The House was not in session today. Its next meeting will be held on Tuesday, February 8, 2011, at 2 p.m.

The Senate met at 10:30 a.m. and was called to order by the Honorable Jon Tester, a Senator from the State of Montana.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, we thank You that Your mercies are new every morning. Strengthen our Senators to serve You in fulfillment of their sacred commitment. Lord, give them kind thoughts, gentle words, and generous deeds. Teach them that it is better to give than to receive, better to serve than be served, and better to forgive than to be bitter. Give them such grace that they will obscure no truth, evade no duty, nor shrink from any sacrifice that will achieve justice and peace.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Jon Tester 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. Inouye).

The legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, DC, February 1, 2011.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jon Tester, a Senator from the State of Montana, to perform the duties of the Chair.

Daniel K. Inouye,
President pro tempore.

Mr. Tester thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
Mr. Reid. Mr. President, I suggest the absence of a quorum.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. Reid. Mr. President, following leader remarks, there will be a period of morning business until 12:30 today, with Senators permitted to speak therein for up to 10 minutes each. At 12:30, we are going to each have our weekly caucus meetings, which we do every week. At 2:15, the Senate will begin consideration of the Federal Aviation Administration authorization bill. As I said last night, Senators with amendments to the bill should contact the bill managers to arrange for a time to offer their amendments. Senators will be notified when votes are scheduled.

HEALTH CARE
Mr. Reid. Mr. President, a lot of people are talking this morning about a judge in Florida regarding his opinion on the health reform law. I wish to talk about the law very briefly and then talk about the effort to take away the rights that are in the law that are now prevalent in the land.

The health reform bill has already saved lives and saved lots of money. It is saving lives because children are not getting their insurance taken away, as happened before we passed this law. They can stay on their parents' health insurance plans until they are 26, and even younger kids can't get kicked off their plans because they have a pre-existing condition such as asthma or diabetes. Older Americans are healthier because we are starting to close the coverage gap on Medicare, which means they can have a wellness check for nothing—it doesn't cost anything—which means, as far as the Medicare doughnut hole, seniors can finally afford the prescription drugs they had to skip or split before we passed this law. Saving money. Last week, we saw how much this law is helping cut down fraud in the health insurance industry.
HEALTH CARE REPEAL

Mr. MCCONNELL. Mr. President, it is no secret that most Americans opposed the health care bill that Democrats jammed through Congress last March. It is also no secret that Democrats would like to move past it. But the fact is, the more Americans learn about this bill the more they like it, and the more urgent it becomes for those who pledged to repeal and replace it to follow through.

Opposition to the bill continues to build. And when two Federal courts in a row rule it unconstitutional and we learn every day of some other way it is not only making health care worse but also hurting jobs and the economy, it is no wonder more Americans support repeal than oppose it. The recent ruling from today's court in Florida, only adds to the urgency of scrapping this bill and starting over.

Leave aside for a moment all the broken promises. The first requirement of this law or any law is that it at least be constitutional. This bill fails to meet that basic test.

And, as yesterday’s ruling concluded, it can’t be fixed.

This entire bill hinges on its core requirement that every citizen purchase health insurance. It is unconstitutional, and two Federal courts now say it is, then the whole thing needs to be scrapped.

But of course we knew that already, based on all the other chaos this bill has wrought.

Let’s review.

The President said as recently as last week that this law would slow rising health care costs—that it would bend the cost curve down. Yet just 2 days later, his own actuary at the Centers for Medicare and Medicaid Services said that Federal health spending would rise by hundreds of billions of dollars over the next 10 years as a result of this bill.

The President said again and again that Americans would be able to keep the plans they had. Yet since the bill’s passage, business after business has announced that it would rather pay a fine to the government than use its own money to pay for health care costs. That is reason enough to repeal it—something many opponents of the bill, including me, have been arguing all along. The state can no more compel Americans to buy health insurance than it can compel them to buy vitamins, even if it concluded they would be good for our health. While Congress may have the power to regulate commercial activity, no court in our nation’s history has ever interpreted the Constitution to say that Congress can regulate commercial inactivity as well, which is precisely what the health care bill would do.

Most Americans have opposed this bill from the start because they were skeptical of all the claims that were being made about what it would do. The process that was used to jam it through made it even less popular. But the reality has been even worse than those fears revealed. It is unconstitutional—which is reason enough to repeal it—it is driving up premiums, increasing costs, and driving people off the plans they have. And Americans are just as outraged by the special waivers the Administration is giving away to select groups as it was by the special deals. The special deals are reminiscent of the deals it gave out to lawmakers who agreed to vote for it. In other words, the implementation of the law is no better than the process used to pass it.

At this point, it would be a dereliction of duty if Republicans didn’t fight
for repeal. We made a promise to our constituents that we would vote to repeal this bill on their behalf and that is just what we intend to do.

The importance of a repeal vote becomes more evident every day. Americans view it as an important decision point, a marker that shows we are serious about a return to limited government. On that point, it should be clear where Republicans stand. Every one of us voted against the bill. Every one of us voted for repeal after that. And this week, Republican reaffirmed his or her commitment to doing it again.

Democrats made a lot of promises about this bill. Virtually every one has proved to be empty. Republicans have made one promise: that we would work to repeal it and replace it with common-sense reforms that lower costs, protect job creation and that people actually want. It is a promise we will keep.

AFGHANISTAN VISIT

Mr. McCONNELL. Mr. President, we have entered our tenth year of fighting in Afghanistan, and we can never express our gratitude to the brave men and women of our Armed Forces who continue the battle there. Many of them—nearly one-fifth of all U.S. forces in that country—are from units based in Kentucky: Fort Campbell, Fort Knox, the Kentucky National Guard, the Marine Corps and the Reserves.

I recently led a Congressional delegation to the region and spent some time in Afghanistan to see up close the progress our forces are making there in clearing out the Taliban and creating the opportunity for Afghan security forces to assume greater responsibility. During my visit, I had the honor of meeting many of the servicemembers from Kentucky. I told them that we are proud of them, we support them, we thank them for their service, and we pray for their safe return.

Forces in Afghanistan from Kentucky units number more than 18,000 strong. They have seen much military success—but in the process, many have made the ultimate sacrifice for their country. The 101st Airborne Division, based out of Fort Campbell and known as the Screaming Eagles, endured a particularly hard time, losing more than 100 soldiers since last March. In fact, nearly one out of five American lives lost in Afghanistan in the past year has been lost from the 101st. The men and women who stood beside them honor their sacrifice by continuing the fight.

After a long deployment, many of the soldiers from the 101st are due to return home over the next few months, just as their brothers-in-arms from Fort Knox are deploying. About 3,500 soldiers from the 3rd Brigade Combat Team, 1st Infantry Division and the 703rd Explosive Ordnance Disposal Detachment will arrive in Afghanistan in the next few weeks or are already there. It is the biggest deployment from Fort Knox since World War II. Hundreds of servicemembers from the Kentucky Air and Army National Guard are performing critical missions in Afghanistan as well. The 123rd Airlift Wing and the 2123rd Transportation Company, the 20th Special Forces Group and a Kentucky Guard Agricultural Development Team have all recently sent men and women to the fight, some who have served as many as six tours.

It was my honor to meet some of these brave warriors in person this month when I visited the headquarters of the 101st Airborne Division at Bagram Air Base in Afghanistan and also during my stop at Camp Leatherneck in the southern part of that country, the outpost for a number of Kentucky Marines.

These extraordinary men and women leave their loved ones thousands of miles behind and put on their country’s uniform every day, with their lives in the balance. They have seen their friends and fellow soldiers and Marines make the ultimate sacrifice, and yet they fight on to accomplish a difficult mission. These heroic men and women make their country, the Commonwealth of Kentucky, and this Senator very proud.

When we honor our servicemembers, we also honor their families, who endure the long months with a loved one gone and in harm’s way. This country would not have the finest fighting force in the world without their sacrifice and support as well.

It is being our servicemembers like the ones I got to meet who keep this country free. When both the Senate and the House of Representatives met in joint session recently to hear the President deliver his State of the Union address, we did so under the cloak of freedom that these heroes provide. America is grateful for their service and their sacrifice.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I have a request. I will make a statement, and my remarks may take a little longer than 10 minutes, so I ask unanimous consent that I may deliver my remarks in full.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Thank you, Mr. President.

AFFORDABLE CARE ACT

Mr. HATCH. Mr. President, we have come a long way in 1 year.

On December 24, 2009, this day before Christmas—this body passed a radical overhaul of our Nation’s health care system. That is right. The majority passed ObamaCare on Christmas Eve.

It was not this body’s finest moment. It was not the administration’s finest moment. And I expect that this debate will go down in history for its persistent lack of attention to the considered views of ordinary Americans—Americans who rejected ObamaCare’s giant new entitlement expansions and the job-killing taxes haphazardly cobbled together to pay for them.

It did not have to be this way. In the midst of the greatest fiscal collapse since the Great Depression, Americans wanted Democrats, who controlled all of the levers of power in Washington, to focus on job creation. Instead, like teenagers set loose when mom and dad leave town, they did what they wanted to, and focused on a government take-over of the Nation’s health care system.

Surprising only the most ideologically driven, support for ObamaCare cratered during the townhall meetings of August 2009. The message was loud and clear. Our health care system, and in particular the government policies that contribute to unsustainable inflation in the health care sector, might be in need of reform. But the solution to our problems is not additional government regulation and control of health care delivery by Washington bureaucrats. And the solution is most definitely not to be found in the billions of dollars in new taxes, most of which will be passed through to American families in the form of higher premiums.

For those who did not deliberately put on blinders, the wishes of their constituents were obvious.

Stop the push for ObamaCare and move onto fixing the economy.

But the Senate did not listen.

Instead, prodded ahead by an administration that saw the great liberal dream of government-run health care slipping, the long march continued.

First, the Democratic majority cut short the Finance Committee’s bipartisan negotiations.

Then, heads down, the majority plowed forward on the floor, allowing virtually no meaningful amendments.

For those who dared to speak out before going home for Christmas, it passed the most sweeping reform of the Nation’s economy in over 70 years without a single Republican vote.

Every Democratic senator supported the bill.

Not one Republican did.

When ObamaCare passed the Senate, its proponents assumed it was on the
Not part of ObamaCare.
All of ObamaCare.

Not surprisingly, the administration and its special interest allies responded with the same derision toward ordinary American citizens that has been on display throughout that debate. Instead of 
acknowledging the obvious—that ObamaCare represents a massive departure from any traditional understanding of limited government—White House officials went on the attack, calling the decision outside of the mainstream and ridiculing its reasoning.

Really?
Millions and millions of Americans believe that provisions essential to the operation of ObamaCare are unconstitutional intrusions on personal liberty that vastly expand the power of the Federal government. They understand that the justification for the individual mandate by ObamaCare’s proponents essentially removes any doubt that the Federal government to regulate personal and economic decisions. Twenty-six states participated in this challenge to ObamaCare.

Thirty-two Members of this body, including myself, signed an amicus brief challenging the constitutionality of ObamaCare.

But, according to the administration’s narrative, we are the ones who are out of the mainstream. This administration came into office buoyed by the good will of the American people and carrying banners of bipartisanship. Two years later, after the politically disastrous decision to overhaul one-seventh of the Nation’s economy with virtually no Republican support, they are blaming the victim.

After a Federal judge looked at this tough issue and determined that key elements of ObamaCare represented an unprecedented unconstitutional expansion of the national government, the problem remains—as it always is for liberals—the people. Their views are just not sophisticated enough to grasp ObamaCare’s consistency with a government of limited and enumerated powers. The Democrats continue to think that if only they focus group ObamaCare better, they will get the messaging right.

The American people will learn to love it.
I don’t think so.

The American people get it. I know my constituents in Utah do.

In an article yesterday in “Politico”, Patrick Caddell and Douglas Schoen highlighted the reasons for the public’s deepening disdain for ObamaCare. According to them, it is possible that no major piece of legislation “has created the continued, vehemence public opposition that health care has provoked since the Kansas-Nebraska Act of 1854.” In their view, “[t]here is one big underlying factor that continues to cause many Americans to oppose the health care bill: Its passage was anti-democratic. If the Republicans’ campaign slogan of 1854 was the Crime Against Kansas, in 2010 it would be the Crime Against Democracy.”

And many know that the Senate bill was 2,074 pages long.
They know it authorized 70 government programs.
They know it delegated regulatory power to the Obama administration 1,918 times.

They know it cut $465 billion from Medicare at a time when it already faced a $38 trillion unfunded liability.
They know the bill took from one already unsustainable entitlement to pay for a brand new entitlement.
They know it raised taxes by over $550 billion, repeatedly violating the President’s pledge not to raise taxes on middle class families.

They know ObamaCare will destroy 685,000 American jobs at a time when millions of Americans are looking for work.

They know the Medicaid expansions threaten to bankrupt the States, with CBO estimating that the Medicaid expansion will cost American taxpayers $550 billion over 10 years.

They know the total cost of ObamaCare is $2.6 trillion.

And they know we can not afford it.
To borrow from Justice Scalia, the American people despise ObamaCare because the American people love democracy and the American people are not fools. They know that this law was enacted in a totally partisan manner, and over the loud opposition of a majority of Americans.

And they know that the partisans promoting ObamaCare were not, and are not, forthright when they say it is budget neutral.

ObamaCare cuts $155 billion from hospitals, $202 billion from 11 million seniors on Medicare Advantage.

It cuts nearly $15 billion from nursing homes.
It cuts nearly $40 billion from home health agencies.
It cuts nearly $7 billion from hospices.

But these cuts don’t go toward strengthening Medicare, a program with catastrophic unfunded liabilities.

Rather, Democrats poured the savings from these cuts back into a brand new entitlement program.

Furthermore, so-called comprehensive health care reform managed to neglect the pressing need for a permanent doc fix. Yet, CBO’s most recent estimate is that a long-term doc fix freezing Medicare payment rates at 2011 levels would raise the deficit by $249 billion, not counting an additional $53 billion in debt service obligations.

Not surprisingly, an Associated Press fact check of the President’s State of the Union address concluded: “the idea that Obama’s health care law saves money for the government is based on some arguable assumptions.”
That might qualify for the understatement of the year so far.

The likelihood that ObamaCare will not, as its advocates claimed, save the government money was confirmed again at a hearing last week by the CMS chief actuary, Richard Foster. He testified that the law will not likely hold costs down, and that contrary to the President’s mantra, everyone will not be able to keep their insurance coverage if they like it.

In response, the Whitew House political staff attacked the Administration’s own nonpartisan professional expert, stating in a blog post: “Once again, we disagree. History shows that it is possible to implement measures that will save money for Medicare and the Federal government.”

Who are you going to believe?

The chief actuary at CMS or a White House political operative?

The average American citizen might not have a Ph.D. in economics. But Americans do understand that massive new entitlement programs do not save money. In their guts, they know that former CBO director Doug Holtz-Eakin is right when he concludes that repeal of this flawed law would actually reduce the deficit by $300 billion. Ultimately, all we want is a vote on repeal.

Last week, some of my Democratic colleagues came to the floor to advocate for rules changes that would have substantially limited the rights of the minority to debate. The filibuster, they insisted, is an affront to democracy and majority rule.

Well, let them put their money where their mouths are.

All we are asking for is an up or down vote on repeal of ObamaCare.

This is what the people want.

Ultimately, you have to ask why the Democratic majority would deny us this vote.

I think I know the answer. It has a great deal to do with members of the caucus who know their constituents hate this law. Yet, these Members are torn between two masters. On the one hand are their conservative constituents. And on the other are the liberal interest groups who supported the government takeover of the Nation’s health care system.

Unfortunately, the people again stand to lose in this calculus.

If only the conventional wisdom is that my colleagues and I are pursuing a symbolic act.

The guardians of the conventional wisdom opine that attempts to repeal ObamaCare might make for good theatre, but are senseless exercises.

In my view, this attitude demonstrates a profound lack of respect for the citizens of a democratic republic.

Over time, given the power of ideas and an engaged citizenry, initially symbolic action have a way of becoming law. It might not happen overnight, but citizens—exercising their constitutional rights of petition and redress—have a way of reminding even the most hardened of partisan politicians that their job is to represent their constituents.

I have no doubt that some scoff at our efforts to repeal this bill.

But I rest easy knowing that I am standing with the American people and the people of this country whose distrust of ObamaCare grows as they learn more about it.

I look forward to the day when ObamaCare is finally repealed. It may not be next month or the next year, but it will be repealed. If we are smart, we will make it next month or in the very near future. When it is, it will be a triumph for our Constitution, a triumph for personal liberty and, most importantly, it will be a triumph for the American people to persevere in their resistance to this law.

I suggest the absence of a quorum.

The PRESIDING OFFICER will call the roll.

Mr. DUBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DUBIN. Madam President, it is interesting that we face one of the toughest economic recessions in modern history and a world in turmoil, as many countries are challenging their leadership for the future, and the local point of the Republican legislative effort appears to be the repeal of health care reform.

If you look at what the American people think about this, they don’t agree. They think that if there are ways to improve the bill, we should do it; that if there are changes we can make in the bill to make it more effective, we should. But the notion that we would repeal this law and walk away from the basic provisions in it is not acceptable by the majority of the people.

The House Republicans, new to the majority this year, decided they needed to keep faith with their followers and repeal health care reform as their highest priority. As the whip in the Senate who counts votes on this side of the aisle, I sense that we are not going to repeal this law, nor do I think we should.

It appears Republicans want us to spend some time debating whether health care reform is good for America. I welcome that debate because, as you know, when we reflect on what we have achieved so far, in a little over 1 year, with this health care reform and what is to follow, it strikes me as unusual that there are people who want to walk away from all that. The important starting point in this debate is government-administered health care. If you listen to the other side—the Republican side—the most is the fact that the government has some hand in this health insurance industry. They call it government-run health care. Those who would take the time to read the bill—and I have—will realize that at the end of the day, the only entities offering health insurance in America are private companies, aside from Medicare and Medicaid.

So what the Republicans are objecting to is a government effort to extend the availability of private health insurance to more and more Americans.

I know every single Republican and Democratic Senator is protecting their own families with government-administered private health insurance. The reason they are condemning the health care reform bill is the source of their own personal health insurance for their families. You see, Members of Congress are part of the Federal Employees Health Benefits Program, a program that covers 8 million Federal employees and their families. My wife and I, each year, have an open enrollment where we can choose from nine different private health insurance companies in Illinois. We pick the plan we think is best. At age 26, we have more coverage than younger people might, and more money is taken out of my paycheck because of that decision, but it is our decision to pick this private insurance company in a plan administered by the Federal Government.

As the Republicans stand and criticize the notion of extending this availability of options to more Americans, they are criticizing the same insurance plans they are using to protect their own families. If it is good enough for a Member of the Senate, should it not be good enough for most Americans? The insurance exchanges we are creating will offer the option for people to choose from private health insurance plans in the future. That, to me, is a good thing. It has certainly been good for my family, in terms of the Federal Employees Health Benefits Program.

There are other parts of the health care reform bill the Republicans want to repeal, which I know the American people think are very valuable. Right now, young adults up to the age of 26 would lose their insurance coverage through their parents’ health plans if the Republicans prevail. This would affect 47,200 people in Illinois and 1.2 million nationally. Who are these young people, age 25? They are graduates of college looking for jobs. They are finished with their education and maybe had student health insurance and they are looking for a job and maybe the first one they find doesn’t offer benefits. So mom and dad say: Don’t worry. We still have you under the family health insurance plan.

That is part of the health care reform bill these people—the Republican side of the aisle—want to repeal. I remember going through this with our kids, as I am sure others do. You called them after college and said: Jennifer, how are you doing? I am doing okay.

Do you have health insurance?

Dad, I don’t need that yet; I will get it later. At which point you say: Girl,
you have to have it, even if we have to pay for it. We know we are just one diagnosis or accident away from needing health insurance. That worry is relieved for those through the age of 25 under health care reform and would be repealed by the Republicans.

How about limits? People with private insurance coverage, if the Republicans have their way and repeal this measure, would find themselves suddenly vulnerable again to having lifetime limits placed on how much insurance will spend on their health care. This affects 7.8 million people in Illinois and 165 million nationally.

I talked to a retired firefighter in Chicago. He happened to be a man who volunteered and went to New York on 9/11. He came down with leukemia. I asked: How are you doing?

