipman

BRANDON D. BROWN
JAMES S. RITCHIE

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the Regular Marine Corps Under Title 10, U.S.C., Sections 531 and 3064:

To be major

LEWIS M. EHRMANN

IN THE COAST GUARD

The following named individual for appointment to the grade indicated in the Reserve of the United States Coast Guard Under Title 10, U.S.C., Sections 531 and 3064:

To be warrant officer

JAMES E. KELLY

IN THE NATIONAL GUARD

The following individuals for appointment to the grade indicated in the Reserve of the United States Army National Guard Under Title 10, U.S.C., Sections 12300 and 12311:

To be warrant officer

KATHRYN A. DAVIS
KANDICE M. MILLER

IN THE RESERVE OF THE U.S. AIR NATIONAL GUARD

The following named individual for appointment to the grade indicated in the Reserve of the U.S. Air National Guard Under Title 10, U.S.C., Sections 12300 and 12311:

To be warrant officer

DANIEL C. McMAHON

IN THE NATIONAL GUARD OF THE UNITED STATES

The following named individual for appointment to the grade indicated in the Reserve of the United States Army National Guard Under Title 10, U.S.C., Sections 12300 and 12311:

To be warrant officer

JAMES D. MCDERMOTT

NOMINATIONS

Executive nominations received by the Senate:

The following named individuals for appointment to the grade indicated in the Reserve of the United States Army Nurse Corps Under Title 10, U.S.C., Section 12203:

To be colonel

HENRY E. MULL, JR.
CAROLINE P. FERMIN
SAM B. CLONTS, JR.
WILLIAM J. MITCHELL
JOHN W. TROGDON
WALTER COFFEY
JAMES S. RITCHIE
JAMES W. KINMAN
RAYMOND KING
CATE GENERAL OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BERNHARD K. STEPKE
RAYMOND KING

IN THE ARMY

The following named individuals for appointment to the grade indicated in the Regular Army Nurse Corps Under Title 10, U.S.C., Section 12203:

To be colonel

HENRY E. MULL, JR.
CAROLINE P. FERMIN
SAM B. CLONTS, JR.
WILLIAM J. MITCHELL
JOHN W. TROGDON
WALTER COFFEY
JAMES S. RITCHIE
JAMES W. KINMAN
RAYMOND KING
CATE GENERAL OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BERNHARD K. STEPKE
RAYMOND KING

IN THE NAVY

The following named individual for appointment to the grade indicated in the Regular Navy Nurse Corps Under Title 10, U.S.C., Section 12203:

To be major

JAMES D. MCDERMOTT

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the Regular Marine Corps Under Title 10, U.S.C., Section 12203:

To be major

JAMES D. MCDERMOTT

IN THE COAST GUARD

The following named individual for appointment to the grade indicated in the Reserve of the United States Coast Guard Under Title 10, U.S.C., Section 12203:

To be major

JAMES D. MCDERMOTT

IN THE NATIONAL GUARD

The following named individual for appointment to the grade indicated in the Reserve of the United States Army National Guard Under Title 10, U.S.C., Section 12203:

To be major

JAMES D. MCDERMOTT

IN THE NATIONAL GUARD OF THE UNITED STATES

The following named individual for appointment to the grade indicated in the Reserve of the United States Army National Guard Under Title 10, U.S.C., Section 12203:

To be major

JAMES D. MCDERMOTT

IN THE RESERVE OF THE U.S. AIR NATIONAL GUARD

The following named individual for appointment to the grade indicated in the Reserve of the U.S. Air National Guard Under Title 10, U.S.C., Section 12203:

To be major

JAMES D. MCDERMOTT

IN THE NATIONAL GUARD OF THE UNITED STATES

The following named individual for appointment to the grade indicated in the Reserve of the United States Army National Guard Under Title 10, U.S.C., Section 12203:

To be major

JAMES D. MCDERMOTT

NOMINATIONS

To be major
EXTENSIONS OF REMARKS

A PROCLAMATION HONORING WADE BROCK FOR WINNING THE GIRLS’ DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE OF OHIO IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. SPACE. Madam Speaker:

Whereas, Wade Brock showed hard work and dedication to the sport of softball; and

Whereas, Wade Brock was a supportive coach; and

Whereas, Wade Brock always displayed sportsmanship on and off the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Wade Brock on winning the Girls’ Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 softball season.

RECOGNIZING THE 35TH ANNIVERSARY OF THE VILLAGE OF WONDER LAKE

HON. MELISSA L. BEAN OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. BEAN. Madam Speaker, I rise today to recognize the Village of Wonder Lake, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of Wonder Lake is celebrating its 35 year anniversary. Located in McHenry County, Wonder Lake takes its name from the largest private man-made lake in the state of Illinois. In the 1850s, the area of was served by the Harsh School, a one room log building serving about a dozen farmhouses. It was not until 1974 that Wonder Lake was incorporated as residents of the Sunrise Ridge community came together to form a village.

Madam Speaker, the Village of Wonder Lake is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of Wonder Lake for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Wonder Lake for reaching their 35th anniversary and I wish them continued success in the future.

HON. MIKE THOMPSON OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Rep. MIKE THOMPSON to honor the memory of Donna Cook Freeman of Bodega Bay in my district, a tireless community activist whose petite frame exuded a feisty kind of determination combined with warmth and humor that earned friends, political power, and a long list of accomplishments.

Donna came to Bodega Bay about a half century ago as a young, poor and pregnant fisherman’s wife with two small children in tow. She left Bodega Bay and this earthly plain on October 30, 2009 after two weeks of farewell visits from at least 150 friends. She was 72.

Donna Cook Freeman became involved in local politics in the early 60s in one of the earliest environmental battles of the modern era, the fight over the planned construction of a nuclear power plant at Bodega Head. Donna and several other “ordinary” townspeople and their friends took on the giant utility, and ultimately won after they exposed the danger of building the plant directly on the San Andreas Fault.

Remaining active in coastal issues, she served on the California Coastal Commission’s advisory board for the county’s coastal plan. She campaigned for a local assessment to provide paramedics for the Bodega Bay Fire Protection District. Later she served three terms as a director of the Fire District. She was also a founder of the Bodega Bay Fisherman’s Festival, and served as president and a director of the Bodega Bay Chamber of Commerce, and for a decade she served on the board of the Sonoma County Fair. She successfully fought for new port facilities for commercial and recreational fishermen that became Spud Point Marina.

She also created a special place in a scrub-filled ravine at the foot of Bodega Head. She filled it with cool ferns, waving trees, rippling ponds, narrow foot bridges and a gazebo she salvaged from the set of Alfred Hitchcock’s Bodega Bay-based classic film, “The Birds.” She called this sheltered refuge “Compass Rose Garden,” named both for the center of a compass and her mother. She raised her family in a cottage in the garden, and turned its verdant grounds into a place for weddings, family events, community celebrations and political fund raisers that both advertised and emphasized her political influence.

She served on the Democratic State Central Committee, and her endorsement was gold to numerous political candidates courting west Sonoma County votes. She served a vital role in ushering in progressive politics to the county when she successfully managed the campaign of former Sonoma County Supervisor Ernie Carpenter.

She served on the Democratic State Central Committee, and her endorsement was gold to numerous political candidates courting west Sonoma County votes. She served a vital role in ushering in progressive politics to the county when she successfully managed the campaign of former Sonoma County Supervisor Ernie Carpenter.

Last month she was diagnosed with advanced liver cancer and as her life ebbed away, she made plans for a final celebration at Compass Rose Garden. It was not to be. Yet she leaves a legacy of progress, a legion of friends and a loving family that includes her husband, Clarence Freeman, her two daughters Melinda McLees and Melissa Freeman; three sons, Scott Freeman, Kevin Freeman and Steve Freeman; and their families which include seven grandchildren; as well as her brother James Cook and a sister Dorothy Hewett and their families.

Madam Speaker, Donna Cook Freeman brought creativity, vibrancy and determination to every endeavor she took on. She led by her powers of persuasion and her personal magnetism. She was born in the Depression, but was guided through her life by her joyous sense of possibility. When the boats are blessed at the next Bodega Bay Fishermen’s Festival, we will think of her and recall a spirit that could rise above the waves.

HONORING DONNA COOK FREEMAN OF SONOMA COUNTY, CALIFORNIA

HON. LYNN C. WOOLSEY OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor the 100th anniversary of the Sonoma Valley Chamber of Commerce. The Chamber has long served as a spirited defender of the Valley’s interests, by encouraging new industry, organizing beautification projects and managing flood control efforts.

The Chamber began the evening of April 10, 1909, when 32 businessmen convened over dinner to discuss how they could stimulate commerce for the benefit of local merchants and professionals.

Membership quickly grew to 100 and the Chamber began their first initiatives, like publishing marketing material and establishing committees to begin their ambitious agenda. In the early years, the Chamber called for transportation improvements and successfully lobbied Congress to protect a local federal facility from closure.

During the Great Depression, the Sonoma Valley Chamber of Commerce was instrumental in addressing needs of a paralyzed business community. To generate renewed interest in the organization, the Chamber hosted an event benefiting street and driveway improvements.

In the subsequent years, the Chamber pioneered many efforts, including the creation of a commuter bus service to San Francisco, the endorsement of a municipal water system, support for State Parks and advocacy for underground utility and telephone lines. Notably, the Chamber raised local matching funds for a job stimulus program that was part of President Roosevelt’s New Deal.
Following the attack on Pearl Harbor, the Chamber was designated as a farm labor office tasked with steering workers to local farmers. In the years following the war, the Chamber focused on supporting the development of local community hospitals and other key facilities.

By mid-century, the Chamber hosted an industrial conference, boldly escalating efforts to provide for the consideration of the Conference Report to H.R. 3288; "no" on roll call vote No. 949, on agreeing to the Conference Report to H.R. 3288; "aye" on roll call vote No. 950, on motion to suspend the rules and agree to H.R. 4017; "no" on roll call vote No. 951, on agreeing to H.R. 4064, which provides for consideration of H.R. 4173; "no" on roll call vote No. 953, on agreeing to the amendments to H.R. 4173; "no" on roll call vote No. 955, on agreeing to the Sessions amendment to H.R. 4173; "no" on roll call vote No. 957, on agreeing to the Frank (MA) amendment to H.R. 4173; "no" on roll call vote No. 958, on agreeing to the Stupak amendment to H.R. 4173; "no" on roll call vote No. 959, on agreeing to the Stupak amendment to H.R. 4173.

For the morning of Friday, December 11, 2009, had I been present I would have voted "no" on roll call vote No. 951, on agreeing to the Kanjorski amendment to H.R. 4173; "aye" on roll call vote No. 956, on agreeing to the McCarthy (NY) amendment to H.R. 4173; "no" on roll call vote No. 957, on agreeing to the Frank (MA) amendment to H.R. 4173; "no" on roll call vote No. 958, on agreeing to the Stupak amendment to H.R. 4173; "no" on roll call vote No. 959, on agreeing to the Stupak amendment to H.R. 4173.

Now Therefore, I, Henry C. "Hank" Johnson, Jr. do hereby proclaim November 22, 2009 as Beulah Baptist Church Day in the 4th Congressional District.

Proclaimed, this 22nd day of November, 2009.

ANDREA LEWIS
HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009
Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Andra Lewis. A talented journalist, radio news anchor and a true renaissance woman, Ms. Lewis had an uncanny ability to broach any subject with her impressive knowledge, affability and confidence. Ms. Lewis passed away Sunday, November 15, 2009 at the age of 52. Andra Lewis, a native of Detroit, Michigan, earned her B.A. from Eastern Michigan University, where she studied music, English literature, and art history. After moving to the Bay Area in 1983, she became an editor for Plexus: West Coast Women's Press, and in the late 1980s, she worked as a research editor for Mother Jones magazine. After gaining further publishing experience as an editorial assistant and Harper Collins Publisher in San Francisco and senior editor at Third Force Magazine in the early 90s, Ms. Lewis joined Pacific News Service as an associate editor.