He said: I’m feeling good. I’m getting a lot of treatment, and it’s working, but I’m worried. I’m not old enough to qualify for Medicare yet, and I have a $1 million limit. I had no idea I would come down with cancer, and I have already spent $150,000. If I need additional medical care, it will be taken out of my savings if I go past this limit.

We eliminate the limits on health insurance policies. Repeal of the law will reestablish those limits.

How about rescissions? Insurance companies, if the Republicans have their way and repeal our Affordable Health Care Act, would once again be allowed to cut off someone’s coverage unexpectedly when they are in an accident or become sick because of a simple mistake on their application. That would leave 612,000 people in Illinois and 15.9 million nationally at the risk of losing their insurance at the moment they need it the most. One of the worst abuses of the insurance industry would become legal again if the Republicans have their way and repeal affordable health care.

How does this work? Well, I can tell you what happens. We have seen it. People have contacted our office. The most notorious example was a woman who said when she needed coverage for a surgery, the health insurance company went through her application and said: You failed to disclose a pre-existing condition. We rescind the policy.

She asked: What preexisting condition? You had acne as a teenager. Think about it. Would you ever put that down as a preexisting condition when you are applying for health insurance? It was enough for the health insurance company to turn her loose and refuse to cover her.

Also, nearly 7.5 million residents in Illinois and 165 million nationally would not know if they are receiving value for their health insurance premium dollars because the Republicans have their way and repeal health care would remove the requirement that insurers spend at least 80 to 85 percent of premium dollars on actual health care—not on bonuses, not on salaries, not on advertising, and not on administrative expenses but actually on health care. It is an effort to have the States monitor these health insurance companies and make sure when the rates go up the money is actually going to health care. That would be eliminated if the Republicans have their way in repealing the Affordable Health Care Act.

How about preventive care? Nearly 1.8 million seniors in Illinois who have Medicare coverage and 44 million nationally would be forced to pay a copay to receive important preventive services such as mammograms and colonoscopies, and they wouldn’t receive a free annual wellness visit. We know what happens when a person doesn’t have a lot of money and is in their senior status and they are faced with the possibility of getting a test. They put it off. The longer you put it off, the more likely something bad will occur. The Republican repeal of health care would mean that this preventive care currently offered under the law for Medicare recipients would be eliminated.

Then there is the doughnut hole, or the gap in coverage, for Medicare prescription drugs for which 109,421 seniors in Illinois and 2.7 million nationally would see significantly higher prescription drug costs if the Republicans have their way in repealing health care.

Last year, these beneficiaries received a one-time, tax-free $250 rebate to help fill the gap for prescription drugs in the doughnut hole coverage gap.

Medicare beneficiaries who fall into the doughnut hole in 2011 will be eligible for 50 percent discounts on covered brand-name prescription drugs. Without this law, the burden of high prescription drug costs will hurt millions of Medicare beneficiaries across the country. That worry is reasonable.

What the Republicans would do with the repeal of health care is to say to seniors on fixed incomes: Turn to your savings; pull more out of your savings for the prescription drugs your doctor tells you that you need to stay well. We are filling that gap, that hole. They want to go back to the old days when seniors were on their own.

There is the Early Retiree Reinsurance Program, where 279 employers in Michigan and Western District of Virginia have upheld the law. In one other case, a Federal judge in the Eastern District of Virginia issued a very narrow ruling on the constitutionality of the health reform law’s individual responsibility provision and upheld the rest of the law.

The ruling yesterday in Florida issued by Judge Vinson in the Northern District is a plain case of judicial overreach. The judges in the District of Michigan and Western District of Virginia have upheld the law. The entire 25 Republican attorneys general and Governors are described will be in trouble.

What about this court case yesterday in Florida? It is getting a lot of attention today. A judge in Florida issued a decision in a case filed by the Republican attorneys general and Governors striking down the Affordable Health Care Act. This ruling is out of the mainstream of judicial reasoning in its treatment of precedent and in the type of analysis the judge has applied. I don’t think it is likely to be upheld.

Twelve Federal judges have already dismissed challenges to the constitutionality of the health reform bill, and two judges in the District of Michigan and Western District of Virginia have upheld the law. In one case, a Federal judge in the Eastern District of Virginia issued a very narrow ruling on the constitutionality of the health reform law’s individual responsibility provision and upheld the rest of the law.

The ruling yesterday in Florida by Judge Vinson in the Northern District is a plain case of judicial overreach. The judgment is a null and void, even though the only provision he found unconstitutional related to the individual responsibility provision. This decision is at odds with decades of established Supreme Court law which has consistently found that courts have a constitutional obligation to preserve as much of a statute as can be preserved.

Under this view of the law, the estimated 4 million seniors signed into the Medicare prescription drug coverage gap I mentioned earlier will pay higher prices for prescription drugs. If the judge from Florida has his way, 44 million seniors on Medicare will be denied access to preventive care, up to 4 million small businesses will not be eligible for tax credits to make health care more affordable, and new provisions that prevent insurance companies from denying coverage and the like will not become part of the bill.

History is on our side when it comes to this measure, Madam President. Tomorrow, the Senate Judiciary Committee, at my request, is going to hold a hearing on the constitutionality of the law. The Senate Small Business Committee is the first congressional hearing on this issue. As a person who is aspiring to be the chairman of the Constitution Subcommittee, I asked this be the first subject we take up. The reason I am not only involved in all of the negotiations about funding of committees, so nothing has become formal yet, but it is likely to occur.
What we will look at tomorrow is article I, section 8 of the Constitution. That is the article that specifically cites the powers that Congress—the Senate and the House—have. It is spelled out. In the course of spelling it out, it cites, among other things, that we have the power to tax and the power related to provisions relating to commerce. It came to be viewed in the courts as interstate commerce—commerce between the States or between the United States and other nations.

Those who are arguing that the health care reform bill is unconstitutional first argue that the health care insurance industry is not commerce. If the health care insurance industry—which offers industry across State lines to millions of Americans—is not commerce, and it affects 18 percent of our economy, then I don’t know what commerce might be. I think that position is particularly weak.

What this comes down to is the individual responsibility, or individual mandate system that is in the bill, the question is being asked of the court: Why is this necessary? Well, here is why it is necessary. If we say to insurance companies that all of them have to insure anyone with a preexisting condition, then of course they are going to exclude people. But if we tell them they have to insure everybody, even those with preexisting conditions, then the obvious question is, when will a person buy insurance?

If we don’t have a responsibility on individuals to buy insurance, two things will occur: They will wait until they are sick to buy insurance, which completely destroys the risk model that insurance companies use, or they will present themselves, as they do today, to many hospitals for coverage and care, the cost of which is passed on to other people. So the individual responsibility says: If you have insurance coverage, then you have to pay a tax penalty. And that is what many are objecting to. You cannot eliminate exclusions for preexisting conditions and not move more and more people into the risk pool at an earlier stage. If people can wait until the last minute to get into the risk pool, then the insurance model is destroyed. That is why it is in there.

I think we will find, ultimately—and I hope Members from the Supreme Court—that what we have passed is entirely consistent with the regulations or powers given to Congress under article I, section 8 of the Constitution to deal with issues of commerce. Secondly, I think we will find that the imposition of a tax in this health care reform bill is clearly enumerated in the powers given to Congress to levy taxes, and what we have done is necessary and proper to reach the goal where we eliminate discrimination because of preexisting conditions in health insurance plans.

That debate is ahead of us, but it is a debate we need to take up. I am happy to talk about the health care reform bill because I think it is moving in the right direction. It is not perfect—it can be improved—but if the Republicans want to repeal it, they are in for a fight because the important provisions we have to protect families and businesses need to be protected.

What we want to bring up as soon as we can—when we get beyond this debate on health care repeal—is the reauthorization of the Federal Aviation Administration. We have been struggling with this issue for a long time, and we believe this bill, which our majority leader Harry Reid has asked to bring to the floor, creates and protects more than 280,000 jobs by modernizing the air travel infrastructure and reducing costly delays. I think this is an important step forward not just to create jobs—and we need them very badly—but also to make certain our airplanes and airliners and all those who are serving us at the airports have a safer environment, establishing new standards for safety which comes to the operation of our airlines.

I think this is a critical issue, and I hope we can move to it soon. I am sorry we are going to be diverted into a debate on health care reform. But as I said, I think it is a welcome debate. It is time we brought some of these facts before the American people so they understand health care reform has real value to families and businesses across the United States, making health care insurance more affordable and more accessible.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 a.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:16 p.m. and reasssembled when called to order by the President (Mr. DURBAN).

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 223, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.
I wish to thank particularly Senator Hutchison, the ranking member of the Commerce Committee and my able partner, for her efforts on this bill last year. I look forward to working with her again this year in passing this bill, as I hope to have it happen and get it enacted into law. Senator Hutchison can’t sign it into law, but we want to have a good bill signed into law. I believe this bill reflects a shared vision and our mutual goal of making sure the United States continues to have the safest, most efficient, and most modern aviation system possible.

Given the importance of the airline industry to our Nation’s economy—again, many people take this for granted, but it is a vast industry—I can’t think of a more important piece of legislation to our Nation’s long-term economic competitiveness. It is the right bill to start with. We know this legislation will create and support good-paying American jobs. It already does. 11 million is a lot of jobs. That is slightly more than the population of West Virginia. The bill improves the safety and efficiency of our Nation’s aviation system by preventing something called runway collisions, which people aren’t aware of unless their plane runs into another on the tarmac, which happens infrequently but does happen. People would be shocked to know how often and how many times incursions are just about to happen until they are rescued by an understaffed control tower which says: Hey, head right, head left, stop—whatever. It also modernizes our air traffic control system.

That is an easy phrase—“modernizes our air traffic control system.” It is a vast, new concept. We are living in an age when everybody else is GPS and digitalized, and I include Mongolia. I would like to include Mongolia because it does have a GPS system, and the thought of Mongolia being ahead of us is dependent on me, and it is a way of making a point, I think one would agree. I wish to reduce delays that frustrate fliers, and we do that. It opens the door to better economic development, especially in rural and underserved areas. It makes a very big point of that, with essential air service, airport improvement programs, and other programs.

Simply put, this bill helps protect our position as the global leader in aviation. I said ‘global leader.’ We are. We are. The aviation needs and goals of Texas and West Virginia are the same. People might not believe it, but they are. My good friend Senator Hutchison represents some of the largest airports in the country. I represent some of the finest smaller airports in the Nation. All of our airports are critical economic engines to their respective communities. Senator Hutchison may have more flights in and out of Texas than I have in West Virginia. In fact, she guarantees she does. But we both know the importance of air service to economic growth and global competitiveness.

Every one of our constituents wants the safest aviation system possible. Before assuming our current roles, Senator Hutchison and I rotated being chairman and ranking member of the aviation subcommittee. We did that for 10 years. We all pretty heavily into the subject. And we agree virtually everything—virtually everything. But we share a passion for aviation because we know how critical this industry is to our economy, to the comfort and mobility of our Nation’s future. We both share a strong desire to get this legislation enacted into law. I have already said that. It has been far too long—4 years—since the last FAA reauthorization bill was enacted. Our Nation cannot afford to wait one second longer.

Sadly, when many people think of flying, their first reaction is often negative, and that is usually what we hear—people complaining about TSA lines, about delays, about weather; airlines and the weather. Actually, they don’t, statutorily or otherwise. But people are not happy, so there is some sort of a grumpiness about this subject, which we don’t address, but we try to take away the causes of grumpiness.

I will be the first to admit from my own point of view that travel is not always enjoyable. That is a symptom of a number of expectations we have somehow developed over the years. Air travel has changed with deregulation. Oh, how well I remember regulation. American Airlines, big jets in Charleston, WV; United Airlines, big jets in Charleston, WV; Eastern Airlines, big jets in Charleston, WV; deregulation, and one month later, no more jets, and we now subsist basically on prop planes with two propellers. If you are my height, it takes an hour or so to restore your blood flow after you get out of one of those—if you are lucky enough to get out of one. If you are not, it may take 2 or 3 hours. Anyway, some of the changes with deregulation have been for the better. Not all of those changes have been for the best. There have been frustrating changes for travelers as the industry has adapted to this new reality. There have been many other benefits, primarily cheaper tickets to more places for the average flier.

We must also remember that aviation is more than just a commercial air traffic controller earns for $1 trillion-plus worth of economic activity for the country and, again, supports more than 11 million jobs. It is a critical sector of our economy. Boeing is the Nation’s largest exporter, and aerospace sales from large and small producers provide billions of dollars toward balanced trade for the United States with international buyers. This is a great success story, but we haven’t been tending to it. That is why we are doing this bill now. The United States did not have a single commercial aviation fatality. That is a truly remarkable statistic. It is one we should not only be thankful for but very proud of. Safety is the No. 1 priority of the Federal Aviation Administration, the airline industry, and the people who work for both, and it is the No. 1 priority of Senator Hutchison and myself, and well as the Commerce Committee as a whole.

If we can’t modernize and upgrade our air traffic control system, the hard and dedicated work of the thousands of FAA and airline industry employees that we do, in fact, have the safest aviation system in the world. Improving the safety of our aviation system has been a huge priority for all of us. You can’t travel in aviation in any respect. The industry is always shaky. The public is always a little bit shaky. Times are shaky—bad times, fewer passengers; better times, more passengers. That sounds like good news—more passengers—but I am coping to that. It isn’t necessarily good news that there will be more passengers in the future.

I strongly believe this bill is fundamentally about the future of aviation, and it is vastly important. This bill is about making sure we have the most technologically advanced, reliable and safest aviation system in the world. This bill is about catapulting our air traffic control system out of the 19th century and into the 21st century with every other industrialized country in the world. We do not share that with them now. More people take airplanes than drive rented cars with GPS systems than airplanes. It sort of doesn’t make sense, but that is a fact. Today, as I said, we are behind Europe and even Mongolia. We have to remedy that fact, and we have to do it quickly.

This bill is about making sure we continue to have the most dynamic aviation industry in the world. I will say it again. The aviation sector generates $1 trillion a year in economic activity and employs 11 million people. All of that activity creates jobs in every sector of our economy, including airport construction jobs and being airplanes from the smallest general aviation planes to Boeing’s state-of-the-art 787 Dreamliner. All this activity creates jobs—jobs in airlines, jobs in general aviation, such as the small airports that dot both Senator Hutchison’s State and mine, the rural parts thereof, as well as the President’s Airport’s. The aviation and the aviation industry support millions of indirect jobs. That makes sense. One need only look—and this is sort of the most obvious presentation of it—at the growth around Fort Worth, Dallas/Fort Worth, and Denver International. Denver International was built out in the middle of the desert. Not anymore. I don’t think Dallas/Fort Worth was ever out in the middle of the desert, but the growth is extraordinary. It attracts jobs. People don’t wait to bicycle to Dallas or Charleston or anywhere else; they want to go by air. Business decisions are made by air. So that point speaks for itself.
In Beckley, WV, which is not huge but has a wonderful airport, what is interesting is that it also has an enormously successful business park at that facility. Our major airports in Charleston and Huntington have direct flights to the major headquarters of chemical and energy companies that allow businesses to grow in West Virginia.

I believe the future of the U.S. aviation system has unlimited potential. We face serious challenges in maintaining our current operational efficiency, but for West Virginia that is a problem. You have a lot more of that in Texas, and we would not have them. We need to upgrade our 1950s-era, antiquated air traffic control system. Investing in technology and infrastructure is a very good place to start. It is embarrassing that some of our newer cars have more sophisticated global positioning systems than many of our aircraft in the skies. That has to change, and it costs money. It has everything to do with living and safety. It is going to get much bigger, with many more passengers. We have about 750 million people flying every year now. In another decade it will be nearly 1 billion. So it is almost like a 50-percent increase in the number of people flying. Everything gets more complicated and crowded.

It is eye-opening to see the speed with which China and other developing nations are investing in their air traffic control systems and their airports. They need them. The United States is a nation that takes nothing for granted. Growth is on their minds. Again, we have to make the effort to get ahead or we will be left far behind. I am sorry, but that is the way it works. It is not a sentimental industry. It is one that needs to be treated well, nurtured, and supported.

If we don't act quickly, we are at risk for falling behind our global competitors. We will lose the cargo hubs, the aircraft manufacturing plants, which are the economic development that aviation causes. I cannot underestimate the importance of a vibrant and strong aviation system. I have made no attempt to be shy on that account. I cannot be. It is fundamental to our Nation's long-term economic growth and to my State's ability to attract new investments.

When choosing to invest in an area, the quality of air service is the prime consideration. I say “the”: you could say “theirs,” but they are doing it now. They take nothing for granted. Growth is on their minds. Again, we have to make the effort to get ahead or we will be left far behind. I am sorry, but that is the way it works. It is not a sentimental industry. It is one that needs to be treated well, nurtured, and supported.

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more quickly. You cannot read the distance and altitude between one plane flying in for a landing or one taking off. It is inefficient—dangerous, in fact. So we have to do this. We have to be able to see other aircraft and detailed weather data. Real-time information will allow us to go from one place to another in a straight shot. That is what NextGen will do for us. Now planes are going all over the place, avoiding this and that, as they go from one TRACON to another. Our current system is not able to provide for a sustained focus and substantial benefits. We have to guide them correctly.

A new satellite-based ATC system will allow planes to move more efficiently by taking more direct routes, which saves our economy billions of dollars on an annual basis. Greater efficiency will also create substantial environmental benefits. Drastic reductions in fuel consumption means not only that we will achieve lower carbon emissions—less of them will be spewed out—but almost every airport near an airport will benefit greatly from this effort. Also, planes are becoming quieter. In all ways they are getting better. We still have to guide them correctly.

As the President clearly recognizes the value of investing in our air transportation system, and this was reflected in his budget request. The administration proposed a total of over $1 billion in fiscal year 2011 for NextGen programs, which is more than a 30-percent increase from the fiscal year 2010 budget. Is that bad in this time and age of skepticism about budgets? I hope we can continue this level of budget, even in lean budget years.

Modernizing the ATC system will require a sustained focus and substantial resources. This legislation takes concrete steps to make sure the FAA accelerates and achieves key NextGen programs and that the agency implements modernization efforts in an effective and efficient manner in the long run. How many airports can be done by 2014 and by 2018? It is laid out in the bill.

In conclusion, when we began work on this bill, I at least had four simple goals: One, take steps to address critical safety concerns; two, establish a
roadmap for the implementation of NextGen and accelerate the FAA’s key modernization programs; three, make sure we adequately invest in airport infrastructure; and four, continue to improve small communities’ access to the Nation’s aviation system. This bill takes those steps.

I feel very strongly about the bill. The Airport Improvement Program, which is part of this bill, is estimated to support 120,000 jobs annually. This bill authorizes a total of $61.1 billion for this purpose. Moving forward with NextGen will certainly help us keep our position as a global leader. This is the culmination of more than 4 years of work with Senator Hutchison and myself and the hard-working members of the Commerce Committee.

Again, this language passed 93 to 0 less than 12 months ago. It is an important bill—important for the safety of the traveling public, important to our ability to create jobs, important to sustainable aviation industry, important to having healthy airlines, important to general aviation’s future, important to having healthy airlines, important to our future competitiveness.

I urge my colleagues to support this bill, and I welcome ideas on how we might improve it. I ask my colleagues to join me in our determination to complete our work and reauthorize FAA.

The PRESIDING OFFICER (Mr. Franken). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, as ranking member of the Committee on Commerce, Science and Transportation, I, too, wish to discuss the FAA reauthorization bill and agree with the chairman, Senator Rockefeller, who has just spoken, that we have worked in a bipartisan way on this bill for 4 years.

I am glad he mentioned Senator Dorgan, who was the chairman of the subcommittee who pushed so hard last year for us to come to a conclusion and try to pass a permanent bill.

The bill that is before us is the bill that passed last year. There are many good provisions in this bill. It passed unanimously in the Senate, and we were on our way to conference with the House. But the House bill was quite different. We never got to the point of being able to work out the differences.

I do think there was one part of the bill, which I will discuss more later, where we worked on a compromise to achieve a goal of easing the perimeter rule at Washington’s Reagan Airport. We were able to come to an agreement among the leaders on the committee, but we were not able to get the full agreement of the Senate. That was a gentlemen’s agreement, if you will, that we would work on putting that into the conference report, but that never came to pass.

The perimeter rule around National Airport, but slot restrictions and mileage restrictions on how far a plane can go directly in and out of National Airport. The perimeter rule prohibits flights traveling to or from points that are more than 1,250 miles from National Airport unless there is an exemption. Many Western States would like more of those exemptions, especially given that the airport can now handle additional traffic.

I want to be clear at the onset of this process, I cannot support a final bill that does not address this issue. We need to work out either a consensus majority or an agreement that addresses the issue rather than just leaving it out.

The FAA has operated under a series of short-term extensions since 2007. 18 short-term extensions have occurred. That is not providing the policy to keep us in the forefront of modernization of our air traffic system. We need to have a bipartisan, commonsense, multiyear FAA reauthorization to provide the stability that the FAA and its stakeholders—the airlines and passengers—need to make sound investment decisions for our future aviation system.

The current short-term extension expires March 31. If we address these issues in our Senate bill, I believe we can work with the House that has already made changes to the basis of its bill and have a true multiyear reauthorization bill that would be able to pass on March 31 instead of yet another short-term extension.

The House last year was quite different from our bill. While a year has passed, many of the bill’s provisions need to be updated. The one we have before us would modernize the air traffic control system, NextGen, which was mentioned by Senator Rockefeller. It would improve aviation and it would ensure passengers are treated well, especially if they are delayed and stuck in an aircraft for more than 3 hours. I call it the captive passenger rule that we need to enact.

First, modernization. Probably the most important area we address in this bill is expediting the FAA’s air traffic control air modernization program, known as NextGen. The FAA operates the largest and safest air traffic control system in the world. In fact, the FAA’s air traffic control system handles almost half of the world’s air traffic activity. The United States has been a leader in developing and implementing new technologies to create a safer and more efficient airspace system.

However, today’s air traffic control system is not much different from that which was started in the 1960s. The system is based on radar tracking and ground-based infrastructure. NextGen will move much of the air traffic infrastructure from ground based to satellite based by replacing antiquated, costly ground infrastructure with orbiting satellites and onboard automation. Be up to the FAA will be able to make our aviation system more safe and efficient while increasing capacity at our Nation’s busiest airports.

Some of the modernization provisions in the bill include establishing clear deadlines for the adoption of existing Global Positioning System navigation technology. It mandates 100 percent coverage at the top 35 airports by 2018, with the entire national airspace system to be required to be covered by 2018.

Aviation safety. As a former vice chairman of the National Transportation Safety Board, I understand well the critical and difficult mission the FAA has in overseeing our Nation’s airlines and aviation system. Aviation safety and the public trust that goes along with it are the bedrock of our national aviation policy, and we simply cannot allow any degradation of safety for the flying public. This bill goes a long way to advance and promote the air travel system.

Last August, as part of one of the short-term extensions, several of the important safety provisions were enacted into law that were the direct result of weaknesses identified from the tragic crash and aftermath of Colgan flight 3407 in Buffalo, NY. While those provisions were of great importance and will have an impact on creating one level of safety through all sectors of aviation, we still have important work to do, and in this bill we do it, such as addressing inconsistent application of airworthiness directives by improving the voluntary disclosure reporting process to ensure adequate actions are taken in response to reports; limiting the ability of FAA inspectors to work with air carriers over which they had oversight.

The PRESIDING OFFICER. Will the Senator yield?

Mrs. HUTCHISON. I will be happy to yield if the leaders allow me to come in when they are finished and continue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senator Stabenow be recognized to offer an amendment related to 1099 reporting forms; that she give her speech regarding this after Senator McConnell offers an amendment relating to health care, and the amendments be debated concurrently.

Senator McConnell can do whatever he feels appropriate, but he will speak before Senator Stabenow. How much more time does the Senator from Texas need?

Mrs. HUTCHISON. Probably about 5 or 6 minutes.

Mr. REID. So whatever she and Senator McConnell decide on that is fine with me.

Mrs. HUTCHISON. So I will speak after Senator McConnell, and before Senator Stabenow.

Mr. McCONNELL. My statement is pretty brief, if the Senator from Texas would not mind. I think Senator Stabenow is willing to let me do my statement and lay down my amendment.

Mr. REID. Then Senator Stabenow will be willing to let the Senator from Texas finish her statement.
I ask unanimous consent that Senator Stabenow be recognized to offer her amendment and then Senator McConnell would offer his.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 9

Ms. Stabenow. Mr. President, I have an amendment at the desk, amendment No. 9, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:


Ms. Stabenow. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes)

On page 335, after line 20, insert the following:

TITLE IX—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) In General.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) Rescission of Unspent Federal Funds to Offset Loss in Revenues.

(1) In General.—Notwithstanding any other provision of law, of all available unobligated funds, $44,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) Implementation.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply. Amount of such rescission that shall apply to each such account. The Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) Exception.—This subsection shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McConnell. Mr. President, I thank the Senator from Texas. I appreciate greatly much for letting me make a brief statement about the amendment I am about to offer, and apologize for interrupting her comments.

What we have today is an opportunity—an opportunity—for the majority to redress what has been done on the issue of health care and to take another path. It is no secret the American people don’t like the health care bill that was passed last year. If you have talked with doctors or nurses or anybody else involved in health care over the last year, most of them will tell you they do not like it either. Employers, big and small, have been desperately trying to get the message across of how damaging this bill will be to their ability to create jobs. They tell us the impact of the bill is severe—higher taxes, penalties for hiring workers, new regulations that have already run to more than 6,000 pages, and could require workers all at a time when businesses want to create jobs and millions of Americans are looking for one.

Don’t take it from me. Here is how the National Federation of Independent Business puts it:

Small business owners everywhere are rightfully concerned that the unconstitutional new mandates, countless rules and new taxes in the health care law will devastate their businesses and their ability to create jobs.

Yesterday, a Federal court in Florida found the crux of the law to be unconstitutional. So we have an opportunity today—an opportunity for all those who supported the health law to re-evaluate your vote and to listen to your constituents, who are desperately trying to get your attention. You can say, perhaps, this was a mistake, we can do this better or you can continue to dismiss the majority of the people in this country as not knowing what they are talking about.

It is not every day that you get a second chance on a big decision after you know all the facts. Today is one of those days. For all of us who opposed the health care bill, today we reaffirm our commitment to work a little harder to get it right. We can’t afford to get it wrong.

I urge my colleagues to move beyond party affiliation. Look at the facts before you. This amendment addresses the serious reservations we have had oversight, and we will require the conducting of independent reviews of safety issues identified by employees.

We also need to require enhanced safety oversight of foreign repair stations, including a minimum of two FAA inspections annually, with exceptions for those that have comprehensive bilateral aviation safety maintenance agreements with the United States, and requiring alcohol and drug testing at any foreign facilities that perform maintenance on U.S. commercial aircraft.

Finally, this bill also provides infrastructure investment to our Nation’s airports. As we all know, you can have the best planes and the best air traffic system but they mean nothing without the proper airport infrastructure in place.

This bill contains many important provisions and deserves the support of the Senate. We have been operating under short-term extensions for far too
long. It is also one of the reasons we need to finally address the DCA perimeter rule, which has impeded the passage of this bill on too many occasions. While I have been talking about what is in the bill, this is the one issue that is currently not included in the bill and must be addressed if we are to have a successful final passage.

After months of negotiation last year, the chairman, the subcommittee chairman, western Senators, and our rank-and-file worked hard and I reached a compromise agreement that we hoped would finally resolve the issue, but we didn't have an opportunity to bring the consensus version to the floor before we adjourned. It is a very reasonable approach. Here are the provisions of the compromise:

It would add five new round-trip flights beyond the perimeter for new entrants or limited incumbents, which means airlines that have very small bases at an airport next to an airport now. This means we would add competition with the five new round-trip flights.

It allows for conversion of 16 round-trip flights from large hub airports inside the perimeter to any airport outside the perimeter phased in over 2 years.

The conversion concept seeks to address congestion concerns by replacing existing flights rather than creating more new flights. Since 2000, there have only been 12 new flights at National Airport. That is since the year 2000. Now we are asking for five more new flights, which would increase competition on these flights and would have no impact on congestion at the airport because they will not be new flights.

It prohibits the use of wide-body aircraft for converted flights to address any noise concerns from local residents. But in reality, the noise issue is so different today than it was when the first aviation authorization was passed. We have Stage 3 aircraft now, which are much quieter than the planes that have come in and out in the past. And not to allow the use of bigger aircraft protects the residents who might live around the airport. In fact, I would argue it gives them an added convenience, because those residents would also have access to the long-haul flights at an airport convenient to them.

The DOT would evaluate the proposed flights and be able to disapprove of them if they determined they are not in the public interest.

The air carriers could only convert flights currently used to operate flights at large hubs within the perimeter in an effort to protect small communities. If they determined that would not see conversions from very small airports to be able to take long-haul flights away. It would only be conversions from a big hub airport to another big hub airport. So our small communities should not feel threatened by this.

Carriers would be prohibited from selling, trading, leasing or otherwise transferring the rights to fly beyond the perimeter.

It also eliminates financial restrictions in place between National and Dulles that would allow for revenue-sharing between the two airports—something that would affect other airport systems across the country to address any financial impact on the airport authority.

I lived through, dealt with, and negotiated the Wright amendment in Texas and the Wright amendment that allowed an incremental easing of the Wright amendment restrictions at Dallas’s Love Field. That was put in place to protect DFW Airport when it was first built. That was much of the reason for the restrictions at National Airport when Dulles Airport was built, to assure that Dulles would be financially secure. Dulles is financially secure. So it is time to deal with the issue of allowing National to have more service to the western half of America. They deserve to have more access to National Airport if that is where they choose to fly.

I think Dulles has captured the international flights, and I think that has been a good way for Dulles to become one of our busiest airports and certainly one of our most successful. So I know these are difficult issues, because I dealt with them in my own State, but now I think this modest expansion of only five new flights out of Reagan National would be doable. I think the western Senators have come up with a compromise, with the conversions, that will not affect the traffic or the congestion around National but will allow better access, which I think is a win-win for everyone.

So especially for you, Mr. President, with some humor, I find it a bit ironic that tomorrow is Groundhog Day—February 2. If ever there were a piece of legislation that fits the bill, this one is it. Since starting the legislation in 2007, 18 short-term, extensions later, and this being the third consideration of the FAA bill on the floor, it does feel like Groundhog Day. And in a nod to that holiday—that esteemed important holiday in America—let us hope there are no shadows seen and winter will quickly end in a well-debated and bipartisan FAA bill.

Mr. President, I thank the Senator from Michigan, the majority leader, the Republican leader, and my chairman for allowing us to start the debate on this bill and finish our remarks. I know we will have many amendments, but I hope in the end we have a good bill that satisfies everyone’s needs and that we can say permanently that winter is over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I want to congratulate Senator Rockefeller and Senator Hutchison for their leadership in putting together what is such an important bill for 280,000 jobs that are saved or created as a result of this bill, and focusing on our ability to out-innovate and out-build in a global economy. We can’t do that without a 21st century FAA system—airports, air traffic control, and so on. So I join with Senator Hutchinson in supporting—indeed, I am proud of—what is true—at the end of the day we will have a strong bipartisan vote, because they are moving forward in the spirit in which we have all come together in saying we want to move forward; that is why I am proud of, and would find common ground, working across the aisle. That is evident from this bill.

I am very appreciative of the fact they are focusing, and I want to thank our leader for making sure that the first bill we are bringing up is about jobs. We understand that too many families—certainly in my State—are struggling. We know we have worked hard all their lives, and they never thought in a million years they would find themselves in the situation they are now facing. They want us to be focused on the economy and competing in the global economy, as the President said. This bill is exactly the kind of policy on which we should be focused. What is concerning to me is that while we are doing that, we are now going to have a debate that is very divisive, really looking backward rather than looking forward.

One of the things the President talked about—again, which I agree with strongly—is that the area of health care, what we passed last year, we know there are measures we can fix to make our system more competitive, to make it better for families, to put families back in control rather than in the control in the insurance companies, and we see our families losing the freedom and security to make sure their children, their families have the health care they need.

Let me first talk about my amendment and then why I believe we should be focused on this kind of amendment to fix the bill that passed last year, the new law, to make it better rather than roll back the clock where we have heard now, if you follow the polls, that four out of five Americans are saying: Don’t go back and just repeal what was done; fix it. So the majority of people are not supporting going back to what we had before; quite frankly, to a system that is an uncontrolled system where insurance companies can raise rates 20, 30, 40 percent
every year without some plan, some focus to be able to lower costs, to be able to get people out of emergency rooms and into the doctors’ offices, and, frankly, for people who have insurance not to be placed into a situation where they continually see their rates go up. That is what we have put in place.

There is a provision that has been a concern of mine and many others. We have debated it on the floor. We have attempted to get it fixed several different times. I hope today, I hope tomorrow—whenever we vote—that we will actually be able to get this fixed. This has been supported on both sides of the aisle, and it deals with eliminating redtape and burdensome IRS reporting requirements for our businesses, particularly small businesses.

We are particularly concerned about what this means for small businesses. The provision that was placed into the bill that now, as we look at how the IRS would implement it, is clearly too burdensome—my amendment would repeal that. It would allow business owners to spend their time growing their companies and creating jobs instead of filling out paperwork from the IRS to want them creating jobs. It is a commonsense solution to an issue that has come up. Basically, it would make sure that the provision that would require a 1099 form for every vendor when a company is paying $600 or more for goods or services. That would be overwhelming—our smallest businesses that there is no intent or actuality that this is going to happen. We can do that together.

But what we should not be doing is what the next amendment, the Republican leader’s amendment, would do. It would allow his amendment would take us back to the time of uncontrolled insurance company increases, of no accountability, and it would put the control of health care coverage and costs back in the hands of insurance companies. That is the new law.

I want to send a very clear message to our smallest businesses, particularly small businesses. They would be overwhelmed by cutting $44 billion in unobligated spending. We do make it clear that certainly this does not affect Medicare or Social Security benefits in any way. I would not support that. I know colleagues on the floor would not as well. It makes it clear that the Departments of Defense and Veterans Affairs and the Social Security Administration are not included. But it would give the Office of Management and Budget the ability to look at the possibility in areas for cuts, and they would then report back to 60 days after enactment to the Secretary of Treasury and the Congress—concerning the amounts and the accounts they would be using in order to cut back, in order to save this particular provision.

This is an area where we can come together, where Democrats and Republicans—both sides of the aisle—who care passionately about small businesses can come together and eliminate redtape and burdensome IRS reporting provisions. We would get that off small businesses and businesses that there is no intent or actuality that this is going to happen. We can do that together.

Frankly, I have had many families approach me to say “thank you” who now have the ability, the freedom, the security to put their child—this 22-, 23-year-old—on health care. They get that first job, and it doesn’t have health insurance, but they can go out, get started, and know they have the peace of mind that they have health insurance. That would be taken away under what the Republican leader is proposing. We would see young people going back to no insurance as a result of that.

Right now, we have seniors who know they are going to have their freedom and security to be able to get the cancer screening they need, the wellness visits, even if they do not have the out-of-pocket—the copay and deductible they were used to being charged in the past because there is no co-pay and deductible now. They will be able to get what they need, when they need it.

They will have the peace of mind, the security to know that if they use a lot of medicine and they fall in a gap in coverage, the cost in that gap is going to be cut in half for any brand-name drugs for any individual. It doesn’t matter. It means my mom, who is 84, has the security to know that her great-grandchildren are going to have her around—lots longer, I hope—because she is going to be able to play with her. Every older person is going to know they have a better chance to be around for their grandkids because they are going to be able to afford the medicine that will help them get healthy. That is taken away with the Republican leader’s amendment, the freedom and security for seniors to know they can stay healthy, they can stay in their homes, they can have the medicine they need or the doctors’ visits they need to be able to stay healthy and live a longer, healthier life. That is taken away.

There will be the freedom and security for women to know that we are not going to pay twice as much as men for insurance—which, by the way, in the majority of policies prior to passing this legislation, if women went out to buy an insurance policy, in over half the policies, women paid as much as twice as much. We changed that.

We have also said that things such as mammograms and breast care are going to be part of a health insurance policy. Maybe we will not be 39th in the world in the number of babies who live through the first year in their lives if moms are able to get the prenatal care they need and babies are able to get it through the first year of their lives. This gives women the freedom and security of knowing they are going to get what they need to have healthy babies. Isn’t that what we all want? That is taken away with the amendment of the Republican leader.

Among many other things, I will just mention two others. For the first time, we are putting accountability on the
Mr. ROCKEFELLER. Madam President, I don't see any other folks who want to speak on the FAA bill for the moment or on much else for the moment. I have before me an amendment of a quorum but not yet. I am hoping Senator Baucus and Senator Hatch will come down to oversee the 1099 argument and repeal of the health care bill, which is about the worst idea I have ever heard. I think it will be voted on. I think the minority knows which were put forward by the American people, are measured by their outcomes. In other words, people turned against it. But now it is actually quite true for a year and a half, that reason, many, if the bill is repealed, we will go into hock $1.3 trillion more on our deficit, because our bills that kill. Their fees and makes better results. Under the law, there is no tree on this bill. Their fees, their money, they are held accountable for what they do. Hospitals, for example, or doctors or medical equipment people, are measured by their outcomes. In other words, it is evidence-based outcomes. What are the results of what you have been doing in health care? Are they better? Are they worse? Did fewer people die? MRSA is a reason hundreds of thousands of people in this country die. Basically that comes from relatively unclean bathrooms in hospitals that don’t provide the services that the average folks who don’t pay enough attention to that either. That is a disease which is easily cured, one, by cleaning up
bathrooms and, secondly, it is just automatically a part of the expense part of health care and it should not be. Evidence-based outcomes, you prove to me that you are doing a better job this year than you were in the last 2 or 3 years, or whatever the range might be. So it is not fee-for-service. It is fee after the explanation of the efficacy and the lifesaving quality of the service.

That is the direction health care has to go. That isn’t discussed but if this whole bill is repealed, that is exactly what will happen. Everybody is held accountable. We are being held more accountable. The big three automobile companies were held more accountable. They were embarrassed, but they have come back pretty nicely. The way we make our progress in America now is to make sure that people do what they are meant to be doing, and they do it well, and they can show it. Actually some of the paperwork is you have to convert from Medicare and Medicaid, whatever else it is, that you are doing a better job. If half of all Medicare is spent, as it is, in the last 6 months of life, that bears analysis. Why is that so? What are we doing? What are we not doing? Don’t just pay the bill because it is sent to you. You look at it and you ask questions. That is the direction of the new health care. I think it is a fair direction. It is one which I am sure the Mayo Clinic does routinely. But it is not a good idea. I was more later, I am now waiting for Senators BAUCUS and HATCH to handle both matters since it is within their jurisdiction. I am on the Finance Committee. I am close to Senator BAUCUS, but I am not Senator BAUCUS. He needs to be down here to do that. I hope he will be down shortly.

Pending that situation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I wish to speak briefly on the amendment that has been offered by the Republican leader, Senator MCCONNELL, that would, in effect, repeal the health care bill that was passed on Christmas Eve at 7 a.m. in the morning about 1 year ago—1 year ago this last Christmas Eve.

Since the time the bill was passed, strict accountability lines, with 60 votes—all our colleagues on the Democratic side voted for it; all the folks on our side voted against it—we predicted this bill would lead to an increase in premiums for those who have health insurance, it would raise taxes on everyone, fund this huge expansion of the Federal Government—some $2.7 trillion worth of extra spending—and it would also take a $½ trillion from Medicare—which, as you know, is one of our troubled entitlement programs that is sorely in need of reform—it takes $½ trillion from Medicare to fund yet a new entitlement program, this health care bill.

We also know, on at least two occasions now, a Federal judge has found that this bill violates the Constitution of the United States because both these judges have said Congress has overreached its authority under the Constitution.

The arguments were made that this was within Congress’s power, but actually I agree with a law professor, Jonathan Turley, whose comments I saw today, who said that if the Supreme Court of the United States upheals this health care bill as being within Congress’s power, federalism is dead.

There is no limit to the Federal Government’s authority if the Federal Government can compel you or me or anyone else to buy a government-approved product. There are no limitations. The 10th amendment of the U.S. Constitution that says all powers not delegated to the Federal Government are reserved to the States and to the people might as well be written out of the Constitution.