Ms. Lewis, known for her rich, resonant voice, made an effortless transition to radio in 1999, joining the KPFA Morning Show as co-host of the two-hour weekday public affairs program. Though the warm tone and timbre of Andra’s voice was often praised, she is most remembered for voicing sound and well-researched opinions.

A tireless advocate and champion for civil rights, Ms. Lewis was particularly interested in combating sexism, racism and homophobia. Ms. Lewis acquired a following throughout her career, and was especially admired for her thoughtful and compassionate equanimity when discussing difficult subjects on or off the air.

More recently, Ms. Lewis took a year off to complete a 2008 Knight Journalism Fellowship at Stanford University. She returned as evening news co-anchor and host of a two-hour Sunday morning interview and call-in program that she dubbed “Sunday Sedition.” She was also a fellow in the Society of Professional Journalists Diversity Leadership Program from 2006 to 2007.

Among Ms. Lewis’ many accolades were the National Federation of Community Broadcasters’ Golden Reel award in 2002, the California Teachers Association’s John Swett Award for Media Excellence in 2004, and many well-received published articles. Ms. Lewis was a regular contributor to Madison, Wisconsin’s Progressive Magazine, and I am hesitant to hear that she had never had a quotation from our 2005 interview included in the Progressive’s 100th anniversary edition in April.

Ms. Lewis exercised a life-long passion for music as both a member of her university’s choral group which toured Europe, and for the last 20 years, as a talented alto in the San Francisco Symphony Chorus. Both Ms. Lewis and her family were so proud when the chorus
had the honor of performing at Carnegie Hall. She was also an avid reader, a sports fan and a lifelong golfer. She will be remembered by family, friends and colleagues for her laughter, her insight, her honesty and her vibrant spirit.

This evening, we salute and honor a great human being, Ms. Andrea Lewis. Our community is indebted to her life’s contribution in countless ways. We extend our deepest condolences to Ms. Lewis’s family and to all who were dear to her. May her soul rest in peace.

PERSONAL EXPLANATION

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009
Mr. WILSON of South Carolina. Madam Speaker, I submit to the RECORD the following remarks regarding my absence from votes which occurred on December 14th. Listed below is how I would have voted if I had been present.

H. Res. 779—Recognizing and supporting the goals and ideals of National Runaway Prevention Month, roll No. 969—"yea."
H. Res. 942—Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup, roll No. 970—"yea."

PERSONAL EXPLANATION

HON. JUDY CHU
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009
Ms. CHU. Madam Speaker, on rolcall No. 969, Runaway Prevention Month, rolcall No. 970, Real Salt Lake Soccer Club, had I been present, I would have voted "yea."

COMMEMORATING THE 70TH WEDDING ANNIVERSARY OF JAMES H. AND ELIZABETH GARBUTT

HON. ALLEN BOYD
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009
Mr. BOYD. Madam Speaker, I rise today to commemorate the 70th wedding anniversary of two American patriots residing in my District. Their deep dedication to this country founded in the commitment to each other is a testament to the strong values that have made this country and its people the model for the world to emulate.

James Henry Shaw married Elizabeth Garbutt on December 14, 1939 in Valdosta, GA. James is a former U.S. Marine who stormed the beaches of Yellow Beach with the First Marine Division on April 1, 1945 and fought long and hard in the entire 82-day campaign that saw over 50,000 American casualties including over 12,000 dead or missing. James was one of those casualties sustaining shrapnel wounds in his side earning him the Purple Heart. Once the island was secure, James and his fellow Marines began training exercises preparing to invade the main Islands of Japan on their push to Tokyo until the Japanese surrendered on August 15, 1945. He was then part of the occupying U.S. forces in China before returning home in 1946. Elizabeth remained back on the home front contributing to the vital efforts supporting our troops abroad. She raised eight children and is now the matriarch of a family that has grown into 6 grandchildren and 11 great-grandchildren.

Mr. Boyd. Madam Speaker, I rise today to honor the 100th anniversary of the McAllen Monitor, which has served as a vital news source for the Rio Grande Valley of south Texas.

The McAllen Monitor has covered groundbreaking news items that have shaped the Nation, State, and community.

From 1909 to 2009, the newspaper has covered landmark events including:

- “Black Tuesday” when the Nation fell into the Great Depression;
- 1933 when a hurricane hit Brownsville to McAllen;
- and in August 1957, a Russian spy was taken into custody in McAllen.

In 1968, Hispanics participated in a walkout at Ecouch-Elsa High School because of unjust treatment in the school.

Three years later, Cesar Chavez visited the Valley followed by the great late Senator Edward "Ted" Kennedy who visited the Valley in October 1980.

These are landmark, local civil rights movements in our community.

For all these events in history, the Monitor was there.

That’s why we are our trusted news source in the Rio Grande Valley, McAllen and in south Texas.

They are our local newspaper who understands the spirit of our City and the values of our People.

Madam Speaker, I am honored to recognize the 100th anniversary of the McAllen Monitor newspaper.

The Monitor is celebrating 100 years of service, continuing its mission for the Rio Grande Valley of south Texas.

A century of news for our community, so I commend and congratulate the Monitor with the greatest gratitude.

RECOGNIZING THE VILLAGE OF MUNDELEIN’S 100TH ANNIVERSARY

HON. MELISSA L. BEAN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009
Ms. BEAN. Madam Speaker, I rise today to recognize Mundelein, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

Mundelein is celebrating its 100th anniversary. As early as 1650, the Potawatomi Indians were trading with French fur traders in the area now known as Mundelein. Nearly two centuries later, a group of European immigrants came to the area and named their new community “Mechanics Grove”. In 1921, Cardinal George Mundelein of Chicago bought property
in the village to construct St. Mary’s of the Lake Seminary. The village changed its name again in 1924 in recognition of Cardinal Mundelein’s success with the new seminary. Today, Mundelein has grown to a residential community of over 30,000 residents.

Madam Speaker, the village of Mundelein is unique in its history and adds to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of village of Mundelein for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Mundelein for reaching their 100th anniversary and I wish them continued success in the future.

PERSONAL EXPLANATION

HON. BRET GUTHRIE
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. GUTHRIE. Madam Speaker, I participated in an official trip to the Middle East to visit troops and commanders on the ground. As a result, I missed two votes on Monday, December 14, 2009. Had I been present, I would have voted “yea” on rolcall votes 969 and 970.

HONORING THE CAREER OF DEBORAH K. CRAWFORD

HON. ANDER CRENshaw
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. CRENshaw. Madam Speaker, I rise today to honor the career of Deborah K. Crawford of Jacksonville, Florida who has dedicated over 35 years of her professional career towards the protection of individual rights and reducing the administrative burden on taxpayers.

Deborah Crawford began her career as a Collection Representative for the Internal Revenue Service (IRS) working in Jacksonville, Fl representing many low-income individuals who needed help accessing benefits that they may have been entitled to under the law.

Deborah later moved onto the Problem Resolution Program (PRP), as a collection technician. Her positive attitude and willingness to go the extra mile was extremely beneficial to the citizens of North Florida which earned her the selection as the Congressional Liaison in the PRP.

When the PRP was displaced by the Taxpayer Advocate Service (TAS) Deborah continued on in her role as the Congressional Liaison. TAS is an independent organization within the IRS whose employees assist taxpayers who are experiencing economic hardships, who are seeking help in resolving problems with the IRS, or who believe that an IRS system or procedure is not working as it should.

Deborah also works with the Low Income Taxpayer Clinics to assure that the clinics operate within the guidelines and to provide representation to low income taxpayers with tax matters before the Internal Revenue Service.

Deborah continues her service to North Florida during her personal time with activities that include volunteer work with the animal shelter, zoo, and church. I commend and congratulate the impressive career history of Deborah K. Crawford and her devoted service to the taxpayers of North Florida.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF HON. RON KIND
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 9, 2009

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. KIND. Madam Chair, I rise today in support of H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009.

Over the past year, we became aware of many financial practices which were abusive and reckless. We’re putting an end to those practices and making “too big to fail” a thing of the past. Americans will no longer be responsible for the bad business calculations and irresponsible behavior that almost brought down our entire economic system. This bill effectively ends the notion of a government guarantee by allowing large, systemically risky institutions to fail at their own expense and in a way that doesn’t jeopardize the whole U.S. financial system.

The legislation holds Wall Street accountable through increased transparency and regulation of risky practices. A new systemic risk regulator will monitor financial activity across the whole sector to identify risks and irresponsible behavior and prevent them from becoming a problem for individual investors and the entire economy. The bill also establishes an orderly process for dismantling large, failing companies—at their own expense, and requires that those who leave Wall Street take a financial hit if risky deals fall through, ensuring an end to taxpayer funded bailouts.

This bill effectively reforms our financial system without unduly restricting appropriate risk-taking. This is pro-business, anti-bailout legislation that aims to address the flaws in the current system in a targeted manner to minimize the burden on those who did not cause the crisis, like Community Banks and Credit Unions—most of whom will be exempt from additional oversight by the Consumer Financial Protection Agency, CFP.

We are addressing the fractured oversight that exists in our current system. In creating a Consumer Financial Protection Agency, we will establish a baseline for consumer financial protection and target the appropriate financial institutions. If we are willing to demand that products used by our children are reviewed for safety, we should demand appropriate oversight for the financial products we use to pay for our college. More broadly, the CFP will ensure that all consumers have a watchdog to oversee the financial institutions to protect them against financial institutions engaging in abusive or deceptive practices.

This bill focuses on reforming the system so that we maximize the good and minimize the harm, and I am proud to support it.

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the exceptional life of Mr. Jason Hodge. A devoted son, brother, nephew, cousin, friend and colleague, Jason Hodge was taken from us too soon, on December 6, 2009. Today, let us find comfort in the joy he inspired and his wonderful spirit. He was a bright, confident, ambitious and kind man, who will be deeply missed.

After graduating from Skyline High School in 1992, Jason Hodge was accepted to the University of California, Berkeley. He soon learned how to overcome obstacles, however, when the local college funding program meant to help pay for his UC Berkeley tuition ran out of money. Although this was a terrible shock to Jason, he decided to utilize ingenuity and diligence to create a solution.

After attending Merritt College for two years, Jason was awarded a tuition scholarship from the Rotary Club of Oakland, enabling him to transfer to UC Berkeley as a junior. At this time, in addition to his studies and community involvement, Jason became the youngest person to ever win a seat on the Oakland School Board— he was only 21 years old.

Jason was elected to the School Board in 1996, after he offered fresh ideas and a student perspective in bringing change to local education programs. Although he had suffered disappointment as a result of the failed “Promise” college funding program, he wanted to do his best to provide opportunity and change for a new generation of Oakland students. He helped administer programs to protect children as they walked to and from school, and to provide transit passes for a safer commute.

Jason was one of the first voices to decry the state’s lack of funding for local public education, a problem which our community faces in even greater severity today.

Jason served two terms, and decided not to run for re-election to the board after the state took control of the district due to local financial troubles. For the last several years he served as the Vallejo City Unified School District spokesman, also serving as special assistant to Vallejo’s superintendent and public information officer.

Jason will be remembered as a warm, compassionate person who was very close to his family. In his free time, he made sure to spend time with the people he loved, and also recently fulfilled a lifelong dream of traveling cross-country by train. He leaves behind his mother, father, three siblings, extended family and many loving friends. Although these days are difficult, I pray that our fond memories of Jason will bring us comfort and strength as we celebrate his life.

Today, California’s 9th Congressional District salutes and honors a great human being, Mr. Jason Hodge. The contributions he made to others throughout his life are countless and precious. May his soul rest in peace.
From the beginning, the outdoor advertising industry was part of the AMBER Alert system in Florida. Now, the National Center for Missing & Exploited Children posts AMBER Alerts on digital billboards across the country. Madam Speaker, protecting our society from violent crime is extremely important, and often overlooked during this holiday time. This intensive public outreach in the state gives hope to the families and friends of the victims of crime that the perpetrators will be caught and brought to justice. I commend the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Outdoor Advertising Association, and the media for working together to make Florida a safer place to live, work, and visit.