So that is why I think these decisions are very important—the one in Florida and the earlier one in Virginia—because they reveal a defect in this bill over and above the others I have already mentioned. Congress is taking from Medicare to create a new entitlement program, and, of course, imposing this onerous mandate. But the real problem with this bill is the direction it is more nuanced than my remarks would suggest. What it does is, by imposing a mandate on employers to provide government-approved health insurance or pay a penalty—what many employers are going to find out is, it will cost them less to pay the penalty than it will to provide health insurance for their employees. Thus, many Americans who have health coverage they like, which the President promised them time and time again they would be able to keep if they liked it, will find that is not the case because employers will—making a rational business decision, where it costs less to pay the penalty than it does to provide the government-mandated health insurance—they will simply choose to drop the penalty. They will have to go into the exchanges which are supposed to be created by 2014 under this bill.

What is wrong with that? Well, we know this bill was gamed in all sorts of ways to try to provide a Congressional Budget Office score which actually only reflects a fraction of its true cost, implemented over 10 years. The most accurate estimate I have seen is this bill actually will cost some $2.7 trillion over 10 years as opposed to the roughly $1 trillion the Congressional Budget Office has given, in part, because it was scored over a 10-year period of time but with only 6 years of implementation and through various other ways. As I say, that score—the true cost of this bill—was gamed.

But one of the things the bill provides is that individuals who go to the State-based exchanges to buy their health insurance because they do not have health insurance available from their employer will be subsidized by the Federal taxpayers up to, I believe, $38,000 for a family of four. What happens if a whole lot more people drop their coverage or their employers drop their coverage and are forced to buy it in the State-based exchanges in order to buy their health care, which is subsidized to this degree? Well, it is going to explode the costs of this health care bill in ways the Congressional Budget Office score does not adequately reflect.

I am not quibbling with the Congressional Budget Office. They take the assumptions they are asked to take and they do the best they can try to predict what the costs will be. But, again, it is possible and, indeed, this is an example to game the Congressional Budget Office scoring to make it look much cheaper than it will actually be, once fully and finally implemented.

So at a time when we are going to be asked to raise the debt limit—our credit card is maxed out, nearly maxed out at $14 trillion-plus—at a time when our deficits are $1.5 trillion—that is just for this current, last fiscal year—we are left with the question, everything else aside about this health care bill: Can we and can the American people afford it? I would say the answer to that is absolutely not. Because we can do so much better by making sure the government does not get between patients and their doctor and by leaving the flexibility and the choices in the hands of consumers and decisions that are in their best interests.

We could, if we tried—and I hope we will—come up with a better way of delivering health care because, unfortunately, this bill did not—well, we squandered an opportunity to try to help bend that cost curve down. Indeed, all the evidence is, it bends the cost curve up and makes it more expensive.

Let me conclude on this thought. At a time when the President’s own fiscal commission says our fiscal situation is dire and is unsustainable, at a time when the President himself, during his State of the Union Message he would say: This fiscal commission I appointed has come up with a report. We need to take this seriously and need to work, on a bipartisan basis, to try to fix what is broken about our Federal Government’s finances. The President did not do that. He talked about investment, which we all know when the Federal Government invests money, it is code for more spending, and we have been on a spending binge the last 2 years and the next generation and beyond, and we know we cannot keep it up.
So beyond the fundamental problems with this bill—No. 1, that it is unconstitutional, so held by two Federal judges; that it continues to make health care more expensive rather than more affordable; that it denies people the opportunity to keep what they have—there’s one last problem. There are incentives on employers to dump their employees into the exchanges and that they will get the subsidies that Congress voted on, which will make this bill even more expensive than it was originally thought it was. This bill is going to hit Arizona.”

This is a huge problem because Arizona collected about $3 billion less of the recession. In the 2010 fiscal year, Arizona’s share of its Medicaid Program was increased by 44 percent. Think of that. More than 1.3 million Arizonans are now covered by Medicaid. That is more than 20 percent of the entire population of our State. Arizona legislature has taken steps to allow them to cut $2.2 billion in spending from a $10 billion budget, but that does not go far enough to address the rest of their budget problems. Despite these cuts, the budget shortfall is projected to be $1.2 billion this fiscal year.

So let me describe how this maintenance of effort requirement or mandate affects Arizona’s budget. In 2009, the Federal Government imposed a mandate on States by which States could not change their Medicaid eligibility standards or methodologies and procedures in place on July 1, 2008. This sounds identical to the maintenance of effort requirement or mandate that program.

As our Governor, Jan Brewer, noted in a recent letter to Speaker Boehner: The growth in Arizona Medicaid spending is a key cause of our state budget crisis and is unsustainable. . . We cannot afford this increase without gutting every other state priority such as education and public safety.

So the Arizona legislature has taken steps to allow them to cut $2.2 billion in spending from a $10 billion budget, but that does not go far enough to address the rest of their budget problems. Despite these cuts, the budget shortfall is projected to be $1.2 billion this fiscal year.

Let me describe what that is. The maintenance of effort requirement forces an unfunded Medicaid mandate on States by denying them the full ability to manage their Medicaid Programs to fit their own budgets and their own unique Medicaid populations.

This is a huge problem because Arizona, along with most other States, is experiencing a dire budget crisis. Our State has lost over 300,000 jobs in the last few years, and revenue collections are down by 34 percent since the start of the recession. In the 2010 fiscal year, Arizona collected about $3 billion less in gross revenues than it did just 3 years prior in 2007.

During this same period, enrollment in Arizona’s Medicaid Program has increased by 44 percent. Think of that. More than 1.3 million Arizonans are now covered by Medicaid. That is more than 20 percent of the entire population of our State. Arizona legislature has taken steps to allow them to cut $2.2 billion in spending from a $10 billion budget, but that does not go far enough to address the rest of their budget problems. Despite these cuts, the budget shortfall is projected to be $1.2 billion this fiscal year.

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 Medicaid coverage for 1 million Arizonans who represent the core of Medicare’s mission—the aged, disabled, the blind, pregnant women, and children. I support the Governor’s request and I urge the administration to grant the waiver. But ultimately, only repeal of this law will provide permanent relief to all of the States such as Arizona and all of the other States similarly situated. So I am strongly in support of the amendment that provides for repeal and replacement with something that will work and will not punish our families, our residents, and our States.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I have come to address two amendments that are before us. First, I wish to salute my colleagues Senator ROCKEFELLER and Senator HUTCHISON and all of those on both sides of the aisle who have brought this FAA bill before us. It is something that is long overdue. It is sad that in America we don’t have a GPS system—and just about every western country does—even Mongolia does; Tibet does not—to move forward and modernize our airports. It is important for just about everyone, for convenience, but I would say most of all it is important for America’s productivity. When people sit and wait on a runway, when planes are delayed or flights canceled, the amount of output that is lost is enormous. We are losing much more than France or Germany or England because they have these systems. It is about time we put them in.

I will make one more point about it. There are some who say, “Well, let’s go back to the 2006 level of spending.” In 2006, the budget did not have a GPS system. Certainly we have to cut where there is waste, but just an across-the-board, roll-the-clock-back approach doesn’t make any sense. The advances, the world advances, and we cannot march backward. There are certain things we need to keep this country strong, and the President talked about some of those in his address. Investments—and transportation has always been one since the days of the Erie Canal, which caused my city, New York City, to become the largest city in the country and it still is, praise God.

But I came to talk about the two amendments that are here before us. It is sort of a “do and don’t,” in my opinion. We had a long debate on the health care bill. We all know how long it was. The American people decided—the majority did not want to repeal the bill. In fact, 8 percent don’t. Even those who want to change it, the majority say, “Don’t repeal it,” just change it. That is the point here.

Senator STABENOW is offering an amendment to change something in the bill that very much needs changing. The change in the reporting requirements to 2099 put an onerous obligation on small business people. My dad was a small businessman, and I know how small business people struggle. To ask them to file paperwork every time they bought something new, even at low cost, is a bit over the top. So I am glad we are repealing that. No one is claiming ownership. It is going to pass in a bill that I support.

None of us on this side of the aisle is saying the health care bill can’t be improved, but just repealing it without putting anything in place creates a number of problems. One problem, which we will see tomorrow when the actual vote is called, is it would increase the deficit by $260 billion in the first decade and $1 trillion in the second, because the health care bill actually does cut some costs, and we know there is a tremendous amount of duplication, inefficiency, waste in our health care system. It is the best in the world. It is also probably the least efficient in the world. Our goal and our job is to keep that quality of care for people but also to increase the inefficiencies that cost the government and cost businesses. So it does reduce the deficit.

When our colleagues are calling for repeal, when Senator McCONNELL, the Republican leader, says repeal, I say to him—am I going to increase the deficit? So we have all this talk: “We have to reduce the deficit,” and then the first move the other side makes, whether you like the health care bill or not, is to increase the deficit. They wouldn’t propose $260 billion in other cuts to at least keep the bill deficit neutral?

The second point I would make is this: Repeal says get rid of everything. It is simple, it is easy, it is quick. It is wrong. There are many good things in this bill supported not only by the majority of Americans—the vast majority—many of which are supported by the majority of Republican voters who were polled, but even supported by TechNet, one of the leading software developers. I have heard them speak. Even the new freshman class that is coming into the House—very militant—says, “But I am not for repealing this, or I am not for repealing that.” So why can’t our colleagues on the other side of the aisle at least acknowledge there are very good things people like?

When they say repeal, do they want to repeal the provision that makes it easier for senior citizens to pay for prescription drugs? That is called the doughnut hole that says after you—and this comes from the Medicare bill that George Bush put forth, not from this health care bill, but they didn’t have enough money to pay for it. So they said that after $2,500, seniors would have to pay prescription drug costs on their own. Any of us who buy prescription drugs—I do; I am taking one for my back because my back went out yesterday—knows how expensive they are. You get up to $2,500 when you are underwritten, and now eight medications—one to lower your blood pressure, one for diabetes, one for cholesterol, you name it. When you get up to that number, our seniors in my State and I am sure in the Presiding Officer’s State and in any one of the other 48 States, are having real trouble paying for prescription drugs once they reach that doughnut hole, once they reach the level after which Medicare no longer pays. We have the health care bill, we deal with that. We reduce their costs 50 percent in the first year. That saves the average senior citizen—and this is not chicken feed—$550. By the time it is fully implemented, we save them $2,400 a year. Why repeal that? Well, when they vote for repeal, they are voting to repeal it.

How about this one: There are countless American families who have kids in their early 20s. They get out of college, they get a job, let’s hope. It is hard to get a job these days. By the way, we should be focusing on job creation, not on repealing this bill, and the FAA bill does that, as I mentioned. They have a dilemma. These jobs are now part of the pay that they are not as good, most of them, and they don’t come with health care. What are these young people to do? They can’t afford health care themselves—$800, $900, $1,000 a month. They are not making that much money. It is very difficult, so the FAA bill does not forbid, if they get into a car accident or they get a serious disease, how can they be without health care? It is a dilemma that has plagued American families from coast to coast, from North to South, from East to West. The health care bill corrects it. Here is what it says, very simply: Any young person 21 to 26 can stay on their family’s health care plan. It is a great idea. It is very popular. I wish to ask my colleagues on the other side of the aisle who are going to vote for repeal, are they for taking away the benefit of young people 21 to 26 to stay on their family’s health care plan if they wish? I doubt it.

How about this one: We all know preventive medicine saves billions, so in the health care bill every senior citizen on Medicare gets a wellness checkup free once a year to encourage them to go in. Why? Not because we want some giveaway, but the statistics show overwhelmingly and without doubt conclusively that when senior citizens get a preventive care checkup, not only are they healthier, but it saves the Medicare system billions and billions of dollars, more than any other single sliver of a melena. Before the melena gets into the lymph nodes, it is a simple operation rather than thousands and thousands of dollars and months and months of agony and illness. Do they want to stop those checkups? When people get a colonoscopy or any of these other preventive exams, including mammography, it saves the taxpayers much money. The recipient is healthier. That is why we put it in the bill. Do they want to repeal this? Do they want to tell cancer patients, “You don’t get that wellness checkup which will save billions?” I can’t believe they would want to do that, I say to...
my colleagues on the other side of the aisle.

How about this one: Small businesses. Small businesses are not required to have health care now, and under our bill, if they have under 50 employees, they won't be required. But some of them provide health care for their employees. Some do it because it is a good way to retain a good, young employee, or a good middle-aged or a older employee. Some do it because the employer is just a good guy or gal. Well, what we tell them is, if you have a business that makes less than $1.2 million and has fewer than 25 workers, we will give you a 25-percent tax credit for health care. Some do it because it is a good way to retain a good employee. It is saying: Please get us a 1099 bill. Senator JOHANNES has done a good job. It is bipartisan. Senator SCHUMER has done a good job. It is saying: Please get us a 1099 bill. Senator SCHUMER has done a good job. It is bipartisan.

Senator, 1099 is a bipartisan effort. Senator SCHUMER and Senator JOHANNES moves us forward. If you think there is a consensus to the bill of the overwhelming majority of Democrats, Independents, and Republicans.

There is some much in this bill that is good, that is supported by the overwhelming majority of Democrats, Independents, and Republicans.

We are not saying everything is perfect in this bill and that it can't be improved. We are saying: Let's work together in a bipartisan manner to make it better. But the other side is saying: Just repeal it—repeal the good things, the things they don't like, create a huge hole in this health care system and shape it up. That is why it took us so long, and that is why it created a great deal of controversy. I will be the first to admit that. But I don't see a substitute. If you wanted to be fair and you were being straight with the American people about actually improving people's health care, you would have a replacement on the floor, and then we could compare the repeal of what you want with what we propose.

Maybe we should have a clock—the first day without repeal and replace, the second day, and so forth. I have a feeling we are not going to see a replacement. Do you know what that would say? That this is just politically throwing out some red meat, but don't dare show a replacement because, guess what, to replace is hard, and you really don't have a solution for replacement.

I urge that we vote strongly against the McConnell amendment. I urge my colleagues on the other side to rethink it.

I look forward to hearing the remarks of not only the chairman of the Finance Committee on which I serve, who has been involved in the FAA bill, but also the No. 2 person, the ranking Democrat on the Finance Committee on which I serve, who has made so many invaluable contributions to the bill, on the cost-cutting side, in terms of the 80 and 85 percent rule and all the other things we have done.

With that way to yield the floor so that we might hear my distinguished colleague, the senior Senator from West Virginia, speak for a few minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, after that last sentence, I had to drink a little water to sort of balance the floor. I was going to make a few comments on the health care bill, which, in and of itself, interests me because we are here doing FAA. If I remember correctly, I was prompted to do so by a speech given by Senator SCHUMER—one can't take it lightly.

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that would then be substituted for what we created and the President signed? And then very quickly one comes to the realization that there isn’t an alternative from the other side. There never has been. From that, it quickly followed that the improvement is what the present is the present system. If that is not true, then they can come down and tell me about that. That is what I have to believe because I haven’t heard the new ideas or the alternative that my colleagues asked for and accomplished over a very difficult period of many months and much angst, agony, and screaming at townhalls and all the rest of it, which was worth it.

The bill, although not perfect, was a real step forward. It looks at the fee-for-service system, which has always been a fallacy in the American health care system, that you automatically get paid for whatever you do if you are a doctor, a hospital, or you sell medical equipment. It is a systems approach. You don’t save money, you don’t improve health care by doing that. Productivity, efficiency, and excellence are done by oversight, by accountability, by asking questions, asking people to show evidence, and if they are not, they have done for a particular service, that it is better than it was the year before.

I will mention—unpleasant probably and not fit for this floor—that one of the biggest things we have in health care today is something called MRSA. MRSA is in almost every hospital in the country. Unfortunately, it emanates from bathrooms that are not kept that clean. So if we don’t do our bill and it is repealed and hospitals then are not judged on MRSA and many other things, such as too many MRIs in one hospital, too many MRIs in one town that can only support two and seven because you have to make it more expensive. You are not used very much—all of these have to be checked and looked at carefully before people are paid. That is the way you save money, and that is the reason the health care bill that was finally signed saves $1.3 trillion over 20 years and $240 million or $280 million in the very first year. It is a cost saver.

So, by definition, if we went back to the present system, you would have to start with the fact that we would be losing 80 percent of the deductibles that the American people would have to spend on health care, and then they have to show to HHS that it is being spent on health care, that makes it, or at least keeps them where they are. The bathrooms get cleaner, to be crude about it but actually quite accurate about it.

That is a very good system because it is not my colleagues who speak; it is called oversight. The American people should want to do oversight over their health care dollars because it is so much of their income they have to spend on health care. The medical loss ratio—a strange name but a sound principle—is where 85 or 80 percent of all premium dollars have to be spent on health care, and health care cannot just be health care but better than it was in the previous year or 2 or 3 years. Obviously, we are not into that system entirely yet and again, it is unwise.

Is it possible for me to explain that I am very disturbed that this bill we are now wanting to repeal will insure 32 million people who don’t have health insurance, and then I am saying to myself and won’t be until 2014. Obviously, we are not into that system entirely yet and again, it is unwise.

Now, truth in telling, the 32 million people—we weren’t going to be able to get that all done until 2020 because of the lack of funds. We had to do as much as we could as soon as we could, but we couldn’t do more than that because every thing was scored by CBO, which is very tough. But I am astounded by the prospec of the excellent people who are on that side of the aisle—they are like us; a different party, but so what—saying that 32 million would lose their health insurance—or they were going to get health insurance, but now they will not, so they are on their own.

What happens then? Well, they take up the practice, which I saw when I was in the House of Representatives for 4 years in the early 1980s or the late 1980s—we went out to Chicago in one visit, to Cabrini-Green, and Chicago was a robust health care city, and the folks out there told me that in that particular year, eight emergency rooms in hospitals had closed down. Why? Because they were being overwhelmed even then.

Secondly, they are by far the most expensive part of the hospital. They cost the most. They drain health care because of all the emergency service. People wait 5, 6 hours—we have all been through it—and they get their health care, maybe. It is so inefficient, so brutal, such an awful system where more attention, because of health insurance, would allow more cautious, attentive, logical work to be done on patients. That is gone. That is simply gone.

Emergency rooms are important, but a lot of them are going out of business because they still cannot afford to stay open. They are too expensive for the hospital corporation that makes that decision. I do not blame them for that. It is not a question of politics. I think of when I was a VISTA volunteer—I sometimes talk about that on the floor—a long time ago. There were no jobs, no health care. Nobody went to school because the schoolbus did not come to pick up any of the kids because we were considered too far away. It was kind of a bad community. I latched on to that community. It is the reason I went to West Virginia and then stayed in West Virginia.

They depended on a rural community center that was right there, the Lincoln County Community Health Center. It was not a hospital so they did not have to worry about going up in an elevator because many of them in very rural parts of the State have not been able to access it. They are not on an interstate—that is a traffic light, red or green. That is new to them. They live in rural places. They deal with it that way. I suspect it is true in parts of New Hampshire, although New Hampshire has gotten some people.

People trust rural health centers. Why? Because they are not hospitals. They are on the first floor. They are an old Kroger store, an old Safeway store, an old hardware store. But inside are doctors, nurses, and new health IT, which is in this bill and heavily promoted, which may be coming on its own, but I doubt it. This bill is really important to health IT. They could communicate with the community center, not just in West Virginia but in the world. They can get experts to look at, let’s say, a mole on a 14-year-old’s arm. Is that just a mole or is that cancer? I have seen that done. A doctor at West Virginia University—this was 20 years ago—I can’t believe that—looking at a kid in Moscow with a physician assistant attending. They put the then-technology on that mole. The doctor in West Virginia was able to analyze it and say, well, it is not cancerous. That was a wonderful event.

People gravitate to community centers. Poor people gravitate to them. Rural people gravitate to them. They are easily accessible. They have very good doctors. There is a lot in the bill to help with those kinds of doctors, those kinds of nurses, the staff, those kinds of places and the whole health IT issue which makes the work they do there checkable, accessible anywhere else in the State, the country, or in the world. Those would be gone.

We have $10 billion in our bill for 1,000 new community health centers all across America. I am excited about
 MR. BARRASSO. Madam President, I ask unanimous consent that I reserve the right to yield the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MR. BARRASSO. Madam President, I come to support Senator McConnell’s amendment to repeal this health care law. I listen very carefully. I listen to the people in Wyoming. The University of Wyoming conducted a survey. Sixty-eight percent of people in my home State want this law repealed. The people of Wyoming have great concerns about the unfairness of the law. Our seniors who rely on Medicare are concerned with the unfairness of a law that takes over $500 billion from them, from our seniors on Medicare, not to help Medicare, not to save Medicare, but to fund a whole new government entitlement program for someone else.