PERSONAL EXPLANATION

HON. PETER DEFAZIO
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Ms. HIRONO. Madam Speaker, years of deregulation and exorbitant risk-taking in the financial markets contributed to the financial turmoil we’re in today. Last week, the House passed a bill that would bring common sense reforms on Wall Street so that taxpayers would never again be on the hook for bailing out firms and banks for their risky, irresponsible behavior.

Congress must now pass legislation that puts people back to work. Through TARP, the federal government loaned billions of taxpayer dollars to Wall Street. It’s time for Wall Street to help create jobs on Main Street.

This can happen in two ways: by using some of the available TARP funds and by imposing a modest Wall Street transaction tax on certain securities trades. This latter proposal could raise up to $150 billion a year, part of which could go toward infrastructure investment and partly to debt reduction.

I ask my colleagues to support these proposals so that we can curb speculation and create jobs that will put Americans back to work again.

PERSONAL EXPLANATION

HON. SUSIE WILKINS MYRICK
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

December 14, 2009, rollcall vote 969, on motion to suspend the rules and agree, as amended—H. Res. 779, Recognizing and supporting the goals and ideals of National Runaway Prevention Month—I would have voted "aye.

Rollcall vote 970, on motion to suspend the rules and agree—H. Res. 942, Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup—I would have voted "aye."

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. PASCRELL. Madam Speaker, I want to state for the record that yesterday I missed the two rollcall votes of the day. Unfortunately, I missed these votes because I was detained in my district.

Had I been present I would have voted “yea’’ on rollcall vote No. 969 On Motion to Suspend the Rules and Agree, as Amended—H. Res. 779—Recognizing and supporting the goals and ideals of National Runaway Prevention Month.

Lastly, had I been present I would have voted “yea’’ on rollcall vote No. 970 On Motion to Suspend the Rules and Agree—H. Res. 942—Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup.

PERSONAL EXPLANATION

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. THOMPSON of California. Madam Speaker, on December 14, 2009, I was unavoidably unable to cast my votes for rollcall No. 969 and rollcall No. 970. Had I been present, I would have voted “yea.”

ANDean trade preference extension act of 2009

SPEECH OF

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 10, 2009

Mr. STUPAK. Madam Speaker, I urge my colleagues to vote “no” on H.R. 4284, a bill that would increase our trade deficit, compromise our labor laws, and delay a much-needed reform to our nation’s trade policy.

Since the last extension, in October 2008, Congress has still not adequately addressed the fundamental problems in relation to agriculture and labor practices in this trade preference agreement.

With the on-going debate surrounding the Colombia Free Trade Agreement and the sharp economic recession, it would be irresponsible to simply extend these preferences without thorough discussions on the effects of our trade policy on American jobs.

Originally passed in 1991, the Andean Trade Preference Act (ATPA) was designed to develop economic alternates to narcotics production in Bolivia, Colombia, Ecuador, and Peru.

However, ATPA has failed to reduce cocaine production and it has harmed American farmers. As a result of the ATPA, the U.S. had a $7 trillion trade deficit with the four ATPA countries in 2008.

Overall, the U.S. trade deficit has grown to more than $738 billion and trade policies have cost America 3.2 million manufacturing jobs over the past 10 years.

Because both the Bush and Obama administrations deemed that Bolivia failed to meet eligibility criteria, H.R. 4284 would extend trade preferences only with Colombia, Ecuador, and Peru.

Before extending the Andean Trade Preferences Act for a fourth time, Congress should take a closer look at damage it has done to American farmers and how it has failed to reduce illegal drug production in Bolivia, Colombia, Ecuador, and Peru.

Among the great economic challenges our nation faces is creating new trade and globalization policies that serve America’s workers, consumers, farmers, and firms.

The Obama administration and Congress have an opportunity to rewrite our trade policy and to create a trade framework that supports American jobs.

Let’s seize this opportunity to create a new framework for trade agreements.

New trade agreements must meet basic standards to protect labor rights, environmental standards, food safety regulations, financial regulations, and taxation transparency.

Most importantly, new trade agreements must protect American workers first.

I urge you to vote against H.R. 4284 when it comes to the House floor today so that we can focus on reforming America’s trade laws.
Congressional Record — Extensions of Remarks

Mr. Grayson. Madam Speaker, on rollcall Nos. 969 and 970, I would have voted “yes.” I was absent because I joined a congressional delegation inspecting military facilities in Iraq, which did not return until the following morning. Hence, had I been present, I would have voted “yes.”

Mr. Jordan. Madam Speaker, due to weather-related flight cancellations that delayed my return to Washington until this morning, I was absent from the House Floor during Monday’s two rollcall votes. Had I been present, I would have voted in favor of H. Res. 779 and H. Res. 942.

Mr. Diaz-Balart. Madam Speaker, I rise today to urge the Iraqi authorities not to forcibly remove Camp Ashraf residents from the home where they have lived for over twenty years. International human rights groups such as Amnesty International have warned that forcibly relocating the Camp Ashraf residents will put the Iranian opposition group “at risk of arbitrary arrest, torture or other forms of ill-treatment, and unlawful killing.”

On July 29 of this year, I spoke out against the brutal attack that began on July 28 carried out by Iraqi security forces who were acting at the behest of the Iranian regime. The Iraqi security forces rolled over unarmed Camp Ashraf residents with tanks and beat them with sticks, killing at least nine residents and injuring many more. An injustice of this magnitude must not happen again.

If the Iraqi government forcibly moves these residents from their Camp Ashraf home, it will be breaking its promise to the United States and violating its obligations under international law. When these Iranian exiles voluntarily surrendered their weapons to U.S. forces in 2003, they did so in exchange for a promise that the U.S. would protect them. When the United States withdrew from the Camp Ashraf region, the United States and Iraq signed an agreement that the Iraqi government would continue to ensure their safety. Furthermore, Camp Ashraf residents are also shielded by international law because they are “protected persons” under Article 27 of the Fourth Geneva Convention.

This attempt to move the Camp Ashraf residents to a remote prison in the middle of the deserts appears to be an ugly attempt by the Iraqi government to appease the Iranian regime. Groups such as Amnesty International warn that it may even lead to their forcible return to Iran. If returned to Iran, these members of the Camp Ashraf community face almost certain torture and even death.

Madam Speaker, I call on the Iraqi government to keep its promise to the United States and uphold its obligations under international law. Attempting to mollify the tyrannical, illegitimate Iranian regime at the expense of these pro-democracy activists would be a tragic mistake. I call on the Iraqi government to ensure the protection that these exiles were promised and to which they are entitled under international law.

Mr. Thompson. Madam Speaker, I rise today with my colleague, Representative Lynn Woolsey, to honor the 100th anniversary of the Sonoma Valley Chamber of Commerce. The Chamber has long served as a spirited defender of the Valley’s interests, by encouraging new industry, organizing beautification projects and managing flood control efforts.

The Chamber began the evening of April 10, 1909, when 32 businessmen convened over dinner to discuss how they could stimulate commerce for the benefit of local merchants and professionals.

Membership quickly grew to 100 and the Chamber began their first initiatives, like publishing marketing material and establishing committees to begin tackling an ambitious agenda. In the early years, the Chamber called for transportation improvements and successfully lobbied Congress to protect a local federal facility from closure.

During the Great Depression, the Sonoma Valley Chamber of Commerce was instrumental in addressing needs of a paralyzed business community. To generate renewed interest in the organization, the Chamber hosted an event benefiting street and driveway improvements.

In the subsequent years, the Chamber pioneered many efforts, including the creation of a commuter bus service to San Francisco, the endorsement of a municipal water system, support for State Parks and advocacy for underground utility and telephone lines. Notably, the Chamber raised local matching funds for a job stimulus program that was part of President Roosevelt’s New Deal.

Following the attack on Pearl Harbor, the Chamber was designated as a farm labor office tasked with steering workers to local farmers. In the years following the war, the Chamber focused on supporting an adequate sewerage system, the introduction of a local hospital and the adoption of a zoning plan. By mid-century, the Chamber hosted an industrial conference, boldly escalating efforts to bring new industry to the Valley.

Today the Chamber has expanded its membership to more than 700 leaders who continue to help ensure a thriving economy through advocacy, promotion, networking, education and services.

Operating under the mantra that “Strong businesses make strong communities,” the Chamber hosts events, publishes a business magazine and offers a diverse business, community and visitor resources. The Chamber also leads recognition efforts, honoring the business of the year and green businesses.
Madam Speaker, it is appropriate at this time that we acknowledge the 100th anniversary of the Sonoma Valley Chamber of Commerce. In years to come, this organization will remain an integral and powerful force that continues to enrich the business community for the benefit of all Sonoma Valley residents.

IN MEMORY OF DONNA FREEMAN

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Representative Mike Thompson, to honor the memory of Donna Cook Freeman of Bodega Bay in my district, an energetic community activist from whose petite frame exuded a feisty kind of determination combined with warmth and humor that earned friends, political power and a long list of accomplishments.

Donna came to Bodega Bay a half-century ago as a young, poor and pregnant fisherman’s wife with two small children in tow. She left Bodega Bay and this earthly plane on October 30, 2009 after two weeks of farewell visits from at least 150 friends. She was 72.

Donna Cook Freeman became involved in local politics in the early 60s in one of the earliest environmental battles of the modern era, the fight over the planned construction of a nuclear power plant at Bodega Head. Donna and a small group of “ordinary” townspeople and their friends took on the giant utility, and ultimately won after they exposed the danger of building the plant directly on the San Andreas Fault.

Remaining active in coastal issues, she served on the California Coastal Commission’s advisory board for the county’s coastal plan. She campaigned for a local assessment to provide paramedics for the Bodega Bay Fire Protection District. Later she served three terms as a director of the Fire District. She was also a founder of the Bodega Bay Fishermen’s Festival, and served as president and a director of the Bodega Bay Chamber of Commerce, and for a decade served on the board of the Sonoma County Fair. She successfully fought for new port facilities for commercial and recreational fishermen that became Spud Point Marina.

She also created a special place in a scrub filled ravine at the foot of Bodega Head. She filled it with cool ferns, waving trees, rippling ponds, narrow foot bridges and a gazebo she salvaged from the set of Alfred Hitchcock’s Bodega Bay-based classic film, “The Birds.” This sheltered refuge she called “Compass Rose Garden,” named both for the center of the compass and her mother. She raised her family in a cottage in the garden, and turned its verdant grounds into a place for weddings, family events, community celebrations, and political fundraisers that both advertised and expanded her political influence.

She served on the Democratic State Central Committee, and her endorsement was gold to numerous political candidates courting west Sonoma County votes. She served a vital role in ushering in political parties to the county when she successfully managed the campaign of former Sonoma County Supervisor Ernie Carpenter.

Last month she was diagnosed with advanced liver cancer and as her life ebbed away she made plans for a final celebration at Compass Rose Garden. It was not to be. Yet she leaves a legacy of progress, a legion of friends, and a loving family that includes her husband, Clarence Freeman, her two daughters Melinda McLees and Melissa Freeman; three sons, Scott Freeman, Kevin Freeman, and Steve Freeman; and their families, which include seven grandchildren; as well as her brother James Cook and a sister Dorothy Cook Hewett, and their families.

Madam Speaker, Donna Cook Freeman brought creativity, vibrancy and determination to every endeavor she took on. She led by her powers of persuasion and her personal magnetism. She was born in the Depression but was guided through her life by her joyous sense of possibility. When the boats are blessed at the next Bodega Bay Fisherman’s Festival, we will think of her, and recall a spirit that could rise above the waves.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. LANGEVIN. Madam Speaker, on December 14, 2009, I was unable to be in the chamber for two Rollcall votes. Had I been present, I would have voted “yea” on rollcall No. 969, H. Res. 776, a resolution recognizing and supporting the goals of National Runaway Prevention Month and “aye” on rollcall No. 970, H. Res. 942, a resolution commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup.