Let’s look at the specific cuts to Medicare: $155 billion from hospitals; $45 billion from the DoD; and $11 billion from seniors on Medicare Advantage, and there is an advantage to Medicare Advantage. That is why so many seniors have signed up for it. Nearly $15 billion from nursing homes; another $40 billion from home health agencies; and $7 billion from hospice.

The President the other night, in his State of the Union Address, said: If you have some ideas on ways to get down the cost of care and improve care, I would like to listen. I have been bringing ideas to the floor during the entire year-long debate, and those ideas have been ignored and rejected. I suggest the President listen to his own Debt Commission. He appointed the Commission. They put the discussion. What the members of the Debt Commission said is that if you cut Medicare, a program designed for seniors, do not do what you did, do not do what you suggested, Mr. President, do not do what the Democrats in the Senate have suggested, do not do what Nancy Pelosi wanted. If you cut that kind of money from Medicare, the Commission says, you should use that to help and save Medicare, not start a new government entitlement.

The Commission also said that we should repeal the CLASS Act. That is a part of this health care law. It is called the CLASS Act. It has been described by Democrats as a Ponzi scheme that would make Bernie Madoff proud because of the fact they use trickery, gimmicks to say: We will bring in money now and the big costs will not show up until 10 years from now. I heard my distinguished colleague from West Virginia talking about small business and the tax credits. The small business owners in Wyoming looked to that. What they found is if they want to hire an additional worker, if they are at 10 or 11 workers and want to go to 12, they lose part of the credits. Do you know how much low-paying jobs have to be to get the tax credits? The average income has to be $25,000. It cannot be higher than $25,000. If you want to go to 12, if you want to give someone a raise, you are going to lose your tax credits.

Small business owners across the country who looked closely at this issue have said this to me at all. They are saying we need to make it cheaper and easier to create private sector jobs, and this health care law, with its expensive mandates and obligations, makes it more expensive and tougher to create private-sector jobs. We want this law repealed.

Just yesterday, a court in Florida ruled that this entire health care law
was unconstitutional. There has been a separate ruling in Virginia prior to the beginning of this year. I will tell you that ruling in Florida yesterday is a second stake in the heart of this health care law.

The government, this Senate, the House does not have a right to go into the homes of the people of my State of Wyoming or anywhere around the country and say to them: You must buy a product. You must purchase something. If the government can tell people they have to buy health insurance, where does it stop? That is why I am encouraged, as are Americans all across this country, when I see the ruling coming out of Florida. People inherently understand this is unconstitutional. The health care law even fails to meet the President’s own promise. In Wyoming, we have a code of the West that says: If you give your word, keep it. The President promised this health care law would actually bring down the cost of insurance for the poor. I listened to my colleagues on the other side of the aisle talk about covering those who are uninsured and they use the words interchangeably. That is misleading to the American people. You can get a Medicaid card but that doesn’t mean you can get in to see a doctor in the way that you might think. Half of the doctors don’t want to see patients. Why? Because the reimbursement is so low.

The New York Times article of Saturday speaks to U.S. aid running dry and States proposing Medicaid cuts, not to mention Florida. The headline is: "Governor Jerry Brown of California, a Democrat, and under him, Andrew Cuomo, a Democrat of New York. What does it say? It says:

The shrinking of Medicaid programs, if approved by the state legislatures, would come at a tremendous cost to the Obama administration. Starting in 2014, the health care law calls for an enormous expansion of Medicaid eligibility that is expected to add 16 million beneficiaries by 2019.

The health care law puts in place a program that will hire IRS agents to make sure people buy health insurance, but it doesn’t pay to train the doctors and the nurses needed to take care of those patients. As the article goes on, it says:

States have already cut payments to health care providers and scaled back benefits over the last few years, so these new proposals cut are much more painful.

I will tell you, the people of Wyoming want this law repealed. The chairman of our health committee in our State Senate—and I served under him for 5 years when I was a member of the Wyoming State Senate—whose name is Charles Scott, has been in the State Senate over two decades and has studied this extensively. He had an article in the Casper Star Tribune on January 30 speaking to this.

Mr. President, I ask unanimous consent to have printed in the RECORD this article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**REPEAL OF "OBAMACARE" WOULD HELP WYOMING**

(By Charles Scott)

Contrary to the assertions made in Barb Rea’s and Jan Drury’s Jan. 22 Star-Tribune guest column, “Repealing health care law doesn’t help Wyoming,” repeal of Obamacare would help Wyoming.

We need health care reform. Our American health care costs are too high. There are too many uninsured. There is a huge cost for the uninsured. Medicaid presents an alternative to the cost, but that is expensive. The federal government has required a set of Medicaid benefits that are richer than any insurance the rest of us can buy. The federal government cannot afford the Medicaid expansion without a massive tax increase and neither can the state government once the law is changed so we have to pay our normal share.

So what is the Legislature doing to deal with the problem? Last year, three weeks before Obamacare passed, we passed the Healthy Frontiers pilot project. It is an effort to insure the working uninsured using incentives for cost control. It has an expanded prevention package and a health savings account. The individual pays part of the cost on a sliding scale according to income. The strategy is to spend more up-front on everyone to save by reducing the need for very expensive care later. Right now it is funded for only about 200 people and only through June 30. We have legislation this time to expand the numbers to 3,000 so we can find out if it really will save money. Our computer models say it will, but there is no substitute for trying it and seeing how it works.

If that repeal will give us an alternative to the expensive Medicaid expansion. If it is repealed, then Healthy Frontiers is an alternative way to solve the problem of the uninsured and could be imitated by private insurance to reduce costs for everyone.

Obamacare will make our existing shortage of doctors, particularly primary care doctors, even worse. To help solve this problem my committee is proposing expanding the community health centers. They can help doctors better take care of patients in the state because they are not subject to our tort liability system. They are under the federal tort claim so that our doctors are not bothered by our malpractice problems. Our failure to reform our tort liability system makes it too hard to recruit enough doctors to the state otherwise.

Obamacare mandates organizations called insurance exchanges which can either be ways to improve competition among private insurance companies (the Utah model) or pay for government-run exchanges (the Massachusetts model). To work effectively these may require more people to spread the costs of running the exchanges than Wyoming has. The solution is examining this requirement to look at the federal requirements to see if they can work in Wyoming.
Obamacare requires federal agencies to write several hundred sets of new federal regulations. We fully expect some of these rules to be impractical for a small state like Wyoming. What the federal law allows in very expensive ways. My committee has proposed a litigation fund so we can fight these regulations in court when we need to. It is a fundamentally misunderstood conceptual amendment to keep the state from participating in any attempts to explicitly ration care which I expect to eventually be part of what the government takes over our health care system.

Mr. BARRASSO. Mr. President, the headline of the article is: "Repeal of 'Obamacare' Would Help Wyoming." I want to read you excerpts:

Repeal of Obamacare would help Wyoming because that law is a disaster for our country. Our American health care system costs too much. There are too many uninsured. Obama reform makes these problems worse. The centerpiece of the Obama effort to insure the uninsured is to expand the Medicaid program, the existing program for poor people. This is the most expensive way available to insure the uninsured.

This is from someone who has studied this for 20 years. He goes on to say:

The Medicaid program is designed to be a high-cost program. Federal Government has required a set of Medicaid benefits that are richer than any insurance the rest of us can buy. The federal government has attempted to create a program that would work for everyone. The consequence is that Medicaid clients are free to use the hospital emergency room for things most of us take care of at home. The health care costs for an adult in Medicaid are one and a half times larger than for a comparable adult insurance by our largest private insurers and a child costs two and a half times as much.

Those are the things we are dealing with. That is the solution the Democrats have presented to the country. That is what has been passed. This solution is not a solution. What we need to do is repeal and replace this health care law.

The American people notice when month after month the Secretary of Health and Human Services rolls out yet another failure. Most recently, the Secretary of Health and Human Services has given waivers to every American and given them the opportunity and the freedom they request, and the flexibility they need to get the health care that works best for them, not a one-size-fits-all that comes out of Washington loaded with Washington wasteful spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER. (Mr. Casev). The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to add to the comments made by my colleague from Wyoming, who in his former life was a physician, and so he knows what it means to provide care to uninsured Americans. The Obama reform makes these problems worse. It was in the past year about this legislation as it was being considered here in the Congress, and I think the American people still get it.

I think the administration had hoped that there is a great deal of lip service and a great deal of rhetoric paid to it—is the issue of jobs. Honestly, I think if there was a message coming out of November's election it was this: The American people want us focused on three things. They want us focused on jobs, they want us focused on spending, and they want us focused on the debt.

On the issue of jobs, this also fails the test. Why? Because it raises taxes so dramatically. If you look at the tax increases in the bill—$590 billion in taxes on virtually every sector of the American economy. For instance, the measure penalizes employers for hiring more workers by raising the Medicare payroll tax by $210 billion, levying new taxes on many small businesses that will serve as the engine of economic growth and job creation.

If we want to get this economy recovering again and creating jobs, the one thing you don't want to do is impose new mandates, new burdens, new taxes, new regulations on the economic engine, the job creators in America today, and that is our small businesses. So if we are serious about the issue of jobs, this certainly didn't do anything to create jobs.

I think the American people made it plain, and it is clear, they want us focused on jobs. They want us exclusively focused on getting this economy going again. When you are in a hole, you don't keep digging. What we have done is we have dramatically expanded the size of government at a time when we are running year-over-year trillion-dollar deficits. So what did this do? When it is fully implemented, this bill would add $2.6 trillion. That is the 10-year score between 2014 and 2023. That is a massive expansion—the most dramatic
expansion we have seen in government, literally, since the 1960s.

So this doesn’t do anything to address the issue that the American people spoke loudly about, and that is getting Washington spending under control.

Arguably, as I said before, I think they care deeply about the issue of health care and getting health care costs under control. As I will get to in a minute, this does little, if anything, to address health care costs. But it certainly increases Federal spending and increases the role and the size of government at a time when most Americans are saying we want the government reined in. We want less government. We want the government to start living within its means. Instead, we have increased and expanded the size of government dramatically.

How about the issue of debt? A lot has been made by our colleagues on the other side that if we were to repeal this, it is going to add to the deficit. Let’s go back to the reason why they can make that argument. The reason they can make that argument is because of all the gimmicks, all the phony accounting that was included when this bill was passed in the first place.

We have all referenced and talked about the double counting of Medicare savings, to the tune of about $400 billion, revenue that was counted twice, to pay payroll taxes that were double counted, you had Social Security and Medicare the new health care entitlement. So knowing that some changes that were made in revenue that was coming in from high-income taxes, that was double counted as well. The $29 billion in Social Security revenues that were credited with saving or extending the lifespan of Medicare at the same time they were being used, and you offset that by any objective measure, if you look at the games that were played, the gimmicks that were used, the phony accounting that was used to claim that somehow this was going to be a positive impact on the deficit, it does not pass the smell test. No rational American would look at this and say this makes any sense at all.

In fact, if you add up everything I just said, if you included all these accounting gimmicks, all the phony accounting that was used to claim that somehow this was going to be a positive impact on the deficit, that is what we would be looking at over the 10 years.

Remember also that you have the 6 years of spending in this bill in the first 10-year window, which is what the CBO used to score this, and about 10 years of revenues. So the tax increases kick in a little later—I think a lot of Americans were hoping that when Congress took on this issue of health care, it actually would be with an eye toward reducing health care costs for most Americans, and it is actually true. Actually, the CBO said the same thing. They said the individual health insurance premiums would increase by about $2,100 per family as a result of the new law and that some consumers would face total premium increases of more than 20 percent. Those are things we are seeing come to fruition now. A lot of people are seeing their health insurance premiums go up. That is a fact. It is a reality, it is a consequence of what was promised when this bill was being debated.

You have not only higher taxes on small businesses that are costing us jobs, that are destroying jobs, you have expensive existing medical bills. You have the debt and the deficit, which, in the outyears, are going to explode because of all these accounting gimmicks, and then when all is said and done, you still have not done anything that lowers health care costs for most Americans. I believe, for most Americans, that is what they wanted to see come out of the health care debate in the Congress. They wanted to see reforms passed that put downward pressure on health care costs to them and their families rather than increase it. In fact, what we have seen is the opposite. It has not decreased cost; it has increased costs. I think we are going to continue to see costs go up because as these tax increases kick in, a lot of businesses around the country obviously are going to pass these costs on to the American consumer. So it fails the test of doing anything to lower costs for most Americans.

Finally, it is also now failing the legality test, as we are seeing these courts coming out and determining that this whole exercise was unconstitutional. That triggers a whole other debate in this country, a debate that I happen to think is going to probably be very positive for a while, but I hope, as this moves through the courts, it does engage the American public about what is the role of the government and how intrusive should it be and what kind of mandates can it impose on the American people. There was a very well-reasoned decision that came out of the Florida court yesterday which says this legislation is unconstitutional. Again, that makes the argument that many of us were making as this was being debated last year.

The bottom line is, we are in a position to do something about it. This is not the end. This should not be the end.
of the debate. We should look at this as an opportunity. If the amendment that was offered by the Senator from Kentucky, Mr. MCCONNELL, actually were to pass and we were to repeal this, we could start over. We could go about this in a way that actually does reflect health care in this country, in a way that lowers costs rather than raises costs for most Americans. I think that would be a welcome thing for the American people.

There is going to argue we do not need to do this. We do not need to repeal this. We just need to ‘repair’ it. We can make these little modifications to it. But the fundamental fact is, this was a mistake in the first place and we should acknowledge it. I think, again, the fact that it passed last year on a total party-line vote, a total partisan vote—there was not a single Repub-

The President of the Senate from Maryland, Mr. CARDIN. Mr. President, I listened to my friend from South Dakota. I was thinking about how long we have been debating health care reform. If we had been in a real war, there are last year, how long would it be before we would be able to get back to serious health care changes?

It took us 1 year to debate and pass the bill that was ultimately signed by the President, 1 year to get to this subject and several ad-

I have gotten hundreds of letters and phone calls from people in Maryland who told me their stories about fighting health insurance companies or their stories about trying to get access to preventive health care and how they were denied under our current system. I have talked to seniors in Maryland. I know how expensive health care is to seniors. They will be able to get cov-

The problem is, it is out of the reach for too many Americans. It is too ex-

I have received many letters from my Framers intended, in terms of the basic parameters that are allowed by our Constitution.

I hope the McConnell amendment will be voted on. I think it is important for all of us to be able to do our jobs. But I hope my colleagues on the other side may reconsider the position they took when this was voted last year and conclude with many of us that this was a failure and that starting over is the very best solution for the American people. If we are serious about giving them a health care system in this country that is affordable, that delivers the high quality they expect, and enables them to have the maximum amount of choice and decisionmaking authority when it comes to something that is so personal and so important to them; that is, their health.

I yield the remainder of my time.

The PRESIDING OFFICER, the Senator from Maryland, Mr. CARDIN. Mr. President, I listened to my friend from South Dakota. I was thinking about how long we have been debating health care reform. If we had been in a real war, there are last year, how long would it be before we would be able to get back to serious health care changes?

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they don’t have insurance available, that they will not have an affordable option for health coverage. They can’t be on their parents’ policy. Do we want to do that? That doesn’t help American families. That moves us in the wrong direction.

We have told the private insurance marketplace that your premium that you pay, whether you do it through work and your employer and your own contributions or the premium you pay, that must buy insurance go for health benefits. It should not go for bonuses for insurance company executives. It should not go for nonmedical expenses. Most of it should go for benefits. The bill we passed last year says that now 80 to 85 percent of the premium you pay for your health insurance must go for benefits. If it doesn’t, you will get a rebate. The money will actually come back to you in your pocket. That is taking on the private insurance companies, telling them they have to at least accept the ranges. That is going to provide real benefits, improved coverage for the people. If the McConnell amendment were to become law, that would be lost. We would be at the mercy of private insurance companies.

How many constituents have we heard from who have told us examples of insurance companies using preexisting conditions to block their coverage? I could tell you about a family in Montgomery County. A husband and wife with two children had to take out two insurance policies because the insurance company said that one of their children had a preexisting condition. They had to take out two insurance plans, paying two premiums and two deductibles. That is outrageous. We have done away with preexisting conditions for children.

We are going to do away with preexisting conditions for all Americans, as we should. You buy insurance to protect you. I was surprised to learn how many Americans, if they try to buy insurance today without government protection, would run into an insurance company that tells them they have a preexisting condition. If you have high blood pressure, even if it is under control—preexisting condition. God forbid you should need to see a cardiologist—not covered. If you have high cholesterol, take a pill, it is under control; you are in good shape. Your cholesterol numbers are still good. Not for the insurance company; that has been considered a preexisting condition. Quite frankly, some insurance companies consider women to be a preexisting condition, the way they write their policies. We do away with that. If the McConnell amendment were to become law, all that protection is gone.

If you think we will be able to pass it again quickly in this Congress, come down here and watch the way Congress works. Thirty years it took us to bring this bill up and get it passed. These are protections that are critically important to families. We need to make sure these are protected.

Caps. You buy an insurance plan and find out you have annual caps and lifetime caps. That is what you were buying protection against in a catastrophe. It is not there. We have done away with the caps to protect American families. That would be gone if the McConnell amendment were to become law.

I have heard a lot of discussion about small businesses. One of the reasons I worked so hard for passage of the Affordable Care Act is to help small businesses. They are discriminated against. It costs a small business owner more for the same coverage for its employees than a large company. On average, it is about 20 percent higher for smaller companies to insure their employees. That is just wrong. We take steps to correct that immediately by giving smaller companies the small business tax help by making it more affordable for them to cover their employees.

I heard my colleagues complain that premiums are going up. Yes, they are, because of the current system, the one we have, the process of changing. It is going to take some time for us to get full implementation of that law. That is understandable. It is wrong. I wish we could do more to bring it down quicker. But for this bill the premiums would be even higher. We know that.

This bill helps us to start to get a handle on helping small businesses have affordable coverage for their employees. Once again, if the McConnell amendment were adopted and became law, that protection, that help for small businesses would be lost.

Let me talk about taxpayers for a moment. There is a lot of discussion on both sides of the aisle—and I hope we can have a reasonable discussion about bringing down the deficit. We need to do that for the sake of our economy and for our children and grandchildren. It is wrong for us to pass on our debt to future generations. We need to be serious about deficit reduction. I hope we do come up with a game plan in order to bring that about, but you don’t do that by repealing the health reform bill.

Our own Congressional Budget Office, our independent evaluators, tells us that repealing this bill will add about $1.5 trillion to the national deficit over the next 20 years. I know people who are listening to me may not believe what I say. I understand that. I understand there has been a lot of misinformation given out. My colleagues on both sides of the aisle have tried to oversell this.

The Congressional Budget Office is our independent evaluator.

I remember when Senator ROCKEFELLER was working on this bill, and we thought we had a pretty good understanding on how to bring the bill out. But, unfortunately, the CBO said: We can’t give you all the savings you think you are going to get by keeping people healthy. Senator ROCKEFELLER and the Finance Committee had to go back and find some additional savings in order to meet the CBO’s requirement that was made in order to pass the bill. In fact, we reduced the deficit with this bill.

So what do my colleagues in the House do? They say the CBO doesn’t mean anything. In fact, with every bill we pass here, we will never attack the deficit. We have to have objective rules for evaluating what we do and its impact on the deficit.

One thing is clear by the objective scorekeepers: The McConnell amendment will add $1.5 trillion to the national debt because of what we were able to do in the Affordable Care Act.

We could argue this from many different directions. I am amazed that my friends on the other side of the aisle say this is what the American people want us to do. I have looked at the polls. They go back and forth. Americans are divided on this issue, but most Americans want us to move forward. They want us to deal with job creation and job growth.

The bill my friend from West Virginia has brought forward, the FAA bill, is a very important bill for the American people. It is going to make our air traffic safer, but it will also create more jobs in communities—the exact type of bill we should be bringing forward. We should be working today to create more jobs, not fewer. That is what this underlying bill does, not the McConnell amendment. That won’t help us create jobs. That will add to the deficit and make it more difficult for Americans to keep and get affordable health insurance. That is not what we should be doing.

I invite my Republican friends, we should be working together on this bill. We should be looking at ways to improve health care. We never said, when we completed our work, that we know there is no more work to be done. We know there are ways we can improve health care. Let’s work today to do that, but let’s not go backward. Let’s move forward for the American people. Let’s create the jobs we need for our economy. Let’s continue to make health care accessible to more and more Americans and affordable to more and more Americans. Let’s provide the quality of care that is befitting this great Nation to all of our citizens.

In my State of Maryland, we have a person whom we will never forget—Diamante Driver, a 12-year-old who lived in Prince George’s County. In the wealthiest Nation in the world, in 2007, he needed to see a dentist but had no health insurance. So his mom tried to get him to a dentist. No dentist would treat him because he had no money. So he wound up with a social worker. His mom took him there. Then a lot of calls. No one would treat him. His condition got worse. He went to an emergency room, which is what happens
with a lot of people who have no health insurance. Talk about saving money. One of the ways we save money under the Affordable Care Act is to bring people out of the emergency rooms and into our clinics and get them the health care they need. Diamante Driver went to an emergency room months after he should have seen the dentist. Because his tooth had become abscessed and had gone into his brain, he had severe headaches. He went to the emergency room because of his headaches. They found that the only way they had a chance to save his life was through emergency surgery.

Two surgeries later, $34 million spent, where it would have cost $50 to take care of craftsmen. Diamante Driver lost his life in 2007 in the wealthiest Nation in the world.

I understand that health care is personal to every person. Everyone looks at how they are going to be taken care of in the health care bill. That is what they should do. We think the overwhelming majority of Americans benefit by the bill we passed last year. But I would hope every American wants to make sure that more Diamante Drivers, that every person has access to affordable quality care. That was the signature accomplishment in the last Congress. We did it in a way that helped seniors, that helped families, that helped small businesses, that helped taxpayers and helped America to become at long last a Nation that said health care is a right, not a privilege. All that is lost if the McConnell amendment were to become law.

I urge my colleagues to think before they vote on this amendment as to whether they want to be on the right side of an issue that has helped define the Nation. I urge my colleagues to reject the McConnell amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, that was a magnificent speech.

For all Senators, there will be no rolle call votes this evening. I will continue to work with my ranking member, Senator HUTCHISON, and the leadership on both sides of the aisle on an agreement to dispose of the pending amendments tomorrow. Actually it is on the FAA bill. Remember that? We sort of started out the day doing that. That is a very important bill, as the Senator from Maryland pointed out.

I am unanimous consent that there be debate only on the FAA authorization bill for the remainder of the evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I have come to the floor today to talk about the amendment Senator MCCONNELL is sponsoring to the health care bill. I am probably going to approach this differently than a lot of my colleagues have. I do not doubt that the intent of what was passed a year ago last December was well intentioned, with the thought of solving health care problems in this country.

My experiences, as a physician for 25 years, and as a manufacturer in the medical device field for the 10 years before that, gives me a little bit different take on what the consequences are associated with this bill.

During that hardy debate we all had, I made some claims that people doubted. And I do not think I made the claims that were absolutely apparent and true. Costs are going through the roof, faster than we thought; portions of people cannot tolerate the plans, so we are giving them exemptions because it will not work in the best way people covered but, most importantly, what is getting ready to happen is what happens between a patient and their access and their care and their provider. As well meaning as the bill was, the destruction of that aspect of health care will cause us to rue the day we put into motion what we are putting into motion.

Let me explain. Most of the doctors in this country are very interested in this health care bill, and rightly so. They are the ones who are going to be impacted, along with their patients, because they are the ones delivering the care. When you poll those doctors, what is the first thing they say that they actually know what this bill is going to do? Well, some pretty significant statistics have come out—one by Thomson Reuters—where two-thirds of the doctors in this country absolutely believe the care of their patients is going to suffer as a consequence of this legislation.

Think for a minute if you are an individual needing to access care and we are in 2014, 2015, and the Advisory Payment Board of Medicare is intact. We also know what the Medicare trustees have said about that, that when this is fully impacted, the payment under Medicare—this is a very important point—the payment under Medicare will be less than the reimbursement for Medicaid.

So all of a sudden who was your family physician or who was your surgeon is no longer there. You see, this bill is about how to keep them in and who have the attention and care of somebody dedicated to you, who has your best interests at heart in terms of your health. What we are moving to is somebody who is going to have their best interests of survival at heart and your interests second.

That is the real tragedy of what is happening with this bill and the implementation of it. Not only are we going to have payments reduced in Medicare—that is the only way the bill works, by the way; it is the only way we can ever get out of the jam until we address fixing Medicare—but 55 percent of all specialists in this country today will not see Medicaid patients. The reimbursement rate we have, and we are going to have a reimbursement rate for Medicare lower than Medicaid.

Let me give you another example. What are you going to do if you have no insurance and you go to an emergency room with a significant illness versus if you have Medicaid and you go to an emergency room with the same illness, the outcome for you with no insurance is better than the outcome for you with Medicaid. That has been repeated in four different studies now, and we are putting 18 million people into a system who are not going to have access to the best doctors because the payment is so low that there is a loss every time you put those new people who are going into Medicaid, and this child does not get seen for 72 hours. The mother thinks: Well, I will wait the fever out. I don’t have a doctor I can call. I will wait the fever out. Or the child gets out of the emergency room, because there was not a primary care doctor for that Medicaid patient to call, what do they find? They find the 4-year-old not with otitis media any longer, but with the early stages of meningitis. What was a simple, treatable disease—because access, even though guaranteed, was denied because there are not the available resources to care for that child—the child ends up with a very complicated hospital stay and potentially the loss of hearing or brain damage. Those are the real consequences of what we are talking about as we put 18 million people into a Medicaid system.

We have had several Senators today talk about the cost and the gimmicks. I am not going to do that. But I want to talk about the real issues. The one place we failed in health care is we did not fix the real problem. The real problem is, everybody’s health care costs too much. We did the right question: How do you drive costs down? Even when you go through all the numbers that have been given by CBO, Medicare trustees, Medicaid trustees, and outside studies, what we know is, what we did do is drive any costs down. In fact, in the short term we have actually driven costs up.

So how do we do that? The way we do that is put some responsibility on both the physician and the purchaser of health care for the cost. It is human nature. If I gave you an insurance card for your groceries, and once your deductible was met all you had to pay was 20 percent of that cost from then...
on out, your diet would significantly improve in terms of the quality and price of the products you buy. That is all in our human nature.

What we have failed to do is to address the real cost drivers. That cost driver is medicine the real cost driver. We charge people lots of money for our services and they do not buy health insurance. What do they do? They are grand consumers and very discretionary consumers of health care because they come forward and they want to know what they are getting and what it costs before they buy it, every time. I have delivered over 500 Amish babies, and there was not one time I wasn’t asked at the time the patient came to see me: What is the price for this? Will you take a cash payment upfront so I can buy for cheaper? Are there rebates I get where I can get the best price? Every test I ordered, I would be questioned on whether they absolutely needed the test. They were discretionary consumers and very sharp in their discretion on how they wanted to use scarce resources. Consequently, their cost for the same thing was 40 percent less than anybody who walked in with insurance.

So we have totally missed this connection of market forces allocating scarce resources by making discerning consumers out of the purchasers of health care. We have gone exactly the other way. We have taken people who are at 133 percent of poverty and said: You are going into Medicaid, and by the way, you can’t buy private insurance even if you want to. You have to be in Medicaid—a far substandard health care system. All the studies show the outcomes are poor, even after you equate for social disparities. We are going to put $60 million into that program, and we are going to have a shortage of over 100,000 primary care doctors in this country in the next 10 years. So who is going to see them?

Let me give another example. It happened this weekend. A patient—90 years of age—severely bent over from kyphoscoliosis, bad aging and kyphoscoliosis, is running a fever and can’t breathe well. She goes to the ER. She had seen a physician on Friday. She had a chest x-ray, and no pneumonia showed. She goes to the ER that night. She had all the symptoms, and people die when they don’t have the same experience. But we are going to inflate the utilization of less than a physician to care for the vast majority of these people who are going into Medicaid.

These are real examples of what the consequences are of what we have done. As I started, I said I don’t doubt the intent of my colleagues in terms of what they were trying to get to, but what was done has not fixed the problem. We have expanded health care access under this bill, but access doesn’t mean you are going to get care. And when you add 18 million people to the Medicaid rolls, let alone what is going to happen to the States, ultimately, with the cost on the maintenance of effort where they have Medicaid now and we are going to go to 133 percent, what you have done is put the States in a pinch, and they are in a pinch already.

So my question to my colleagues is: Where are the things that drive the costs down? Where is the discerning consumerism that allocates scarce resources in the most effective way? In this bill, it is not there. Nowhere is it there.

Now, what is there? What is there is a tremendous amount of new taxes. There is $52 billion over 10 years on employers who fail to comply with the insurance mandate; 40 percent excise tax on high-cost health plans, $32 billion; ban on purchase of over-the-counter drugs from somebody’s health savings account, $5 billion; increased Medicare tax on wages of small businesses, nine-tenths of one percent, $1 billion on investment income, and that is $210 billion; increase from 7.5 percent to 10 percent of income the threshold after which you can make a medical deduction; $2,500 annual cap on flexible spending account contributions—and I could go through this and through this.

The point is, we are increasing spending on health care by $2.6 trillion after this is truly in play. Also, the gimmick in terms of accounting and the problems associated with that have been discussed on the floor. One of the things is there that concerns me as a physician, getting back to talking about patients, is cost comparative effectiveness. It was really cheap to send that 90-year-old person home. There was an ER visit, a little bit of oxygen, a change in antibiotics. That was really cheap. Comparative effectiveness would have said: Oh, yes, you could have sent her home and made the right diagnosis. That means they are bad; they don’t have the same experience, and people die when they don’t have the same experience. But we are going to inflate the utilization of less than a physician to care for the vast majority of these people who are going into Medicaid.

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society such as an Amish patient looks you in the face and you know that what you spend of their hard-earned money is going to come directly out of their pocket, all of a sudden the other obligation of a physician jumps up: how to get them to the most efficient and effective way that still gives the best outcome? And we have totally missed that.

The most personal of all interchanges between humans besides those within a family are between patients and their physicians, and we are going to interrupt that. We are going to undermine it, and we are going to undermine it because somebody from Washington is going to be looking and saying: Did you do it the way we said to do it, Doctor?

Now, what is the doctor’s oath? Is it to do what Medicare says or is it to do what is in the best interests of the patient? So that is the rub. That is where we are going with this program. So what good is it to have is that first of all, we are going to have tens of thousands of physicians retire over age 55—our best, most experienced physicians. They are leaving. They are not going to play this game. And then we are going to force the physician extends the role as primary care. They are very good in what their limited knowledge will give them but not anywhere compared to a full 8 years of medical training, including residency. They have 2 years. And then we are going to treat all of these people. What do we think the cost of that is going to be in terms of lost lives, in terms of delayed diagnosis? Delayed care is denied care. What good is it if I have Medicaid and I can’t see a doctor?

So the problems are very real with this bill, and I don’t say that as a fiscal hawk. I want to fix health care, and I want to drive the costs down. And we can drive the costs down $300 billion or $400 billion a year. The CBO says that is $100 billion in costs just to implement all this, which was never even considered in the cost of this bill. That doesn’t consider the cost of complying with all of the new rules and regulations.

My time is up. I will be back to talk on this again. My hope is that—now we have three physicians in the Senate and we have all seen the same thing. I am a primary care OB, one is an ophthalmologist, and one is an orthopedist. We pretty well have it covered.

What we have done is not going to work. We are going to be sorry we did it. But do you know who will be the most unfortunate receivers? It is the people who think they have care but don’t. People who get seen by less than qualified individuals for the care they need, and we are going to pay twice what it should cost.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SHELBY. I ask unanimous consent that I may proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remarks of Mr. Shelby and Mr. Udall pertaining to the introduction of S.J. Res. 4 are located in today’s RECORD under “Statements of Introduced Bills and Joint Resolutions.”

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I have the opportunity to speak on the floor of the Senate for the first time as part of the work of the Senate. I am pleased to be here on a day when the Senate is addressing health care because clearly it was a major topic on the minds of Missourians and all Americans last year.

I support the amendment the Senator from Kentucky has offered that would repeal the health care bill and make us start again looking at how we make the health care system work better.

This is my first speech to the Senate, so let me say a couple things about that.

As I look in the desk drawer, I understand the tradition of the Senate is that people who have used this desk, the desk I get to use on the Senate floor—and coming from the House where nobody had a desk, it is quite an accomplishment just to get a desk—but the desk I will use on the Senate floor has names carved in it by other Missourians who have used that desk before: Senator Truman, Senator Eagleton, Senator Danforth, and Senator Bond.

I am honored and humbled to get to sit at the same desk those individuals used as they served our State, and they all served our State in a dedicated way.

In fact, the collective service of those Senators, in various jobs working for Missourians, probably totals about two centuries of collective service, where they worked hard for Missourians and worked hard to advance the views they believed were so important.

Senator Bond, whose place I am taking on the Senate floor this year, for 24 years in the Senate, I think, showed an unmatched understanding of our State and in recent years a real understanding of the national security issues we face and what is necessary to protect the country. He was a great competitor on the Senate floor and in all other ways a great friend of mine, and certainly my wife Abby and I value the friendship we have had with Senator Bond and his wife Linda.

In fact, as I campaigned last year all over our State in 931 events, I never had a single person tell me they would vote for the Senator than Kit Bond and for good reason.

I am here today thinking about those events all over our State last year. At first, I was surprised, having campaigned in Missouri before, at the level of engagement on the domestic issues the country was facing. I truthfully had never seen anything like it, where people were ready to talk about the specifics of the issues about which the country was talking.

I thought more and more about it, it occurred to me why wouldn’t they be engaged. This is not like we are trying to decide what your family’s position is going to be on the missile defense system. This is not like we are trying to decide your family’s position about foreign policy toward the Middle East. This was an election about jobs and health care and taxes and, in our State, whether your utility bill might double in 10 years. Why wouldn’t people be engaged in ways that were extraordinary? They were.

They said they wanted government to move over and allow them the chance to get the economy back on the right track. They understood that government jobs, while some of them are necessary—and I am glad to have one—do not pay the bill; government jobs are the bill. We need to be focused on private sector jobs and how to create those jobs. The questions were: Why is the Federal Government spending so much more money than it has ever spent before? Where are the private sector jobs? Frankly, I would have thought that would be the overriding topic of the first speech of the first Senator. I had a chance to give on the Senate floor.

But as I think about those two questions, I do not know that anything is a bigger issue in this health care discussion than the enormity of what the health care bill has had on private sector job creation and on our estimates of future government spending.

The biggest single deterrent to job creation is uncertainty. We have certainly done great things in the last few years to create a sense of uncertainty. If you do not know what your tax liability is going to look like, if you do
not know what your utility bill will be, if you do not know what your health care expenses are going to be, you are less likely to take that risk that anybody takes when they create a private sector job than you would be if you had a good idea of what you would be responsible for.

In health care, for every job they create or every job a job creator would think about continuing, this is a time they have to wonder: What is the obligation going to be? What is the cost going to be?

I was with a group of small businesspeople in northwest Missouri one day last year, right after the health care bill passed, about 30 days after the health care bill passed. I was at Rock Port, MO. Someone at that meeting said: I have 47 employees. I have looked at the health care bill and my accountants have looked at the health care bill. I need 4 or 5 more people right now, but I am not going to hire them because I am not going to get it. I am going to cut back to 50 that I have now because 50 creates new obligations that 49 or 48 or 47 does not. I am not going to hire those people. What am I going to do? I am going to pay overtime in the short term, but in the long term, I am going to look at what you are doing, that is not making much money, and I am going to quit doing that.

There is somebody telling me a handful of jobs ready to be created that he believed he needed to create are not going to go forward because he does not want to get any closer to this health care moment. He does not want to get any closer to where the government comes in and says: We are going to make you do things you do not have to do if you do not create these jobs.

People I talked with in Columbia, MO, in the middle of the State, in the fast food industry, said: We are going to try to figure out how not to have full-time employees. What he said was the person who hires you for a fast sandwich in the morning may be the same person who, across the street, gives you your fast food lunch because we are not going to have that person as a full-time employee if we can figure out how not to have that obligation.

Real, sustainable private-sector job creation does not happen in an environment of uncertainty. We need to be focused on jobs that are family supporting. We need to be focused on economic growth that includes winning American families closer to 50 than I want them, which includes economic incentives for small businesses and employers, and encourages the government to get out of the way so employers of all sizes can create self-sustaining, stable, private-sector jobs.

We need a government that meets the requirements of the Constitution. Rarely do we have a chance to revisit a misguided decision. In fact, this decision and this bill was the result of a set of circumstances that nobody would have anticipated.

When this bill was passed by the Senate with the 60 votes the Senate required at that moment, nobody thought this bill would be the final product. Not a single person who voted for that bill thought that is the bill that will go to the President's desk. Everybody who voted for the bill thought this will be a bill that gets the conference, is part of the other branch of the Congress, and we will work out all the things in the conference that need to be worked out between the two.

What happened was, suddenly the 60 votes that passed that bill were not there anymore. That became the only bill that could become law. The plan the Republican leader, the minority leader, advances lets us go back and re-visit this discussion and do this the right way.

Two Federal courts have already ruled that the law, one said, did not meet the constitutional standard and could not go forward. Why was that? That was because of the way the bill was constructed that did not have the normal legislative language that would allow severability, that would allow if something is unconstitutional.

Nobody thought this was going to be the bill, and the American people are the victims of having to rush forward with a bill that was not ready to become law.

Another Federal judge said part of the law is unconstitutional, that which makes it impossible to be part of a commercially available product. I, along with a lot of other people, have thought from day one that there is nothing in the Constitution that allows that to be a requirement.

Voters in the State of Missouri, my State, on the primary election day—the second biggest election we have had; we had hundreds of thousands of people vote—were faced with a question the legislature put on the ballot that nobody thought you want to be part of this process? Do you want to be part of the mandatory obligation to buy insurance? Do you want to be part of the health care bill?

Over 70 percent of the voters who voted that day said no. They were the first voters anywhere in the United States to go to the polling place and have a chance to say at the ballot box how they felt about this law that would go forward. They said they did not want to be part of it. They understood that this was a misguided plan, that it put government between people and their doctors in ways Dr. COBURN talked about earlier today, in a meaningful way that he and other doctors who join us as Members of this body would understand.

It puts government between people and their doctors. It implodes the current health care system. I believe the current health care system will not survive this bill, not that the current health care system is perfect. But it certainly produces great results for people who come here from all over the world.

This is a bill that cuts Medicare to pay the bill. Missourians understood that. I heard it over and over at the ballot box. They said they did not want to be part of it. I thought, for three election opportunities—2004, 2006, and 2008—that health care would become a bigger issue. Currently the debate is too complicated, maybe too difficult to deal with, maybe too personal and people did not want to engage and they did not engage.

This law gives us the opportunity now to go back and get it right. We needed to deal with health care for a long time. When I worked in this Capitol on the other side of the building, we sent medical liability reform to the Senate seven times in 10 years. We sent plans half a dozen times where people could join together in what we were calling associated health plans and get their insurance that way and become part of however big a group they could figure out to associate with.

There is no health care law and nothing is being done anything, but there was not enough pressure. This bill very likely creates the pressure we need to go back and look for better solutions. They are there, such as this idea of associated health plans, where individuals who are somehow similar to you or other small businesses similar to your small business. Medical liability reform saves the most money of anything that can be done for tax-payers who are paying for their own health care because it takes a lot of expense out of the whole system.

Certainly, we want people to have access to insurance coverage who have preexisting conditions. In fact, I proposed in the past and will propose again this year, along with other ways, to expand risk pools so people can have access to coverage but not coverage they wait for until they are in the ambulance and need it and not coverage they get because they want it.

We need to empower families. One of the reasons government-designed anything that does not work very well is the one-size-fits-all concept does not fit very well. In fact, the so-called one size fits all almost never fits anybody. That is what I think this bill does for the health care that means so much to American families.

Somebody told me one time that when somebody in our family is well you have lots of problems, and when somebody in your family is sick, you have one problem. This discussion of health care focused Missourians and Americans on one problem: How do we have access to health care that is the best health care we can have and also is health care that is affordable? There is no real competition in this system, so I am for buying across State lines.