PERSONAL EXPLANATION

HON. RON KLEIN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on December 14, 2009. Had I voted, I would have voted “yes” on rollcall No. 969 and “yes” on rollcall No. 970.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Ms. ESHOO. Madam Speaker, I was not present during rollcall votes 969 and 970 and voice votes on December 14, 2009 due to a pre-existing medical appointment. I would have voted “yea” on rollcall vote No. 969. I would have voted “yea”; On rollcall vote No. 970 I would have voted “yay”; voice vote on S. 303 I would have voted “yay”; voice vote on H.R. 4284 I would have voted “yay.”
HONORING MILLIE KLAPEL OF ANDOVER, MINNESOTA, ON HER 100TH BIRTHDAY

HON. MICHELE BACHMANN
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Millie Klapel of Andover, Minnesota, on the occasion of her upcoming 100th birthday this December 20, 2009. As friends and family gather to celebrate her life, I am pleased to share her accomplishments with this Congress today.

Millie lived the American dream. She worked for one of Minnesota’s favorite department stores, Dayton’s, in the monogram department. In her free time Millie volunteered at her church and taught Sunday school class for over 60 years. She also visited shut-ins and served as a prayer warrior for those in need of support during difficult times. In her 90’s, she was honored as runner up for Sunday School Teacher of the Year from the Assemblies of God churches.

Millie is an inspiration to her family, friends and community and has always put others first. Even at 100 years old, she still lives on her own and maintains her independence.

Madam Speaker, again, I’d like to wish Millie Klapel a happy 100th birthday and I ask this Congress to join with me in celebrating Millie’s life.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. COFFMAN of Colorado, Madam Speaker, today our national debt is $12,071,280,871,918.40.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $1,432,855,125,624.6 so far this year.

According to the non-partisan Congressional Budget Office, the forecast deficit for this year is $1.6 trillion. That means that so far this year, we borrowed and spent $4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF
HON. BART STUPAK
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. STUPAK. Madam Chair, years of abuse on Wall Street, manipulation of our financial markets and expansion of regulatory loopholes have had business consequences, leading to the global financial disaster last fall. As the U.S. House of Representatives sought to craft aggressive financial regulatory reforms, I worked with the relevant Committee Chairmen and Democratic leadership to end the abuses that have allowed Wall Street to profit at the expense of American consumers for far too long.

Unfortunately, H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, falls short of ending the practice of Wall Street speculators, big banks and the nation’s largest financial houses (Goldman Sachs, J.P. Morgan, Morgan Stanley, Bank of America and Citigroup) operating outside the watchful eye of federal regulators. Because this bill does not put an end to many of these abuses, I must oppose H.R. 4173.

As chairman of the Energy and Commerce Subcommittee on Oversight and Investigations, I have led a three-year-long investigation into the role speculators play in driving up the cost of energy. What we have learned from our investigation can be applied across the energy, commodity, and financial markets: As long as loopholes exist, speculators will manipulate markets and consumers will pay the price.

I fought for and made part of the American Clean Energy and Security Act regulatory reform for the energy and carbon markets. The provisions found in the Prevent Unfair Manipulation of Prices, PUMP Act of 2009 should have served as a starting point for further reform of the unregulated over-the-counter derivatives markets known as “dark markets.” Unfortunately, the legislative precedent and my amendments were ignored in favor of big money interests on Wall Street. But those of us who have spent time working on this issue know true regulatory reform cannot occur without bringing transparency to all markets and subjecting all financial transactions to federal oversight.

Therefore, I offered two amendments to H.R. 4173 to close loopholes and bring strong reform to the unregulated “dark markets.” The first amendment required all trades to occur on an open marketplace, effectively bringing an end to “dark markets,” so regulators could see the transactions. This modest fundamental reform would have brought sunshine to the largest unregulated financial sector of our economy. For example, trades on the regulated markets totaled $80 trillion in 2008 while trades on the unregulated “dark markets” accounted for $600 trillion, or 41 times the size of the entire U.S. economy. Regulators could not view the transactions, the contracts or the financial terms of these trades.

As Commodity Futures Trading Commission, CFTC, Chairman Gary Gensler noted in a letter supporting my amendment, “As a nation, we do not stand for this lack of transparency in other markets.” Staunch opposition from Wall Street led to the amendment’s defeat, despite Gensler’s assertion that: “Your (Stupak) amendment promotes the critical goal of promoting transparency without imposing any additional cost on business.” Without providing our regulators the most basic tools they say they need to effectively monitor the markets, we cannot call H.R. 4173 a true reform bill.

My second amendment narrowed a loophole that banks and large financial houses use to avoid regulation, prohibited credit default swap contracts that threaten the stability of the financial markets, and prohibited illegal swap contracts from being considered valid in a court. A comprehensive financial regulatory reform bill has to close the loopholes that allow speculators to control the markets. In defeating my second amendment, speculators will be allowed to continue their abusive practices.

Defeating my second amendment was not Wall Street’s only success in ensuring loopholes remain in place. Banks, large financial firms and speculators were able to push through an amendment authored by Congressman SCOTT MURPHY that widened the loophole banks can use to evade regulation.

Financial Services Committee Chairman BARNEY FRANK offered an amendment to ensure everyone trading in the markets has some “skin in the game” by requiring collateral be posted up front. The amendment was opposed by Wall Street and it ultimately failed.

Many parts of H.R. 4173 accomplish important financial reform, and I support efforts to protect consumers from predatory financial products and end taxpayer funded bailouts. The amendment process on the House floor offered the opportunity to strengthen the bill in a way that delivers true reform across all of our financial markets. Unfortunately, Wall Street succeeded in using this opportunity to weaken the bill and significantly dilute the impact the legislation would have on their practices.

If regulators cannot shine a light on “dark markets” and loopholes can be exploited by Wall Street, we are just a few years away from another economic crisis. Leaving “dark markets” unregulated, unchecked and unfazed allows speculators to dictate prices for goods ranging from gasoline to bread to life insurance, and leaves consumers vulnerable to these financial abuses.

Today “dark markets” operate like a casino, with a commercial business betting that the price of a product will move in one direction and a Wall Street bank betting against that price change. The only difference is that we actually regulate casinos. On Wall Street neither the company nor the
Truly, the founding of America was in so many ways, the work of God. Yet as we look at the America of today, we see a vastly different picture.

On April 6, 2009, President Obama, speaking in the country of Turkey said: “America is not a Christian nation, or a Jewish nation, or a Muslim nation. We are a nation of citizens who are bound by ideals and sets of values.”

Over the past 40 years, the idea of a “Christian America” has been disparaged by many. Christians have been criticized and vilified for their involvement in the political arena. The Revisionist’s interpretation of the First Amendment has been at the forefront in this debate. Michael Medved in his book, The 10 Big Lies About Christian America, goes into this.

Following the 2004 reelection of George W. Bush, a frenzied flurry of books and articles warned unsuspecting Americans of the imminent takeover of their cherished Republic by an all-powerful, impalpable theocratic conspiracy.

In American Fascists: The Christian Right and the War on America, former New York Times correspondent Chris Hedges breathlessly reported: “All it will take is one more national crisis on the order of September 11 for the Christian Right to move to destroy American democracy... This movement will not stop until we are ruled by Biblical law, an authoritarian church intrudes in every aspect of our lives: at home and at work, on the streets and in our homes.”

As a young man, Wall Street bailout last year. Once again, I stood up to Wall Street’s reckless financial transactions. Now, we need more members of Congress to stand with me to try to strengthen this bill and bring true reform to Wall Street.

As H.R. 4173 moves through the legislative process, I will work with Senators Maria Cantwell, Bernie Sanders, Byron Dorgan and others who have a shared interest in closing loopholes that remain a threat to our economy. It is imperative that the bill be strengthened in the U.S. Senate to rein in speculators and end the abusive practices of Wall Street’s largest financial houses. I hope the Senate can accomplish these goals in the form of a final bill I can support.

I did not vote for the Wall Street bailout last year. Once again, I stood up to Wall Street’s reckless financial transactions. Now, we need more members of Congress to stand with me for effective regulatory reform. For I believe, in this one instance where doing too little is a far greater threat than doing too much.

TREATISE ENTITLED “SHINING CITY ON A HILL”

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. DUNCAN. Madam Speaker, one of my constituents, E.M. Massey, is a dedicated Christian who is very concerned about the moral decline of this Nation.

As the late Sen. Daniel Patrick Moynihan said, we have been “defining deviancy down, accepting as a part of life what we once found repugnant.”

I want to call the attention of my Colleagues and other readers of the Record portions of a Treatise entitled “Shining City on a Hill” submitted by Mr. Massey.

A SHINING CITY ON A HILL

Introduction: In 1638, John Winthrop, governor of the Massachusetts Bay Colony, wrote a sermon while on the Arbeila, on his way to the new world. “For we must consider that we shall be as a city upon a hill. The eyes of all people are upon us. So that if we shall deal falsely with our God in this work we have undertaken, and so cause him to withdraw his present help from us, we shall be made a byword throughout the world.” (This was one of President Reagan’s favorite quotes.)
CELEBRATING 25 YEARS OF EXCELLENCE IN THE STORIED HISTORY OF THE TRI-CITY RECORD

HON. FRED UPTON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. UPTON. Madam Speaker, I rise today to pay tribute to a cornerstone of our community, the Tri-City Record, which is currently celebrating its 25th year with Anne and Karl Bayer at the helm. Since its founding as the Weekly Record in 1884, the Tri-City Record has been a lifeline for southwestern Michigan, reliably keeping folks informed on significant news and community events.

What began as the Weekly Record became the Watervliet Record in 1884. Through the years, with only a handful of owners, the newspaper grew to report not only on news in the city of Watervliet, but also the surrounding communities of Coloma and Hartford. A century after the first name change, the newspaper was purchased by Anne and Karl Bayer in 1984, and soon became the Tri-City Record.

Under the Bayer family’s stewardship, countless residents have come to rely upon the Tri-City Record to stay connected with the community and keep up on current events. I commend the Tri-City Record’s rich tradition of excellence and proud history of reporting to Coloma, Hartford, Watervliet and across the State of Michigan.

As the newspaper industry across the Nation has been strained during the digital age, the Tri-City Record continues to be a jewel in our corner of southwest Michigan. I salute Anne and Karl Bayer and the entire staff on reaching this milestone and wish them continued success for many years to come.

Twenty-five years later and still going strong, the Bayers represent a most important chapter in the storied history of the Tri-City Record.

THANKING JOHN BRANDT FOR 40 YEARS OF SERVICE

HON. ADRIAN SMITH
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to honor a broadcasting icon in Western Nebraska, John Brandt. Yesterday, Ogallala joined together to thank John for his 40 years of broadcasting service to the area.

A 1963 graduate of Superior High School in Superior, Nebraska, John has been a fixture on the airwaves for listeners in my district since December 1965.

Never one to shy away from the hard-hitting questions, John earned his reputation as being a tough but fair interviewer, whose only motivation was to provide his listeners with the most up-to-date information available.

He has given back to the Ogallala community in so many ways and I fully expect this service to continue. I wish him well as he continues to serve the community and our State as a whole.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on December 14, 2009 due to a medical appointment. Had I been present, I would have voted “yea” on rolcall 969 and “yea” on rolcall 970.
contests. Although still young, Fabini has decided to retire from playing professional football so that he can focus on his family and a promising future. Jason Fabini has four sons: Hunter, Jacob, John Michael, and Jordan and is the son of Tom Fabini and Madeline Lombardo of Fort Wayne, Indiana.

PROCLAMATION ISSUED TO MS. MARY ANNE SHARP
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Ms. Sharp on her 45th Anniversary as Director of the Decatur Civic Chorus and to congratulate her for the betterment of our District through directing and producing concerts that continue to touch the lives of many; and

Whereas, Ms. Sharp is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Mary Anne Sharp on her 45th Anniversary as Director of the Decatur Civic Chorus and to congratulate her on this milestone; and

Now therefore, I, Henry C. “Hank” Johnson, Jr. do hereby proclaim December 13, 2009 as Ms. Mary Anne Sharp Day in the 4th Congressional District.

Proclaimed, this 13th day of December, 2009.

PERSONAL EXPLANATION
HON. ADAM SMITH
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. SMITH of Washington. Madam Speaker, on Monday, December 14, 2009, I was unable to be present for recorded votes. Had I been present, I would have voted “yes” on rollcall vote No. 969 (on the motion to suspend the rules and agree to H. Res. 779, as amended) and “yes” on rollcall vote No. 970 (on the motion to suspend the rules and agree to H. Res. 942, as amended).

MS. MARIAN WILSON-SYLVESTRE
HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary accomplishments of Ms. Marian Wilson-Sylvestre, who has dutifully served the American Red Cross, Bay Area Chapter and touched the lives of those in need for nearly 30 years. Her work has affected countless people beset by fires, floods and other disasters, and has ensured that volunteers and communities throughout the 9th Congressional District are ready and resilient in the face of adversity.

Ms. Wilson-Sylvestre has been involved in community-building, volunteerism, education and healing for the length of her career. After attending Columbia University in New York City, Ms. Wilson-Sylvestre received a Master of Social Work at New York’s Adelphi University.

Her career in alleviating affliction and pain for others began at the Payne Whitney Psychiatric Clinic at New York Hospital, where she observed and aided patients as a Psychiatric Assistant. Next, her skills in social work and teaching brought her to the Cardinal McCloskey Home and School for Children where she worked with foster children.

In 1978, after arriving in the Bay Area, Ms. Wilson-Sylvestre served Bayview Hunter’s Point Mental Health Clinic as a child and family therapist, and also began teaching at San Francisco Community College. Her career with the Bay Area Chapter of the American Red Cross began when she became Director of Project New Pride in 1980. For the next 29 years, she worked her way up through the ranks of the American Red Cross, both fulfilling and exceeding her duties as Case Work Supervisor, Regional Manager, County Executive, and, for the last 14 years, Senior Executive Officer.

Ms. Wilson-Sylvestre has been involved in the National Association of Social Workers, Rotary Club of Oakland, the California Personnel and Guidance Association, the East Bay Women’s Political Action Committee, and the boards of City of Oakland Emergency Management, Travelers Aid Society and Allen Temple Baptist Church Health Ministry. Ms. Wilson-Sylvestre has served the community in innumerable ways.

Her work has been celebrated throughout the 9th Congressional District, and beyond, including an award from the National Institute of Mental Health, the Tiffany Award for Management Excellence, the Congressional Recognition Award, the 1990 National HIV/AIDS Cultural Diversity Award, being named the 2002 Honoree for Black Women Organized for Political Action, and the Oakland Unified School District’s recurning honor of Principal for a Day.

On behalf of California’s 9th Congressional District, I salute you, Marian Wilson-Sylvestre, for a successful career of service and your unwavering commitment to others. I extend my heartfelt congratulations on your retirement, and I wish you the very best.

HONORING THE CONNECTICUT COUNCIL OF SMALL TOWNS
HON. JOE COURTNEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor the Connecticut Council of Small Towns (COST) for celebrating its 35th anniversary. Several Connecticut town leaders founded COST in 1975 to provide a strong voice for the state’s smaller municipalities in both our State’s and the Nation’s capital.

COST is a grassroots advocacy organization comprised of nearly 120 member municipalities. The organization offers valuable information and training resources to help municipal leaders meet the challenges they face as chief executives of Connecticut’s smaller non-metro and suburban areas. It is the only organization dedicated solely to the interests of Connecticut’s small suburban and rural municipalities.

Through meetings, conferences, and events, COST brings together the leaders of small towns with legislators to foster discussion about issues that are most important to Connecticut’s small communities. The organization provides information to towns regarding public policy and pending legislation, and how they will affect small towns and their citizens.

COST members benefit from connecting with other municipal leaders across the State, hearing ideas, and discussing the similar challenges that they face. Participating municipalities save money by working collectively to advocate for State and Federal aid to towns in Connecticut.

I ask all of my colleagues to join with me in honoring the Connecticut Council of Small Towns in celebrating its anniversary. Many of COST’s member towns reside within my district in eastern Connecticut and highly regard the organization for providing a voice for them in all levels of government. We thank COST for its service and look forward to working with the organization in the future to help Connecticut’s communities succeed.

PERSONAL EXPLANATION
HON. TIMOTHY V. JOHNSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night and earlier today I was unable to cast my votes on H. Res. 779, H. Res. 942, H. Res. 894, H.R. 1517, and H.R. 3978 and wish the record to reflect my intentions had I been able to vote.

Last night, I met with constituents of mine in a town hall forum at the Prairie Winds Retirement Center in Urbana, Illinois and I was unable to arrive in Washington, DC to cast my votes.

Had I been present on rollcall No. 969 on suspending the rules and passing H. Res. 779, Recognizing and supporting the goals and ideals of National Runaway Prevention Month, I would have voted “aye.”

Had I been present on rollcall No. 970 on suspending the rules and passing H. Res. 942, Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup, I would have voted “aye.”

Had I been present on rollcall No. 971 on suspending the rules and passing H. Res. 894, Honoring the 50th anniversary of the recording of the album “Kind of Blue” and reaffirming jazz as a national treasure, I would have voted “aye.”

One of my constituents, LaMont Parsons of Urbana, Illinois, is a regionally famous jazz guitarist who has inspired in
me and many of my constituents a lifelong appre-
ciation for jazz and its influences and it truly is a national treasure.

Had I been present on rollcall No. 972 on suspending the rules and passing H.R. 1517, To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, I would have voted "aye."

Had I been present on rollcall No. 973 on suspending the rules and passing H.R. 3978, First Responders Anti-Terrorism, Training Re-

GALLAGHER-HANSEN VFW POST’S 90TH ANNIVERSARY

HON. BETTY MCCOLLUM
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. MCCOLLUM. Madam Speaker, today I rise to congratulate the Gallagher-Hansen Vet-
erans of Foreign Wars Post No. 295, Department of Minnesota, on the occasion of the Post’s 90th anniversary. Since its original charter in 1919, the Gallagher-Hansen VFW Post has been dedicated to serving veterans and the entire community of South Saint Paul, Minnesota.

Founded as the Patrick Gallagher Post in honor of a local World War I veteran, the post was renamed to honor Lt. Harry C. Hansen, a post member, who lost his life during the Battle of Okinawa in World War II. All veterans have served and sacrificed on behalf of our great Nation, but many veterans continue their noble service after their tours of duty have been completed. The members of the Gallagher-Hansen VFW Post are among these selfless servants. Throughout its proud history, the Gallagher-Hansen Post and Auxiliary have earned distinc-
tion as exceptional Veterans Service Orga-
nizations. Beyond its strong support for veterans, the post is also a community cornerstone. From providing donations to the Dakota County Veterans Emergency Assistance Fund and the South St. Paul Police K-9 unit, to sponsoring an annual Children’s Safety Camp and funding a new scoreboard at Watoka Arena, Gallagher-Hansen provides steadfast support to residents in the area.

Gallagher-Hansen’s reputation for outstanding public service extends deep into its ranks. Post 295 has been the home VFW post to many state and national leaders, including former Minnesota Governors Karl Rolvaag, Harold Stassen and Orville Freeman. Other members include: past National Ladies VFW Auxiliary President Lola Reid, whose late hus-
bond Dr. James Reid served as past Surgeon General of the VFW; past National VFW Chaplain Father Harold E. Whittle; Robert Hansen, past Commander-in-Chief of the Vet-
erans of Foreign Wars of the United States and the brother of Lt. Harry C. Hansen; and the late U.S. Navy Admiral John S. McCain, father of U.S. Senator John McCain of Ar-
izona.

Madam Speaker, please join me in rising to honor the 90th Anniversary of the Gallagher-Hansen VFW Post No. 295, and the veterans who have given so much in support of their fellow veterans, families and our community.

RECOGNIZING THE HEROIC GENEROSITY OF CLARA WARD OF ERIE, PENNSYLVANIA

HON. KATHLEEN A. DAHLKEMPER
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mrs. DAHLKEMPER. Madam Speaker, I rise today to honor an extraordinary woman in Erie, Pennsylvania, who has dedicated her life to helping her fellow community. Clara Ward, the founder of the Youth Development and Family Center in Erie, was the star of “Extreme Makeover: Home Edition,” this week, where her indomitable spirit and dedica-
tion to the well-being of children in need was rewarded with an amazing renovation to her more than eighty year old home.

Clara Ward, with her son Bennie and daughter Cynthia, has continually put aside her own needs to take care of the children in her community. Too often, the children in Clara’s neighborhood lack the care and re-
sources they need to succeed, to be healthy and safe. These children rely on the gener-
osity of their “Aunt Clara” to have a safe haven after school, where they can play off the streets and out of harm’s way.

Many of the children who come to the Youth Development and Family Center would go to bed hungry without the generosity of Clara, Bennie and Cynthia, who feed and welcome children into their home almost every day. Not only does Clara provide a safe space, but she offers these children clothes, blankets and toys that they might not otherwise have. This time every year, Clara gives toys to 300 chil-
dren for the holidays.

Clara’s boundless generosity is all the more remarkable given her own condition. Clara suf-
sfers from myasthenia gravis, a degenerative muscular disease that requires her to use a wheelchair. In her old home, Clara’s mobility was severely limited and she struggled to move through rooms and hallways that had no space for her wheelchair. Now, thanks to the renovation, Clara can move with ease through a home designed specifically for her.

Clara Ward’s selflessness has inspired the entire community of Erie. It was her good work that motivated local builder John Maleno and his family to nominate Clara for “Extreme Makeover,” which drew 3,000 volunteers and donations from 300 companies. Clara’s story has inspired our city and helped us show the world that Erie, Pennsylvania, is a place where neighbors look out for each other and the spirit of generosity runs deep.

Madam Speaker, it is my proud duty to enter the name of Clara Ward in the record of the United States House of Representatives as a hero of Erie, Pennsylvania.

TIME IS RUNNING OUT IN SUDAN

HON. FRANK R. WOLF
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. WOLF. Madam Speaker earlier today a news conference was held with Congressmen DONALD PAYNE, CHRIS SMITH and myself along with representatives from the U.S. Commissi-
on on International Religious Freedom (USCIRF), to draw attention to the desperate situation in Sudan. We heard compelling first-
hand accounts of what transpired in Khartoum last week. Arsons, detentions, tear gas and beatings of peaceful Sudanese protes-
tors including several high-ranking Sudan People’s Liberation Movement (SPLM) officials. These protestors had gathered in the streets to press Sudan’s President Bashir and his National Congress Party (NCP) to demand passage of important laws by the National Assembly.

Khartoum’s actions are inexcusable, but why should we be surprised, given the head of state is an accused war criminal. We also know from widely reported information that the National Congress Party (NCP) is obstructing the establishment of conditions for free and fair elections. The world also still awaits re-
form of the national security law.

Against this backdrop of violence and intimi-
dation by Khartoum, the NCP and the SPLM entered into intense negotiations over the weekend. While reports that a ten-
tative compromise has been reached, the out-
come is still far from assured. And if the com-
ing weeks don’t yield the necessary results, the long-suffering people of Sudan will watch any real prospect of lasting peace and justice slip away. Will the U.S. stand by and allow this to happen?

For years the U.S. has been a leader on the world stage in advocating for the marginalized people of Sudan. This is an issue, unlike many in Washington, which has enjoyed bipartisan support. In January 2005, after two and half years of negotiations, the North and the South signed the Comprehensive Peace Agreement (CPA) bringing about an end to the 21-year-old civil war during which nearly two million people died, most of whom were civilians. I was at the signing of the CPA in Kenya along with Congressman PAYNE. Hopes were high for a new Sudan.

Sadly those hopes are quickly dimming as President Bashir becomes further entrenched and principled U.S. leadership on Sudan on the eve of the five-year anniver-
sary of the signing, the CPA hangs in the bal-
ance as does Sudan’s future.

President Obama’s special envoy to Sudan, General Scott Gration, was appointed in March of this year. Many in Congress, myself included, had pressed for a special envoy in the hope of elevating the issue of Sudan par-
ticularly at this critical juncture in the imple-
mentation of the CPA and with genocide in Darfur still ongoing.

While there have been times in the months following that I have been concerned by the dire-
tion that this administration has taken in re-

"The Bush administration should be holding Sudan accountable for failing to implement significant aspects of the 2005 Comprehensive
Peace Agreement (CPA), imperiling the prospects for scheduled multiparty elections in 2009."

I could not agree more. Accountability is imperative. The CPA is not up for re-negotiation. But the burden for action, the weight of leadership, now rests with this president and this Congress alone. I have consistently received reports from people on the ground that this administration’s posture toward Sudan has only emboldened Bashir and the NCP.

This December 12 Wall Street Journal editorial page put it this way, “As a candidate, Mr. Obama stood with the human rights champions of Darfur and pledged tougher sanctions and a possible no-fly zone if a Sudanese regime infamous for genocide didn’t shape up. His tone has changed in office . . . . the preference for diplomacy over pressure has encouraged the hard men in Khartoum to stoke the flames in Darfur, ignoring an arms embargo and challenging the U.N.-African Union peacekeeping force there.”

Khartoum is savvy in the ways of Washington. This softening in the U.S. posture has not gone unnoticed.

In recent written testimony before the House Foreign Affairs Subcommittee on Africa, the top UN investigator said, “In contrast to that leadership of the late 2000’s, the United States appears to have now joined the group of influential states who sit by quietly and do nothing to ensure that sanctions protect Darfurians.”

This administration’s engagement with Sudan to date has failed to recognize the true nature of Bashir and the NCP.

Having been to Sudan five times, I’ve seen the work of their hands with my own eyes. In June 2004 I was part of the first congressional delegation with Senator SAM BROWNBACK to Darfur, soon after the world began hearing about the atrocities being committed against the people of that region. I witnessed the nightmare. I saw the scorched villages and overflowing camps. I heard the stories of murder, rape, and displacement. In the summer of 2004, the Congress spoke with one voice in calling what was happening in Darfur genocide.

In addition to the massive human rights abuses perpetrated by the Sudanese government against its own people, it is also important to note that Sudan remains on the State Department’s list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990’s. I was troubled by Special Envoy Gralton’s comments this summer at the Senate Foreign Relations Committee hearing that “there is no evidence in our intelligence community that supports [Sudan] being on the state sponsors of terrorism list . . . ” despite the findings of the 2008 State Department Country Reports on Terrorism that “ . . . there have been declassified reports that arms were purchased in Sudan’s black market and allegedly smuggled northward to Hamas.”

Last week marked the anniversary of the adoption of the 1948 Genocide Convention. In the aftermath of the Nazi-perpetrated Holocaust the world pledged “Never Again.” But these words ring hollow for the woman in the camp in Darfur who has been brutally raped by government-backed janjaweed so that they might, in their own words, make lighter skinned babies. Were these horrors taking place in Europe would the world stand by and watch?

The U.S. Holocaust Memorial Museum, which sits just blocks from here, bears witness to genocide and related crimes against humanity around the world. The museum’s warning for Sudan stems from “(t)he Sudanese government’s established capacity and willingness to commit genocide and related crimes against humanity. This is evidenced by actions the government has taken in the western region of Darfur, the Nuba Mountains, and the South that include: Use of mass starvation and mass forcible displacement as a weapon of destruction; Pattern of obstructing humanitarian aid; Harassment of internally displaced persons; Bombing of hospitals, clinics, schools, and other civilian sites; Use of rape as a weapon against targeted groups; Employing a divide-to-destroy strategy of pitting ethnic groups against each other, with enormous loss of civilian life; Training and supporting ethnic militias who commit atrocities; Destroying indigenous cultures; Enslavement of women and children by government-support militias; Impeding and failing to fully implement peace agreements.

These are hardly our partners in peace. And yet, we cannot claim that Khartoum has been unpredictable, that we did not know what they were capable of. Tragically, they have been utterly consistent for nearly 20 years. They have consistently brutalized their own people. They have consistently failed to live up to agreements. And they have consistently responded only to strength and pressure.

And so I say once again, time is running out. The urgency of the situation calls for intervention at the highest levels of the U.S. Government—specifically the Secretary of State and the President of the United States. The people of Sudan cry out for nothing less.

PERSONAL EXPLANATION
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Mrs. MALONEY. Madam Speaker, on December 14, 2009 I missed rollocall votes Nos. 969 and 970.

Had I been present, I would have voted “yea” on rollocall vote No. 969, recognizing and supporting the goals and ideals of National Runaway Prevention Month and, No. 970, commending the Real Salt Lake Soccer Club for winning the 2009 Major League Soccer Cup.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. CONYERS. Madam Chair, as the Chairman of the Judiciary Committee, I would like to highlight some of the contributions made by our Committee to this important legislation. The Committee considered this course of several months a range of legal issues posed by this legislation, and held two days of hearings on this fall on its bankruptcy and antitrust law ramifications—on October 22 in the Subcommittee on Commercial and Administrative Law, and on November 17 in the Subcommittee on Courts and Competition Policy.

Below is a summary of some of the more significant provisions added to the legislation, or revised in it, at the request of the Committee.

BANKRUPTCY LAW

The bill’s new emergency procedures for dealing with financial institutions posing imminent toxic danger to our Nation’s financial system is an exemption from the bankruptcy laws in favor of a receivership managed by the Federal Deposit Insurance Corporation (FDIC). While appreciative of the need for the government to be able to act with dispatch when the shadow of the entire system is in jeopardy, and while respectful of the considered judgment of the Treasury Department, the FDIC, and the Financial Services Committee to devise an approach outside the Bankruptcy Code for this purpose, the Judiciary Committee believes it is important to remain mindful of fundamental due process and equitable considerations that are embodied in bankruptcy procedure. The Committee has accordingly limited the availability and extent of this bankruptcy exemption.

First, because this departure from well-established bankruptcy procedures and protections is justified only in the exigencies of an extraordinary emergency threatening stability of the financial system, the Judiciary Committee added a new “purpose” section to the emergency dissolution title to mandate that there be a “strong presumption that resolution under the bankruptcy laws will remain the primary method of resolving financial companies, and the authorities contained in this subtitle will only be used in the most exigent circumstances.” The Treasury Secretary is required to explain any determination that such an extraordinary emergency exists, to the House and Senate Judiciary Committees, along with other committees.

Our Committee also added provisions ensuring that bankruptcy remains available as a primary option. The provisions authorizing the FDIC, at any time, with the approval of the Treasury Secretary and after consultation with the Financial Services Oversight Council, to convert an emergency receiv- ership into a case under either chapter 7 or chapter 11 of the Bankruptcy Code, while clarifying that doing so will not affect any of the FDIC’s powers with regard to any bridge financial company created under the receivership. Upon its appointment, and periodically during the receivership, the FDIC will be required to report to the House and Senate Judiciary Committees, among other committees, why a receivership is necessary rather than using bankruptcy, and the consequences for the rights of other creditors.
The Committee also added amendments to the Bankruptcy Code to clarify how a case brought by the FDIC proceeds, including authority for the FDIC to serve as trustee, with accommodations to certain trustee obligations in order to make it feasible for the FDIC to serve.

The Committee also adapted a number of key protections from the Bankruptcy Code into the FDIC’s new dissolution procedure. These protections include:

- Priority protection for unpaid wages and benefits paid to employees of the financial company, who do not have the same recourse against their employer as business creditors have against the company.

- Protection of collective bargaining agreements from repudiation by the FDIC, unless the FDIC determines repudiation is necessary for the orderly dissolution of the financial company, taking into consideration the cost to taxpayers and financial stability of the U.S.

- Appointment of a consumer privacy advisor to protect the privacy of consumers whose personal information is in the possession of the financial company.

The Committee also directed the Government Accountability Office to undertake two studies and reports:

- The first is a report on the event a financial company is taken into emergency receivership and assets are removed by the FDIC, on the extent to which claims against the company for violations of the Truth in Lending Act have been satisfied.

- The other is a report on the “safe harbor” provisions for derivatives, swaps, and securities under federal law, that excludes them from bankruptcy and receivership proceedings, on how they have affected the ability of businesses to reorganize.

**Antitrust Law**

One major impetus of this legislation is to address the problem faced last year by financial institutions that were deemed “too big to fail.” The emergency efforts to deal with those institutions led to infusions of billions of federal dollars, and federal guarantees of billions more, putting the Treasury at significant risk.

But “too big to fail” has another aspect that places our nation at significant risk—and that is the potential danger to competition when the marketplace becomes concentrated in the hands of so few competitors that consumers no longer have meaningful choice, and the healthy influence of competition on price, quality, and innovation are lost.

It is important to the Judiciary Committee, as the Committee in charge of the laws protecting our economic freedoms against monopolization and other anticompetitive restraint, that our nation ever be faced with a similar financial system emergency in the future, that antitrust protections remain in place to ensure that our response does not leave us, when the dust clears, with an even more concentrated market, with companies that deal even bigger, with more market power, and less responsive to the consumers they are supposed to serve.

Accordingly, the Committee revised the emergency FDIC dissolution procedures for financial institutions posing imminent toxic danger to the broader financial system, to ensure that a safe and order sale of significant assets to a competitor that occurs after the initial urgency has passed would be subject to effective pre-merger antitrust review when warranted, under the procedure developed for reviewing sales of assets during a bankruptcy proceeding. This procedure expedites the initial review, while permitting the antitrust enforcement agency to extend the period when more information is needed to make its assessment. The Committee also clarified that the federal antitrust enforcement agencies would retain their legal authority to challenge a merger or acquisition that would harm competition in violation of the antitrust laws.

These changes balance the need for expeditious transfers of assets from a failing financial company to a safe new home with the imperative of preserving our competitive free market system.

The Committee also revised provisions in the title of the bill dealing with regulation of over-the-counter derivatives market. Provisions in the legislation as introduced sought to prohibit entities involved in the derivatives markets from engaging in or facilitating anti-competitive conduct. These entities included derivatives clearing organizations, swap dealers, major swap participants, swap execution facilities, clearing agencies, security-based swap dealers, and major security-based swap participants. There was language in these provisions that appeared to create exceptions, and that the Committee was concerned might potentially be read to create exemptions from the antitrust laws. The Committee revised these provisions to make clear that no antitrust exemptions are intended. In two instances, in parts of the derivatives title amending the Securities Exchange Act, these provisions were removed entirely. In three instances, in parts of the derivatives title amending the Commodity Exchange Act, the exception language was removed to make clear that the prohibitions apply without exception, and to further clarify that the antitrust laws remain fully in effect with respect to any conduct involved.

**Practice of Law**

The Constitutional freedoms and legal rights we enjoy as Americans are ultimately protected in our courts, through the advocacy of attorneys who are licensed to practice before the courts, through the myriad other legal responsibilities, the activities of these “officers of the court” are regulated by the States, through government bodies, generally overseen by the State’s highest court, with specialized expertise in the duties imposed by the code of legal ethics.

Accordingly, the Judiciary Committee revised the Consumer Financial Protection Agency Act title to clarify that the new agency is not being given authority to regulate the practice of law, which is regulated by the States. The Committee further clarified that this is not intended to preclude the new agency from regulating other conduct engaged in by individuals who happen to be attorneys or individuals who happen to be engaged in the practice of law incidental to the practice of law.

**Other Contributions**

Other contributions by the Judiciary Committee include revisions to the Consumer Financial Protection Agency’s new investigative authority to bring it closer into conformity with the Administrative Procedure Act, on which it is modeled; clarifications to the new revised procedures for FTC rulemaking in the unfair and deceptive acts or practices area, to bring them closer in line with the Administrative Procedure Act, as intended; clarifications to the FDIC’s new rulemaking authority to ensure it is used in compliance with the Administrative Procedure Act; and revisions to the new authority for nationwide service of subpoenas by the Securities and Exchange Commission to ensure that the authority will be exercised consistent with due process.

**A Strong Son of the South**

Hon. Mike Rogers

**OF ALABAMA**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, December 15, 2009

Mr. ROGERS of Alabama. Madam Speaker, I rise today to honor a real American Hero, SPC Craig C. Smith of the 172nd Infantry Bnd 9th Eng from Montgomery County, Alabama.

On April 5, 2009, in Iraq, after an IED blast, he almost lost his life . . . but did lose his leg. His battle to overcome his next victory is a lesson to us all. A lesson about faith and courage, and rebuilding his life. Along the way his mother, Rosanna Smith, like so many other mothers and parents have helped their sons and daughters with their unending support.

I ask that this poem penned by Albert Casswell of the Capitol Guide Service be placed in the RECORD to honor him.

**A Strong Son of the South**

On battlefields of honor bright . . .

There were but those who must win that fight . . .

Who must march so bravely off to war . . .

To bare the burden, and all of that heartache endure . . .

Armed but only their most courageous hearts, they soar . . .

While, there in the face of dark evil and death . . .

As they so boldly fight with all that they so have left!

From where does such strength and courage come?

And how do you raise such a magnificent Southern Son?

A Strong Son of the South, this fine one

From but a family of love

And a fine Mother, who but holds her son so very high above . . .

Sweet Home Alabama, this one she loves!

And in times of war . . .

There are new battles, that these fine heroes and families must now endure . . .

When, in the midst of hell . . . as close to death, your fine heart so swells

As you lose your fine strong leg, will you win this new battle?

As it’s for him we pray!

For you Craig, armed with hearts of courage full . . .

Will over evil, and heartache so rule!

For you Craig, were once the one . . .

Who like a deer, could so run . . .

Jump so high with all of your speed . . .

A sheer Tour De force, but for his country he would bleed!

You’re A Bama!

That can’t be stopped!

With your heart of a hero, Craig you’ll climb this mountain . . . but to the top!

For you got a life to live, and so much to our world to give . . .

For our Lord God put’s men like you upon the world to give . . .

To Teach Us, To Reach Us, To All of Our Hearts, To So Beeeach Us!
TRIBUTE TO MRS. RUBY BUTLER, A STRONG SON OF THE SOUTH . . .

And if ever I have a son, I but hope and pray he could grow up to be like you fine Freedom Fighters, in our Lord’s eyes . . .

December 15, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to a wonderful woman who devoted most of her life to the well-being of her friends and family. Dear Me was born to the parentage of Offie and Lillie Floyd Pitts in Opelika, Alabama on January 23, 1926. The Pitts raised Dear Me and her siblings in Salem, Alabama. Dear Me attended Flint Hill School and changed her name to Ruby prior to beginning high school. Ruby was raised in a God-loving, God-fearing home and accepted Christ at an early age. She attended the Weeping Mary Baptist Church in Salem, Alabama.

Offie and Lillie Pitts moved their family to Knoxville, Tennessee in the late 1950’s. Ruby worked as a domestic while in high school and married Frank Butler. They relocated north to Chicago and raised four children—Lucy, Juanita, Charles, and Earl.

Ruby worked at various factories and plant jobs in Chicago, including W.F. Hall Printing Co. and retired from Goodwill Industries. Ruby was highly religious and was a member of the Greater Rock Church, was delighted to see Barack Obama elected president of the United States, and often prayed for him and his family and their safety.

Ruby loved children and made her real lifetime career caring for her own children and for the children of others. I am told by one of her grandchildren, Ms. Wynona Redmond, that she had a tradition of giving members of her family monetary gifts that matched their age on birthdays and that she often thought and acted on behalf of others before considering herself, and that is one of the reasons she will always be “Dear Me” to all of those who knew her. We salute Mrs. Ruby Butler, Dear Me, for being an outstanding humanitarian with a big heart who was more concerned about others than for herself.

COMPREHENSIVE IMMIGRATION REFORM FOR AMERICA’S SECURITY AND PROSPERITY ACT (CIR A.S.A.P)

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 15, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, today we begin the process of transforming an immigration system which has undermined our economy and eroded America’s moral standing.

For too long, Congress has sidestepped our mounting immigration challenges, but led by Congressman GUTIERREZ, the Congressional Hispanic Caucus and its allies have devised bold, imaginative solutions to these problems. In recent years, vast sums have been spent on new agents and infrastructure to secure a once porous border. But we know taller fences and stiffer penalties alone are incapable of mitigating the human toll our broken immigration system exacts every day.

The Comprehensive Immigration Reform for America’s Security and Prosperity Act (CIR A.S.A.P) lays out a broad blueprint for correcting the deeply flawed immigration laws and policies that are the source of so much suffering.

The bill would establish a sensible path to legalization for undocumented immigrants, end the shortage of visas that continues to divide families and direct federal authorities to adopt a more humane approach to immigration enforcement.

It also contains key provisions of the American Dream Act that I co-authored with Congressman BERMAN, which would enable young immigrants to attend college and contribute to the social and economic fabric of this nation.

These students should not be forced to defer their dreams and abandon their ambitions simply because they lack documentation. Indeed, we cannot afford to waste our investments in these talented, motivated young people—the products of our schools and our communities.

In addition, the legislation includes important language aimed at reforming our unjust immigration detention policies based on the Immigration Oversight and Fairness Act I introduced earlier this year.

On any given night, more than 30,000 immigrants go to sleep in detention centers across America. Included in their growing ranks are asylum seekers, torture survivors, children, pregnant women and the elderly. Our bill would strengthen and codify detention regulations, guaranteeing every detainee access to medical care and legal advice.

There are those who say we shouldn’t pursue these sweeping changes at a time when our economy is stagnant and job losses are mounting. Yet it is precisely because American families are facing unprecedented economic hardships that addressing this issue is so critical. According to the CATO Institute, a conservative think tank, establishing a path to legalization will boost the annual income of American households by fully $180 billion over the next ten years.

We have a moral obligation to pass the CIR A.S.A.P. Act for the asylum seeker denied due process, for the child separated from her parents and for the brave veteran whose spouse faces deportation. But we also desperately need this legislation to strengthen our economy, raise wages and ultimately ensure a brighter economic future for every American family.
**Daily Digest**

**Senate**

**Chamber Action**

*Routine Proceedings, pages S13203–S13276*

**MeasuresIntroduced:** Three bills and one resolution were introduced, as follows: S. 2882–2884, and S.J. Res. 22.

**MeasuresReported:**

- S. 705, to reauthorize the programs of the Overseas Private Investment Corporation. (S. Rept. No. 111–107)
- S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord’s Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord’s Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, with an amendment in the nature of a substitute. (S. Rept. No. 111–108)

**MeasuresConsidered:**

**Service Members Home Ownership Tax Act—Agreement:** Senate resumed consideration of H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, taking action on the following amendments proposed thereto:

- Adopted:
  - By 97 yeas to 1 nay (Vote No 375), Baucus Amendment No. 3183 (to Amendment No. 2786), to provide for the importation of prescription drugs. (Pursuant to the order of Monday, December 14, 2009, the amendment having failed to achieve 60 affirmative votes, be withdrawn).

- Withdrawn:
  - By 45 yeas to 54 nays (Vote No. 376), Crapo motion to commit the bill to the Committee on Finance, with instructions. (Pursuant to the order of Monday, December 14, 2009, the amendment having failed to achieve 60 affirmative votes, be withdrawn).

**Signing Authority—Agreement:** A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:00 a.m., on Wednesday, December 16, 2009, with the first hour equally divided and controlled between the two Leaders, or their designees, with the Majority controlling the first half and the Republicans controlling the second half.

**NominationsReceived:** Senate received the following nominations:

- 1 Air Force nomination in the rank of general.

**Routine lists in the Air Force, Army, and Marine Corps.**

**Messages from the House:**

**ExecutiveCommunications:**

**AdditionalCospinors:**

**Statements on Introduced Bills/Resolutions:**
Committee Meetings

COMMITTEE HEARINGS

NOMINATIONS
Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Julie Simone Brill, of Vermont, who was introduced by Senator Leahy, and Edith Ramirez, of California, both to be a Federal Trade Commissioner, David L. Strickland, of Georgia, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation, who was introduced by Senator Inouye, Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner, and Nicole Yvette Lamb-Hale, of Michigan, to be Assistant Secretary of Commerce, after the nominees testified and answered questions in their own behalf.

ENERGY BILLS
Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2052, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and S. 2812, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, after receiving testimony from Warren F. Miller, Jr., Assistant Secretary of Energy for Nuclear Energy; Michael R. Johnson, Director, Office of New Reactors, United States Nuclear Regulatory Commission; and Thomas L. Sanders, American Nuclear Society, and Anthony R. Pietrangelo, Nuclear Energy Institute, both of Washington, DC.

U.S. POLICY IN CENTRAL ASIA
Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine reevaluating United States policy in Central Asia, after receiving testimony from George A. Krol, Deputy Assistant Secretary of State for South and Central Asian Affairs; David Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia; Stephen Blank, United States Army War College, Carlisle Barracks, Pennsylvania; and Martha Brill Olcott, Carnegie Endowment for International Peace, Washington, DC.

MANAGEMENT INTEGRATION AT DEPARTMENT OF HOMELAND SECURITY
Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine efforts to improve management integration at the Department of Homeland Security, focusing on the extent to which they have developed a comprehensive strategy for management integration, after receiving testimony from Elaine C. Duke, Under Secretary for Management, and Anne L. Richards, Assistant Inspector General for Audit, both of the Department of Homeland Security; and Bernice Steinhardt, Director, Strategic Issues, Government Accountability Office.

DNA EVIDENCE IN RAPE CASES
Committee on the Judiciary: Committee concluded a hearing to examine the effective use of DNA evidence to solve rape cases nationwide, after receiving testimony from Debbie Smith, H-E-A-R-T, Inc., Williamsburg, Virginia; Steve Redding, Hennepin County Attorney, Hennepin County, Minnesota; Susan Smith Howley, National Center for Victims of Crime, Washington, D.C.; Stephanie Stroloff, Miami-Dade Police Department Crime Laboratory Bureau, Miami, Florida; and Jayann Sepich, Surviving Parents Coalition, Carlsbad, New Mexico.

INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 4308–4325; and 8 resolutions, H.J. Res. 64; H. Con. Res. 222; and H. Res. 970–975 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H.R. 3978, to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism (H. Rept. 111–376);

H. Res. 922, directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department’s planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009, with amendments (H. Rept. 111–377);

H. Res. 920, directing the Attorney General to transmit to the House of Representatives all information in the Attorney General’s possession regarding certain matters pertaining to detainees held at Naval Station, Guantanamo Bay, Cuba who are transferred into the United States, adversely (H. Rept. 111–378);

H. Res. 973, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 111–379).

Speaker: Read a letter from the Speaker wherein she appointed Representative Cuellar to act as Speaker pro tempore for today.

Recess: The House recessed at 9:19 a.m. and reconvened at 10 a.m.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Allowing certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, by a 2/3 recorded vote of 414 ayes to 1 no, Roll No. 972;

First Responder Anti-Terrorism Training Resources Act: H.R. 3978, to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, by a 2/3 recorded vote of 413 ayes to 1 no, Roll No. 973;

Honoring the 50th anniversary of the recording of the album “Kind of Blue” and reaffirming jazz as a national treasure: H. Res. 894, to honor the 50th anniversary of the recording of the album “Kind of Blue” and reaffirming jazz as a national treasure, by a 2/3 yea-and-nay vote of 409 yeas with none voting “nay”, Roll No. 971;

Human Rights Enforcement Act of 2009: S. 1472, to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, by a 2/3 recorded vote of 416 ayes to 3 noes, Roll No. 977;

Expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans: H. Res. 150, to express the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans, by a 2/3 recorded vote of 395 ayes to 23 noes, Roll No. 976;

Commercial Advertisement Loudness Mitigation Act: H.R. 1084, amended, to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany;
Expressing the sense of the House of Representa-
tives regarding guidelines for breast cancer screen-
ing for women ages 40 to 49: H. Res. 971, to ex-
press the sense of the House of Representatives re-
garding guidelines for breast cancer screening for
women ages 40 to 49, by a 2⁄3 yea-and-nay vote of
426 yeas with none voting “nay”, Roll No. 974; and

Pages H14910–16, H14942–43

Iran Refined Petroleum Sanctions Act of 2009:
H.R. 2194, amended, to amend the Iran Sanctions
Act of 1996 to enhance United States diplomatic ef-
forts with respect to Iran by expanding economic
sanctions against Iran, by a 2⁄3 recorded vote of 412
ayes to 12 noes with 4 voting “present”, Roll No.
975.

Pages H14921–42, H14943

Suspensions—Proceedings Postponed: The House
debated the following measures under suspension of
the rules. Further proceedings were postponed:

PHONE Act of 2009: H.R. 1110, amended, to
amend title 18, United States Code and to prevent
caller ID spoofing;

Pages H14896–97

Recognizing the 70th anniversary of the retire-
ment of Justice Louis D. Brandeis from the United
States Supreme Court: H. Res. 905, to recognize
the 70th anniversary of the retirement of Justice
Louis D. Brandeis from the United States Supreme
Court;

Pages H14897–99

Law Student Clinic Participation Act of 2009:
H.R. 4194, to amend title 18, United States Code,
to exempt qualifying law school students participat-
ing in legal clinics or externships from the appli-
cation of the conflict of interest rules under section
205 of such title;

Pages H14899–H14900

Local Community Radio Act of 2009: H.R.
1147, amended, to implement the recommendations
of the Federal Communications Commission report
to the Congress regarding low-power FM service;
and

Pages H14903–07

Daniel Pearl Freedom of the Press Act of 2009:
H.R. 3714, amended, to amend the Foreign Assist-
ance Act of 1961 to include in the Annual Country
Reports on Human Rights Practices information
about freedom of the press in foreign countries and
to establish a grant program to promote freedom of
the press worldwide.

Pages H14916–21

Meeting Hour: Agreed that when the House ad-
journs today, it adjourn to meet at 9 a.m. tomorrow,
December 16.

Page H14942

Senate Message: Message received from the Senate
today appears on page H14882.

Senate Referral: S. 1755 was referred to the Com-
mittee on Energy and Commerce.

Page H14978

Quorum Calls—Votes: Two yea-and-nay votes and
five recorded votes developed during the proceedings
of today and appear on pages H14901, H14901–02,
There were no quorum calls.

Adjournment: The House met at 9 a.m. and ad-
journed at 11:17 p.m.

Committee Meetings

TERROR SUSPECT TRIAL/DETENTION
INFORMATION
Committee on Armed Services: Ordered reported, as
amended, H. Res. 924, Directing the Secretary of
Defense to transmit to the House of Representatives
copies of any document, record, memo, correspond-
ence, or other communication of the Department of
Defense, or any portion of such communication, that
refers or relates to the trial or detention of Khalid
Sheikh Mohammed, Walid Muhammad Salih Murarek Bin 'Attash, Ramzi Binalshibh, Ali Abdul
Aziz Ali, or Mustafa Ahmed Adam al Hawsawi.

MISCELLANEOUS MEASURES
Committee on Energy and Commerce: Subcommittee on
Communications, Technology, and the Internet held
a hearing on the following bills: H.R. 3125, Radio
Spectrum Inventory Act; and H.R. 3019, Spectrum
Relocation Improvement Act of 2009. Testimony
was heard from former Representative Steve Largent
of Colorado; and public witnesses.

U.S. COVERED BONDS MARKET
Committee on Financial Services: Held a hearing enti-
tled “Covered Bonds: Prospects for a U.S. Market
Going Forward.” Testimony was heard from public
witnesses.

LISBON TREATY IMPACTS BETWEEN U.S.-
EU RELATIONS
Committee on Foreign Affairs: Subcommittee on Europe
held a hearing on the Lisbon Treaty: Implications for
Future Relations Between the European Union and
the United States. Testimony was heard from Philip
H. Gordon, Assistant Secretary, Bureau of European
Affairs, Department of State; and public witnesses.

VIOLENT EXTREMISM
Committee on Homeland Security: Subcommittee on In-
elligence, Information Sharing and Terrorism Risk
Assessment held a hearing entitled “Violent Extrem-
ism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?”
Testimony was heard from public witnesses.
JUDGE PORTEOUS IMPEACHMENT

Committee on the Judiciary, Task Force on Judicial Impeachment continued consideration of Possible Impeachment of United States District Judge G. Thomas Porteous, Jr., Part IV. Testimony was heard from public witnesses.

IRAN SANCTIONS

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled "Iran Sanctions: Options, Opportunities, and Consequences. Testimony was heard from public witnesses.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by a non-record vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any rule reported from the Rules Committee on the legislative day of December 16, 2009.

SSA NATIONAL COMPUTER CENTER REPLACEMENT

Committee on Ways and Means: Subcommittee on Social Security and the Subcommittee on Economic Development, Public Buildings and Emergency Management of the Committee on Transportation and Infrastructure held a joint hearing on Recovery Act Project to Replace the Social Security Administration's National Computer Center. Testimony was heard from the following officials of the SSA: Michael Gallagher, Deputy Commissioner, Office of Budget, Finance and Management; and Patrick P. O'Carroll, Inspector General; and a public witness.

GUANTANAMO DETAINEE TRANSFERS—EFFECTS ON FOREIGN INTELLIGENCE

Permanent Select Committee on Intelligence: Ordered reported, as amended, H. Res. 923, Requesting the President to transmit to the House of Representatives all documents in the possession of the President related to the effects on foreign intelligence collection of the transfer of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States.

BRIEFING—PAKISTAN

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Pakistan. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see Daily Digest, p. D1391)

S. 1599, to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws. Signed on December 14, 2009. (Public Law 111–113)

S. 1860, to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms. Signed on December 14, 2009. (Public Law 111–114)

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 16, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider H.R. 310, to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, H.R. 511, to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village, S. Res. 374, recognizing the cooperative efforts of hunters, sportsmen's associations, meat processors, hunger relief organizations, and State wildlife, health, and food safety agencies to establish programs that provide game meat to feed the hungry, an original bill pertaining to watershed projects in Massachusetts and West Virginia, and the nomination of Jill Long Thompson, of Indiana, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, Time to be announced, Room to be announced.

Committee on Armed Services: to receive a briefing on the assessment by the Joint Estimating Team of the F–35 Joint Strike Fighter Program, 1:30 p.m., SR–222.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 11:30 a.m., SD–566.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 1102, to provide benefits to domestic partners of Federal employees, S. 1830, to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, S. 2868, to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments, H.R. 2711, to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties, S. 2865, to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), S. 2872, to reauthorize appropriations for the National Historical Publications and Records
Commission through fiscal year 2014, H.R. 2877, to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the “1st Lieutenant Louis Allen Post Office”, H.R. 3667, to designate the facility of the United States Postal Service located at 1655 Springs Street in White Springs, Florida, as the “Clyde L. Hillhouse Post Office Building”, H.R. 3788, to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the “Corporal Joseph A. Tomci Post Office Building”, H.R. 1817, to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the “John S. Wilder Post Office Building”, H.R. 3072, to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the “Coach Jodie Bailey Post Office Building”, H.R. 3319, to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the “Army Specialist Jeremiah Paul Mc Cleery Post Office Building”, H.R. 3559, to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the “Patricia D. McGinty-Juhl Post Office Building”, H.R. 3767, to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the “W. Hazen Hillyard Post Office Building”, and the nominations of Grayling Grant Williams, of Maryland, to be Director of the Office of Counternarcotics Enforcement, and Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, both of the Department of Homeland Security, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine tools to combat deficits and waste, focusing on enhanced rescission authority, 2:30 p.m., SD–342.

Committee on the Judiciary: Subcommittee on Human Rights and the Law, to hold hearings to examine United States implementation of human rights treaties, 10:30 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of James A. Wynn, Jr., of North Carolina, and Albert Diaz, of North Carolina, both to be United States Circuit Judge for the Fourth Circuit, 3 p.m., SD–226.

Committee on Veterans’ Affairs: business meeting to consider the nominations of Robert A. Petzel, of Minnesota, to be Under Secretary for Health, and Raul Perea-Henze, of New York, to be Assistant Secretary for Policy and Planning, both of the Department of Veterans Affairs, Time to be announced, Room to be announced.
D1472

Next Meeting of the SENATE
10 a.m., Wednesday, December 16

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 3590, Service Members Home Ownership Tax Act, with votes expected on or in relation to Hutchison motion to commit the bill and Sanders Amendment No. 2837.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Wednesday, December 16

House Chamber

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Bachmann, Michelle, Minn., E3009
Barrett, J. Gresham, S.C., E3002, E3007
Bean, Melissa L., III., E3001, E3005
Becerra, Xavier, Calif., E3007
Boyd, Allen, Fla., E3003
Bru, Judy, Calif., E3083
Coffman, Mike, Colo., E3008
Coyers, John, Jr., Mich., E3013
Courtney, Joe, Conn., E3011
Crenshaw, Ander, Fla., E3004
Cuellar, Henry, N.Y., E3003
Dahlkemper, Kathleen A., Pa., E3012
Davis, Danny K., Ill., E3015
Diaz-Balart, Lincoln, Fla., E3006
Dreier, David, Calif., E3006

Duncan, John J., Jr., Tenn., E3009
Ehnoo, Anna G., Calif., E3007
Garrett, Scott, N.J., E3010
Grayson, Alan, Fla., E3006
Guthrie, Brett, Ky., E3004
Hirono, Mazie K., Hawaii, E3005
Johnson, Henry C. ‘‘Hank’’, Jr., Ga., E3002, E3011
Johnson, Timothy V., Ill., E3011
Jordan, Jim, Ohio, E3006
Kind, Rom. Wisc., E3004
Klein, Rom., Fla., E3007
Laughrin, James R., R.I., E3007
Lee, Barbara, Calif., E3002, E3004, E3011
McCarthy, Carolyn, N.Y., E3003
McCollum, Betty, Minn., E3012
Mack, Connie, Fla., E3005
Maloney, Carolyn B., N.Y., E3013

Murphy, Christopher S., Conn., E3007
Myrick, Sue Wilkins, N.C., E3005
Neugebauer, Randy, Tex., E3010
Pascarella, Bill, Jr., N.J., E3006
Rogers, Mike, Ala., E3014
Roybal-Allard, Lucille, Calif., E3015
Smith, Adam, Wash., E3011
Smith, Adrian, Nebr., E3010
Souder, Mark E., Ind., E3010
Space, Zachary T., Ohio, E3001
Stupak, Bart, Mich., E3005, E3008
Thompson, Mike, Calif., E3001, E3005, E3006
Upton, Fred, Mich., E3019
Wilson, Joe, S.C., E3002
Wolf, Frank R., Va., E3012
Woolsey, Lynn C., Calif., E3001, E3007

CONGRESSIONAL RECORD

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