You aren’t going to see anybody on television tonight advertising health care insurance, but it is pretty hard to watch television for a couple hours in the evening and not see people competing for your business in every other...
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area of insurance. There is no little green lizard for health care. There are all kinds of other people competing to get your other insurance business, but this hasn’t really had a marketplace. It hasn’t been transparent, it hasn’t been competitive. We can achieve all these things to improve all those things. Choice plus competition equals quality and price. And in health care, we haven’t had enough choice or competition, so we haven’t seen that reflected in quality and price.

I don’t believe the government has the authority to penalize citizens for refusing to buy private health insurance. I don’t believe taxpayers will benefit from this bill that is built on too many false premises. The idea that we are going to cut compensation to doctors back to levels of a decade ago is not going to happen, and it is $4 trillion of the so-called pay-fors in this bill. It is not going to happen. It is almost equally unlikely that $500 billion of Medicare cuts are not going to happen. And if we can find savings in Medicare, we should find them and use them to save Medicare. Only in Washington, DC, would you say: Look, we have one program that is about to get in really big trouble in a handful of years, so let’s cut that program to start another program. I don’t think those pay-fors are going to happen, either, Mr. President.

When employers are telling us they are not hiring because of the uncertainty created by this new law, when courts are ruling the law unconstitutional, when voters are overwhelmingly rejecting it, we need to understand why. Americans deserve a country where the people are bigger than the government. The health care bill opens the door to a future where the government is bigger than the people, and I think we should reject the law. repeal it now, move forward with more competition, more transparency, and I think we should reject the law, opens the door to a future where the government. This health care bill stands why. Americans deserve a country.

So, Mr. President, I really is the same kind of empty rhetoric we have heard from Republicans for years. They do not notice, by even it’s curiousity relating to health care or pensions was try to privatize Social Security. They didn’t really do anything to try to provide health insurance for people who did not have it. They passed no real reforms of protections in terms of eliminating preexisting conditions. They did nothing for a 23-year-old to stay on their parents’ health insurance plan. They were woefully inadequate in their efforts to assist small businesses in providing health insurance for their employees.

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and daughters aren’t covered under their family’s policies.

Richard understands there are a bunch of people in this town and a bunch of conservative politicians who do not believe in government but who are enjoying their taxpayer-financed insurance. Yet they are willing to take Medicare benefits away from seniors, and they are willing to take benefits away from families.

Tawnya, from Warren County, south-west Pennsylvania, wrote:

Please fight the repeal of the Health Care law. Please don’t let them take away pap smears and mammograms from being part of preventive health. People with pre-existing medical conditions need insurance, too. There is a lot of good in this bill that will be erased if it is repealed. Please fight so all Americans can have basic care.

Craig, from Cuyahoga County, has children who are college-aged, and he writes:

A number of years ago, my 23-year-old daughter was in a bad car accident. She had no health insurance because her employer did not offer it. Since she had no good access to good health care, she received sub-standard care and she continues to suffer. Contrast this to the present. My 21-year-old son is able to earn money to return to school. We cannot afford his tuition and living expenses as he pursues a double major in physics and economics. In the past, he would be uncovered by insurance unless he could afford his own. In case of an accident, his prognosis is much better than his sister’s. Now, he is covered under my insurance until he either gets a job or turns 26. Thank goodness. My point with all this is to beg you to keep the health care bill intact and fight for it.

This is the last letter I will read. This is from Sue of Franklin County, the center of the State, the capital of Columbus, where the Presiding Officer lived for a little while. Sue writes:

Please do not let the Republicans take away my daughter’s health insurance. My husband, a retired civil servant, lives on a fixed income. I was overjoyed when my health insurance company informed me that my 21-year-old daughter could remain on my policy until she either gets a job or turns 26. This may not seem like a big deal to you, but my daughter has a preexisting condition that requires her to take three prescriptions a day, not to mention doctor appointments and blood work. I paid for private insurance for my older daughter for 3 years until her husband’s employer covered her. By the end of the 3 years, I was paying almost $200 a month for health insurance for a healthy 25-year-old without preexisting conditions.

We know the kinds of hardships the repeal of this health care bill will inflict on working families, the college student, the recent graduate, the child with a preexisting condition, the senior who wants to be able to have access to mammograms and a checkup and an osteoporosis screening. We know the small businessperson really needs it, so she can keep her 5 to 10 employees, because the law tells her to but because she wants to. All these reasons just underscore to me how outrageous it is that a bunch of people dressed like this—who get elected to offices and who enjoy government insurance, so they and their families have benefited from taxpayer-funded insurance—are willing to continue to achieve the American dream, but in many cases this just stops them cold in their tracks.

Mr. President, I yield the floor, and 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. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, the country is facing a lot of issues. We passed the health care bill last year. Now there is an effort in the House to repeal and replace it. I join my House colleagues with the idea that we should start over and come up with some product that is truly bipartisan that will lower costs. All the information we received about this bill since it was passed is showing it is going in the wrong direction. In May 2010, CBO Director Doug Elmendorf stated:

Rising health care costs will put tremendous pressure on the Federal budget during the next few decades. In CBO’s judgment, health legislation enacted earlier this year does not substantially diminish that pressure.

We are getting more and more input about the effect this bill has on cost because there are over 700 waivers now in terms of the mandates. Forty percent of all waivers are to union health care plans, and the union workforce is 7 percent of the total workforce. The idea that more and more people are asking for waivers indicates that the cost component of this bill is a real problem for the country.

The whole goal of health care reform is lower cost and improved quality. I am afraid what we have done with the health care bill is we have increased costs, consolidated power in the Federal Government, and Medicaid already are unsustainable when it comes to Federal financial obligations. The Obama health care bill, if fully enacted by 2014, would extend Medicaid coverage in the State of South Carolina to 29 percent; 29 percent of South Carolina would be covered by Medicaid. That is a substantial increase over the number of people on Medicaid today. That would require my State to come up with $1 billion more of State matching money in the next 7 years to cover the Federal Government Medicaid dollars.

The second largest expense in South Carolina today is the State’s matching requirement to get existing Medicaid dollars from the Federal Government. If you expand Medicaid, you are going to bankrupt South Carolina.

I think there is a better way to deliver health care to low-income Americans. I was on a bipartisan bill with Senator Wyden that did cover everyone, but it allowed people to buy health care in the private sector with tax credits that took deductions away from employers. That is a lot of money. It took that pool of money and allowed individuals to buy their own health care in a more competitive environment.

At the end of the day, it looks like we are going to be taking a vote here soon in the Senate. I hope, to repeal and replace the health care law that was passed last year. If it is repealed, it should be replaced. The way you replace something this complicated, that affects one-fifth of the economy, is you do it deliberately, you do it in a bipartisan manner. Let’s remember how this bill became law. It got exactly 60 votes, and the only votes he lost was on Christmas Eve more than a year ago.

At the end of the day, the process I thought was not befitting of the Senate. There were a lot of provisions given to Senators in particular States. Such as in Florida, the Medicare Advantage participants had a lot more Medicare Advantage availability than other States. Ohio, Michigan—some health care companies in those States got special deals.

At the end of the day, it was done in a backroom, partisan fashion, not transparent, not negotiated before CSPAN, as President Obama promised. It reinforced the worst of politics, and it is no surprise to me that something that came out of that process is not going down well.

What I say today with Mr. BARRASSO, a physician, a Senator from Wyoming, is allow States to opt out if they choose to. If this is such a good deal, let the State legislatures throughout the country decide whether they want to be covered by the individual mandate, the employer mandate or Medicaid expansion. I know the answer in South Carolina. My Governor, my legislators, want to opt out of expanded Medicaid because it will bankrupt the State, and they do not want any part of the employer mandates. I will challenge the Congress, if repeal and replace doesn’t work, let the individual States have a say about whether they want to be in the system.

I do hope we can repeal it and replace it. That vote is coming up soon. But the amount of tax increases in this bill—$17 billion in individual penalties, $52 billion in employer penalties, $500 billion taken out of Medicare to help pay for the uninsured—at the end of the day, the impact of this bill I think is going to grow the size and scope of the Federal Government when it comes to health care at a
time we need more private sector competition in medicine. It is going to increase taxes on businesses at a time when we should lower their taxes. It is going to make it very hard in the future for senior citizens to find doctors to take Medicare because, at the end of the day, they will be subjected to mandates. If you consolidate power in the Federal Government, the more obligations the Federal Government has when it comes to health care, the less we can pay because we are so broke.

I hope this vote will happen soon. To my colleagues who want to keep this bill, I respectfully disagree, but that is what debate is all about. We can have a civil debate about the future of health care. I think the Congress would be wise to start over and come up with a new product. It does put pressure on Republicans, if we do repeal this bill, to replace it with something that makes sense. What makes sense to me is to lower cost and make sure people have access to health care and that the uninsured are taken care of. But one size does not fit all.

I look forward to casting my vote to repeal and replace. If that does not work, I look forward to having my amendment, along with Senator Barrasso, on the floor of the Senate, allowing States to opt out if they choose.

My guess will be that a majority of the States would opt out of the individual mandate, the employer-managed Medicaid expansion, and some Democratic Governors are going to be talking to the Members of this body about how their States will be devastated by Medicare expansion. I think you are going to have some big States in the hands of Democratic Governors that are going to feel the impact of this Medicaid expansion. They are going to petition this Congress to do something about it, and I hope we listen to them.

This vote should happen soon. We are in a new Congress. There are new people here with new ideas and now is the time to allow the American people to participate because most of this bill was passed in secret, without a whole lot of bipartisan give and take. Now is the time to start over, take the idea of health care reform, a blank sheet of paper, and see what we come up with in a bipartisan, incremental fashion. The only way we can do that is to replace the bill we have before us.

I look forward to this debate. I look forward to the vote. This issue is not going away. Between now and 2012 we are going to have a very serious debate about the future of health care in America. I would argue that anybody running for Governor between now and 2012 should be asked the question: If you could, would you opt your State out of the provisions I just described, the individual mandate, employer mandate, and these are good questions to ask and answer and maybe they would have a good answer why they would say no. But anyway, the body running for the statehouse throughout the country should have a genuine debate about whether their State should be included in Obama health care. That is why I hope, if we do not repeal and replace the bill with the current amendments that will be offered by Senators McConnell, that we not abandon this debate.

Debating policy in a civil way is the essence of democracy. At the end of the day, I do believe there is a better way to come up with health care reform than that chosen by our Democratic colleagues in the last couple years.

Having said that, the status quo is unacceptable. I am very much for eliminating the preexisting illness exclusion that denies Americans the ability to buy health care when they get sick. I am very much for shopping around and buying a plan that is best for you and your family and, if you are a low-income person, helping you make that purchase but I don't want to continue with the Federal Government when it comes to health care because the health care obligations of the Federal Government, Medicaid and Medicare alone, in 20 years, are going to cost as much as the entire Federal budget was just a decade ago. This is an unsustainable course. Entitlement reform has to be embraced. But until we get to that day, I would like to restart the debate, have a new dialog with new Members of Congress who earned such a seat in the last election, the displeasure the American people have for the process—a bill that was passed in the dead of night on Christmas Eve, with a lot of chicanery, replace it with a new process that leads to a better bill.

That puts us all on the hook to try to find middle ground. There was no middle ground found last time. Frankly, I don't think a lot of people looked for middle ground. Those days are behind us. There is a new Congress. If this election said anything to us in Washington, it ought to be that the country does not like what we are doing—Republicans or Democrats—and the health care bill, the way it was passed, is the worst of Washington, not the best. I look for better days.

I know the Senate president tonight has genuinely tried to reform this institution to make it more reflective of the American people's hopes and dreams. There is a new Congress. If this election said anything to us in Washington, it ought to be that the country does not like what we are doing—Republicans or Democrats—and there is a genuine debate about whether our Democratic colleagues in the last couple years.

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year—they miss family celebrations, birthdays and weddings and literally the birth of a child is sometimes missed because of their deployment. That is nowhere near an exhaustive list. We do want to pay tribute, in a very personal way, to the families as well.

Sometimes—when we talk about our troops and talk about our country, we search for language and stories and meaning—we look to the Scriptures. As I have often done, we quote Abraham Lincoln. We can also look to some of our more modern and current artists, and there are plenty of them we can cite. I am thinking a lot about some words from the great recording artist Bruce Springsteen.

He wrote a series of songs that connected to or were inspired by the horrid events of 9/11. Most of the songs on that, what we used to call an album, “The Rising,” were connected to the events of 9/11. But he wrote one song, of which he stated the words and the meaning of the song have direct application to folks who are serving our country and who are, in fact, missing from their families. There is a repetition of some lines in that song where he says: You are my point in the songs like this. He says: You are missing. When I shut out the lights, you are missing. When I close my eyes, you are missing. And he finally says: When I see the sunrise, you are missing.

All that makes a lot of sense to me in terms of trying, as best I can, to understand what our families are going through when a loved one is deployed, that that family is missing that family member when they are serving in Iraq or Afghanistan or anywhere around the world.

Of course, it is especially meaningful and poignant and sad and moving when it means you are missing because you have been killed in action. And every day the families are turning out the lights at night, when they are sleeping, and when they see the sun rise in the morning.

So we think of those words and the fact that there are a lot of people missing today from their families, because of their deployment, or because of their death.

I have read the names of those who were killed in action in Iraq over time, in 2007, 2008 and 2009. We got through that list of those who had lost their lives in Iraq. In that conflict to date, 197 Pennsylvanians lost their lives. As we remember those who were killed in action, from—in this case I will be referring to Pennsylvanians—we also must remember the wounded warriors who have returned from the battle field. In Pennsylvania that is, to date, 398 brave men and women who have been wounded in this war, the war in Afghanistan.

Last week I met two courageous young men, Army CPL Russell Carter of Springfield, PA, Delaware County, right outside of the city of Philadelphia, and Marine CPL David Noblit of Herndon, PA. That is in Northumberland County in the middle of our State. They had just returned from Afghanistan, both wounded, remarkably strong and capable soldiers fighting for us, and not a word—the Presiding Officer knows from the soldiers he has spoken to in this chamber about what happened to them, not a word of complaint about their care. And they are getting great care at Walter Reed.

I salute obviously their bravery and their valor, but we also, of course, salute the families at this time. We commend the efforts of the Walter Reed staff who take care of them, remarkable, almost miraculous care and treatment of our soldiers. They work every day to make sure that those soldiers not only are cared for but that they are progressing because of that care, because of that dedicated care at so many facilities, whether it is Walter Reed or veterans hospitals or whatever across the country.

One of the reasons they do that is to ensure that the future choices of those young service members are not determined by an IED blast or by the bullet from a sniper; that because of the rehabilitation, because of the healing and hope that comes from that work, that that soldier’s future is determined and will be determined by that soldier and not by the enemy.

The rehabilitation work done at Walter Reed is remarkable. We are re minded of their skills, the dignity that comes as a result of that care and treatment over time. And they, in fact, will determine their own future because of that care.

So what I will do now for the next couple of moments is I will read the names of Pennsylvanians who have been killed in action in Afghanistan in Operation Enduring Freedom. I will do so in alphabetical order and read their hometowns. I will do that, of course, will be based on the last name of the soldier. I will start with someone actually from my home county:

SGT Jan Argonsih of Scranton, PA; SPC Scott Ball of Carlisle, PA; LTC Richard Berrettini of Wilcox, PA; CPT David Boris of Pottsville; PA; PVT Matthew Brown of Zelienople, PA; SGT Douglas Bull of Wilkes Barre; 1LT Tyler Burdette of Pittsburgh, PA; 1LT Jeffrey Deprimo of Pittston, PA; SGT Jan Argonsih of Scranton, PA; SFC Bryan Willard of Hummelstown, PA; and CPL Anthony Williams of Oxford, PA.

Those are the names of those Pennsylvanians who have been killed in action in Afghanistan. We now have a total of 64 brave soldiers from the Commonwealth of Pennsylvania, as who I said before, quoting Lincoln, gave the last full measure of devotion to their country.

Twenty-seven of these young men came from towns with less than 5,000 people. You notice in that list some came from big cities such as Pittsburgh and Philadelphia and other big cities such as Erie and Allentown. But we all have come from small communities where the death of one soldier in a town of 5,000 or less has a seismic impact, a searing impact, first and foremost on that soldier’s family and on their relatives and loved ones, but also obviously even on the community itself.

All we can do at times like this, when it comes to paying tribute, is to do our best to convey a sense of gratitude, a sense of respect, and also to commit ourselves not only to helping the living, to help those who come after them, who have been wounded, their family and others.

Lincoln also talked about “him who has labored in the battle.” He talked about those who have been wounded and their families. But all we can do for those who have been killed is, as best we can, to help their families and to pay tribute to their service and their memory, and to make every single thing we can to make every possible to get this policy right, to make sure that our policy is commensurate with their sacrifice.

In one sense, as my father said a long time ago, in reference to the Gulf war of 1991. We pray for those who serve, we pray for them and we pray for ourselves that we may be worthy of their valor.
So tonight we do that, not only for those killed in action that I have read from Pennsylvania, but for those who have lost their lives from States across the country, including the State of Colorado that our Presiding Officer represents. I yield the floor and 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. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. 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.

REMEMBERING CHARLES BENJAMIN

Mr. REID. Mr. President, I wish to note the passing last December of a singular Nevadan, Charles Benjamin, who worked to promote clean energy. While he lived in Nevada for only 4 short years, his efforts will pay positive dividends long into the future. He passed away December 13, 2010, after a valiant battle with cancer, at the young age of 60.

Before Charles moved to Nevada in 2006, he was a lobbyist and attorney for the Kansas Chapter of the Sierra Club. His career in environmental law included a law practice representing more than 25 neighborhood associations across Kansas on a variety of land use and zoning issues. He was also a political communication officer at Bethel College in Kansas where he taught courses in environmental studies, American government, and international relations, and served 16 years as a county commissioner in Harvey County, KS. Charles earned a B.A., an M.A., and a Ph.D. from the School of International Relations at the University of Southern California, and a J.D. from the School of Law at the University of Kansas.

During his time in Nevada, Charles worked tirelessly to promote clean energy by developing and strengthening relationships with key Nevada stakeholders, including utilities, the State’s consumer advocate, legislators, the governor, business interests, and the environmental community. He was quite helpful to me in my efforts to diversify Nevada’s economy through development of our State’s vast renewable energy resources and to make Nevada energy independent.

Charles was a feisty advocate for environmental justice and came to Nevada to help drive our State and the Nation toward a cleaner energy future.

To me, he was always courteous, honest and expressed his love for the environment. Nevada and the Nation need more people like Charles who are willing to work hard to tap into the limitless resources of the Sun, the wind and the Earth, and energy efficiency, to build a stronger, cleaner and more sustainable world. He will be missed.

TRIBUTE TO DR. MARGARET T. BURROUGHS

Mr. DURBIN. Mr. President, I wish to honor the life and legacy of Dr. Margaret T. Burroughs, an artist, writer, and co-founder of the DuSable Museum of African American History in Chicago, IL.

Although she was born in Louisiana, Dr. Burroughs moved to Chicago to pursue a career in education and the arts. She spent her life documenting and preserving the history and culture of people of African descent and encouraging fair representation of African Americans. Dr. Burroughs made the first of her many contributions to African-American arts and culture at the age of 22 when she founded the South Side Community Arts Center, a community organization that serves as a gallery and workshop studio for artists and students.

She later went on to establish the DuSable Museum of African American History in 1961, the first museum in the country to preserve and interpret the experiences and achievements of people of African descent. The museum is recognized internationally as an educational resource for African-American art and history, with a collection of over 15,000 pieces, including paintings, sculptures, and historical memorabilia.

Dr. Burroughs’ many contributions to art and history have been honored nationally. Her literary works and paintings have traveled throughout the country—from my home State of Illinois to Washington, DC—and they serve as an inspiration to students and collectors of art. In 1975, Dr. Burroughs was honored for her service to the arts with the President’s Humanitarian Award by President Gerald Ford.

Dr. Burroughs’ passing in November of 2010 reminds us of the importance of history and the arts and our responsibility to preserve it. Her presence in Chicago and at the DuSable Museum will be greatly missed. As the city of Chicago recognizes the achievements of African Americans and the DuSable Museum during Black History Month, we in Congress honor the life of the DuSable Museum’s founder, Margaret Burroughs.

Dr. Burroughs’ dedication to preserving the history of African Americans will live on through aspiring artists, historians, and philanthropists.

ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS

Mrs. BOXER. Mr. President, the Honorable Leadership and Open Government Act of 2007—the act—calls for the Select Committee on Ethics of the United States Senate to issue an annual report not later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the committee’s activities for 2010 in the categories set forth in the act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff member of the Committee: 84. (In addition, 9 alleged violations from the previous year were carried into 2010.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 56. (This figure includes 1 matter that was carried into 2010.)

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 25.

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 12. (This figure includes 6 matters from the previous calendar year carried into 2010.)

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 00.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit: 08. (This figure includes 4 matters carried into 2010.)

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 00.

(7) The number of matters resulting in a disciplinary sanction: 00.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2010, the Committee staff conducted 4 new Member ethics training sessions; 14 mandatory briefings; 21 Member and committee office campaign briefings; 43 ethics seminars for Member DC offices, state offices, and Senate committees; 2 private sector ethics briefings; and 10 international ethics briefings.

In 2010, the Committee staff handled approximately 11,137 telephone inquiries and 1,297 inquiries by email for ethics advice and guidance.

In 2010, the Committee wrote 769 ethics advisory letters and responses including, but not limited to, 540 travel and gifts matters (Senate Rule 35) and 134 conflict of interest matters (Senate Rule 37).

In 2010, the Committee issued 3,527 letters concerning financial disclosure filings by Senators, Senate staff and Senate candidates and reviewed 1,727 reports.

THE AFGHAN CIVILIAN ASSISTANCE PROGRAM

Mr. LEAHY. Mr. President, I want to take a minute to call the Senate’s attention to a small U.S. aid program in Afghanistan that has a big impact, which I suspect few people here know about.

Shortly after 9/11 and the U.S. invasion to topple the Taliban, a young Californian woman named Marla...
Ruzicka traveled alone to Afghanistan where she soon learned about incidents where U.S. bombs had missed their targets and killed civilians. The international press ran stories about those tragedies but nothing was being done to take responsibility for what had happened or help the families of the victims.

Marla decided to do something about it, and she organized protests at the U.S. Embassy in Kabul, rallied the media, and, not long after, was in Washington urging Congress to help the families and show that the United States does not turn its back on innocent victims of our own mistakes.

It was because of Marla that we started a new program, now known as the Afghan Civilian Assistance Program, ACAP, which is managed by the U.S. Agency for International Development and implemented by the Afghan staff of the International Organization for Migration. Over the past 8 years, ACAP has provided millions of dollars in small grants to families and communities that have suffered losses as a result of the military operations. The funds have been used for such things as to rent land that was damaged or destroyed, buy a herd of sheep, start a small grocery or weaving business, or provide medical care or vocational training.

After the invasion of Iraq, Marla moved on to Baghdad and, to make a long story short, again thanks to her advocacy we started a similar program there. Tragically, on April 16, 2005, she too became an innocent victim, and died, along with her Iraqi colleague Faiz Ali Salim, in a car bomb.

ACAP was informed of the incident several years later and recently completed a monitoring report in order to measure the impact of assistance on one widow’s life. Zubaida was shot during the July 2003 war between the United States and Iraq. ACAP provided Zubaida with the full range of the program’s benefits, which included household goods, as well as educational, tailoring, and livestock items.

She told the ACAP monitoring assistant: “After the death of my husband in an IED explosion in late 2000, my son Abdullah was the only supporter of our family. He was running a small grocery in our area, but the difficulties of life started to make him feel that he was not only losing his father but there was also a burden on my daughter and resting on her because she was a single woman and could not handle the difficulties of life. Abdullah and I were living in a small rented house happily but it did not last long.

“One year later there was a conflict in Eshag Suleiman, where I am originally from. We were bombarded due to the presence of Taliban fighters in the area. In the morning Abdullah left the house to work but he did not come back again. After the death of Abdullah I not only lost my son but my only supporter.”

She added: “I was not able to pay the rent any more so I left the house and went to live in my daughter’s house. I tried to find a job in order to earn something. I worked as a housemaid—cooking, cleaning, and washing. Life was passing with difficulties but then your colleague came to meet me six months ago. I received the livestock through which I now earn my living. Before I felt that I was a burden on my daughter and resting on her husband’s shoulder but now I have a source of income. I am really grateful for this program.”

Mr. UDALL of Colorado. Mr. President, I rise in celebration of Black History Month and to acknowledge the unique contributions of Colorado’s African-American communities to my home State and our Nation.

The history of Colorado’s African-American communities is long, rich and diverse; it spans from our earliest days as a territory to modern times. I think it safe to say that all Coloradans have benefited tremendously from African-American contributions to our work and dedication to continuously making Colorado a better place to live.

Last year in my remarks on Black History Month, I made special note of the diversity of settlers who moved west during the expansion of the United States. Like other settlers, African Americans moved west in search of new opportunity—some to be free, others to become entrepreneurs, traders, and leaders, but all played an active role in the formation of Colorado as a territory and then a State.

A watercolor painting hangs in my Senate office to remind me of the early
presence of African-American westerners. The painting “One of the First” by noted African-American artist and Coloradan James Wider depicts a Buffalo soldier during a snowstorm, reminiscent of a time of great hardship in our State’s early history. For me, this image portrays the struggles and determination of all the people who shaped the West we know today. I am appreciative to the artist, as well as Dr. Anthony Young, the vice chairman of the Black American West Museum & Heritage Center, for making my request to have this image temporarily hang in my office.

While this painting highlights the early presence of African-Americans in the West, it also reminds me of the countless individuals in Colorado’s Black community who have served and continue to serve their communities, our State and our Nation in more contemporary times. I would like to highlight two Coloradans who reflect this influence: Dr. Evie Dennis and Rev. Milton Proby.

Dr. Evie Dennis rose in her career as a teacher to become the superintendent of Denver public schools from 1990 to 1994, when she worked to improve the education of all of Denver’s schoolchildren. In 2006, Dr. Dennis was inducted into the Colorado Women’s Hall of Fame, and she continues to work in support of communities across the State.

Rev. Milton Proby was a prominent figure during his 47 years in southern Colorado, where he proudly faced adversity in championing against inequality and injustice. The reverend served under three Colorado Governors and helped to establish Colorado’s Civil Rights Commission, among many other notable achievements and awards.

People like Dr. Dennis and Reverend Proby have overcome struggle to serve—and lead—our State. Their contributions remind us of how vital African-American communities have been to our State’s history, and I have no doubt that the same communities will continue to be a driving force toward a better future.

Mr. President, Black History Month is a time for all Coloradans and Americans to reflect on the contributions of African Americans to our State and throughout our great Nation. I encourage my fellow Coloradans to celebrate these contributions not only during this month but throughout the entire year.

ADDITIONAL STATEMENTS

TRIBUTE TO JACK LALANNE

Mrs. BOXER. Mr. President, I ask my colleagues to join me in reflecting on the life, accomplishments and service of the late W. R. “Bob” Holcomb. Mr. Holcomb was well-known as a committed civil rights activist and visionary on behalf of the city. Mr. Holcomb held the distinction of being a long-time City Council member and a long-time serving mayor in the city of San Bernardino’s history, serving for a total of 18 years, from 1971 to 1985 and 1989 to 1993. Mr. Holcomb passed away on November 29, 2010.

Mr. Holcomb grew up in San Bernardino and attended San Bernardino High School, graduating in 1940. After high school, Mr. Holcomb continued his education at UC Berkeley. Like many others of his generation, he grew into adulthood in a military uniform. Mr. Holcomb left UC Berkeley to join the U.S. Army in 1942, serving as a bomber pilot. After the war, Mr. Holcomb married Pearl Penn and returned to UC Berkeley, graduating in 1949. He continued his studies on the other side of San Francisco Bay and earned his law degree from UC Hastings College of Law in 1950.

Mr. Holcomb’s experiences in the military and later as an attorney helped to mature him into being the extraordinarily effective leader for the people of San Bernardino that he was. Mayor Holcomb helped further the economic development of San Bernardino, spearheading many projects such as the establishment of the city’s first affirmative action office; the relocation of Little League Baseball regional headquarters to San Bernardino; the founding of the San Bernardino Valley Community College; San Bernardino; and forging an alliance with neighboring cities to create Omnitrans—the region’s first transportation agency—to represent the area’s best interest. According to longtime San Bernardino journalist Cassie McDuff, “He did what he thought was best for the city... and didn’t care if he got credit or not.” I extend my heartfelt condolences to Mr. Holcomb’s family and friends. He will be missed.

RETIREMENT OF COMMAND SERGEANT MAJOR ROBIN SHIPLEY

Mr. HATCH. Mr. President, today I would like to speak on the occasion of CSM Robin Shipley’s retirement after 42 years of honorable service in the U.S. Army Reserve. A native of Ogden, UT, he rose to the highest rank of the Noncommissioned Officer Corps, command sergeant major—a crowning achievement after a long distinguished career. I am most impressed in his recent role as operations sergeant major for the Joint and Special Troops Support Command. The Joint and Special Troops Support Command only recently was activated at Fort Douglas, UT. The difficult task of activating a new command requires tremendous leadership and tireless commitment. True to the finest traditions of the United States Army and the Noncommissioned Officer Corps, Sergeant Major Shipley rose to the challenge and performed his duties in an outstanding manner. This capstone performance was a fitting end to his long remarkable career.

According to the criteria, as recognition of his exemplary service, Command Sergeant Major Shipley was awarded the Legion of Merit, Meritorious Service Medal
Tribute to Terry Woster

Mr. JOHNSON of South Dakota. Mr. President, today I wish, with great honor and pride, to pay tribute to a member of the Fourth estate in my home State of South Dakota. Terry Woster’s career in journalism has spanned 44 years—an impressive mark in any profession, most certainly in the newspaper field.

Terry was born to Henry and Marie Woster and grew up on a farm near Richland in Lyman County. He graduated from Chamberlain High School in 1962 and from South Dakota State University in 1966 with a degree in journalism. Terry grew up with two brothers and two sisters, fondly known as the Woster clan.

Terry married his high school sweetheart, Nancy Gust, after finishing college. Together they raised three children in Pierre.

Terry began his journalism career in 1967 at the Sioux Falls Argus Leader. He covered sports, wrote features, and was a photographer for 2 years before he went to work for the Associated Press in Pierre. After 9 years with the AP covering the Capitol and politics, Terry returned to the Sioux Falls Times and then managing editor for the Daily Capitol Journal. He became the Capitol reporter for the Argus Leader, a position he held for 22 years.

Readers of the Argus Leader, as well as other South Dakota newspapers, have become acquainted with Terry and his chosen topics through his weekly human interest columns. His writings accurately reflect life in South Dakota and have sometimes earned him the title of South Dakota’s poet laureate.

South Dakotans have come to know the man who treasures his family, recounting many stories of growing up near Chamberlain. He loves history, politics, and enjoyed going to work every day in Pierre where he got to know the Governors, legislators, and all who worked in the South Dakota State Capitol building. His strong sense of community service was reflected in many ways including service on the Pierre Library Board.

Terry’s journalism skills have earned him many prestigious awards over the years. The Argus Leader, South Dakota Farmers’ Union, South Dakota Newspaper Association, and South Dakota Press Association have all presented him awards. He is the recipient of the Distinguished Alumnus Award from South Dakota State University.

Terry has authored and published three books, including “South Dakota 100,” “The Woster Brothers’ Brand,” written with his brothers, Kevin and Jim, and “The Woster Falls.”

South Dakotans of all political persuasions know Terry Woster as a fair and well-respected reporter. I am among those who have long valued Terry’s political reporting, wit, and wisdom. I also am proud to call Terry a friend. We have shared our experience with prostate cancer and are proud of our wives who are breast cancer survivors.

Thank you, Terry, for sharing your career and personal life with the newspaper readers and the citizens of South Dakota, and congratulations on a career filled with professionalism and dedication. You can take great pride in your career achievements and accomplishments and I want to extend Terry a tip of the hat to the State of South Dakota.

45th Anniversary of Youth and Family Services

Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize Youths and Family Services, YFS, a wonderful nonprofit organization based in Rapid City, SD, that provides support services for children and families. YFS has steadily grown in the last 45 years to become a thriving center of support to more than 11,000 children and their families every year.

Beginning in 1965, the organization was known as Girls Club and was one of many organizations offering programs and services to children and families. With hard work and a devotion to serving others, Girls Club evolved into Youth and Family Services, growing dramatically to incorporate several programs that offered similar services. YFS is one of the most comprehensive youth development organizations in western South Dakota.

The available programs have been consistently expanded to encompass more of the community. Working closely with other organizations, YFS remains focused on fulfilling its mission statement to help children and their families be capable, caring, and contributing members of their communities. YFS is working to serve an additional 3,000 to 5,000 children and families by expanding programs within child obesity prevention, healthy eating, and fatherhood programming, along with many others. In these hard times of cutbacks, the programs offered by YFS are even more critical, and YFS is building a strong endowment to ensure that they can continue to serve.

I am proud to recognize Youth and Family Services and all the people who have made reaching its 45th anniversary a success. The goals of Youth and Family Services are praiseworthy. This organization plays a vitally important role in South Dakota, and I am thankful for all the devoted citizens who make the programs possible.

Tribute to Frank Woodruff Buckles

Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to Frank Woodruff Buckles on the occasion of his 110th birthday. Frank has gained fame as the last living World War I veteran in the United States and has humbly accepted praise on behalf of the veterans who have gone before him. His story, like that of so many of the doughboys, is one of patriotism. As a 16-year-old in 1917, Frank lied to a military recruiter about his age so that he could join the Army. Once overseas, Frank served as an ambulance driver in England and France. Following the Armistice, Frank was part of a company returning prisoners of war back to Germany.

During World War II, while working for a private shipping company in Manila, Frank spent 3 years and 2 months as a Japanese prisoner-of-war. He still has, to this day, the small tin cup that he ate his paltry meals out of during that time period.

While we appropriately honor Frank for his service to our country, we should also recognize his longevity. His 110 years of life are no doubt due to his dedication to fitness and his love of learning. Well into his hundreds, Frank was still doing 50 situps a day and driving both his car and his tractor. Frank’s love of learning has led him to learn numerous foreign languages and read countless books.

Frank never intended to have the distinction of being the last American World War I veteran, and I think you will agree with me that Mr. Buckles has accepted this honor with grace and humility. We salute you today, Frank Buckles, and wish you the best on this special occasion.

Tribute to Dr. Edmond Dyas

Mr. SESSIONS. Mr. President, it is appropriate that we take a moment to note the passing of Dr. Edmond Dyas of Mobile, AL, who was one of Alabama’s most famous athletes and an accomplished orthopedic surgeon. Dr. Dyas first came to my attention when I was a young Boy Scout thrilled with the opportunity to have the chance to attend Auburn University football games as an usher. He was one of my first heroes. He was an Auburn team leader, a three-time Academic All American and All American, the Southeastern Conference’s top running back in 1960, and...
set the NCAA record for career field goals, and he was selected as a member of the College Football Hall of Fame in 2009. He finished fourth in 1960 in the Heisman Trophy balloting.

I was at the game when he was pushed and injured hitting the bench with his helmet, causing him to miss the Alabama game, thus losing the opportunity to perhaps win the Heisman Trophy. I also was at Auburn for a famous Auburn-Georgia game. Georgia was led by Fran Tarkenton and Pat Dye, and I remember Ed Dyas's classic game. Ed Dyas hit three field goals and Durwood Pennington hit two.

The final: 9 to 6.

Ed was a superb surgeon, community leader, and family man. He fought his cancer like the champion he was. Our thoughts and prayers are with his wife Diane, four children, and seven grandchildren.

TRIBUTE TO HALL WILLIAMS THOMPSON

Mr. SESSIONS. Mr. President, Tom Brokaw, in his book "The Greatest Generation," describes the generation that lived through the Great Depression and World War II. He notes that their sacrifices made possible the many comfort and conveniences we enjoy today. On October 27, 2010, America and Alabama lost one of the best examples of that generation with the death of Hall Williams Thompson of Birmingham, AL.

That Hall Thompson was a very successful family man, businessman, civic leader, and philanthropist, there can be no doubt, and much could be said about a host of areas where he served, giving back to his State and his Nation. But I want to share a few remarks about one of his most notable qualities—his patriotism. Hall Thompson loved his country. He had fought for it, serving in the Pacific during World War II in the Army Air Corps. And that commitment to serving his country never abated.

Indeed, while he had strong views about our country and the exceptional nature of the American experience and was never afraid to express them, he was ever anxious to respect those who may disagree. He would, with sincerity, ask questions about the subject which may disagree. He would, with sincerity, "Well, I just think..." or, "I am just concerned." He made his point clearly and courteously.

On a personal note, I called Hall and asked him to support a political event. Quickly, he assured me he could come and asked if Lucy, his wonderful wife and partner of 66 years, could attend. The answer, of course, was yes, as everyone loves Lucy. But in asking that question, Hall showed his humility and courtesy.

So, we gathered on October 19, and I took the opportunity during the event to personally thank Hall for his support for me in 1994 when I ran for attorney general of Alabama and for his support of many great causes. He did not know me well in 1994 but had heard good things about me, and he was very generous in his support. I thanked him for that and noted that he had never asked for a single thing personally, only for good government. The fact that there are others in our country like Hall who support their candidates, Republicans and Democrats, liberal and conservative, because of values and principles and not for personal gain, is important to our political health. They should be appreciated. They make the country a better place.

Later during that same meeting, Hall Thompson suffered the stroke that would sadly take his life 9 days later. He had lived a full life of 87 years. He left an accomplished and loving family and a host of friends and admirers. He loved America, closely monitored her progress, and was ready to help whenever possible.

He was a true patriot. Our State and Nation will miss him.

TRIBUTE TO TERESA SCANLAN

Mr. JOHANNS. Mr. President, I am pleased to congratulate 17-year-old Teresa Scanlan of Gering, NE, on being crowned as Miss America 2011. Teresa represented our great state as Miss Nebraska 2010 at the Miss America Pageant held earlier this year in Las Vegas, NV. She is the first Miss Nebraska to win the pageant, and I know our State is very proud of Teresa.

Teresa, the daughter of Jamie and Mark Scanlan, graduated from Scottsbluff High School and plans to attend college at Patrick Henry College in Virginia after her year as Miss America. In the future, she would like to get involved with politics and attend law school.

As Miss America, Teresa will travel throughout the United States. She will raise awareness of the dangers of eating disorders and will also serve as the National Goodwill Ambassador for Children’s Miracle Network Hospitals. I thank Teresa for her efforts to make a real difference in the lives of others and to set a positive example for other young people to follow.

Congratulations, again, to Miss America 2011, Nebraska's very own Teresa Scanlan.

TRIBUTE TO CHAD MILLER

Mr. THUNE. Mr. President, today I recognize Chad Miller, an intern in my office, who is from Washington High School in Sioux Falls. Currently, he is attending the University of Saint Thomas, where he is majoring in psychology with a double major in philosophy. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Chad for all of the fine work he has done and wish him continued success in the years to come.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers and documents, and were referred to law, the report of a rule entitled "Shipping Act, Merchant Marine, and Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fishing Vessel, Fishing Facility and Individual Fishing Quota Lending Prog (RIN0648-AY16) received in the Office of the Committee on Commerce, Science, and Transportation.

EC-361. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; TIllefish Fishery (RIN0648-BAB2) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-362. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; Vessel Capacity Limit in the Purse Seine Fishery in the Eastern Pacific Ocean (RIN0648-AY75) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-363. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands management Area" (RIN0648-XZ61) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-364. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer (RIN0648-XA073) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-365. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Summer Flounder Fishery Quota (RIN0648-XA120) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.'
EC–366. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone; Off Alaska; Inseason Adjustment to the 2011 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts” (RIN N0648–X119) received during adjournment of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–367. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone; Off Alaska; Inseason Adjustment to the 2011 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts” (RIN 05075–AA79) received in the Office of the President of the Senate on January 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–368. A communication from the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report entitled “Navy Fisher House Annual Report, Fiscal Year 2010” (RIN 099060–EC4100–EC4105) received in the Office of the President of the Senate on January 19, 2011; to the Committee on Armed Services.

EC–369. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Foreign Sanctions Regulations” (31 CFR Part 515) received in the Office of the President of the Senate on January 26, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–370. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled “U.S.-India Bilateral Understanding: Revisions to U.S. Export and Reexport Controls Under the Export Administration Regulations” (RIN 0651–AA64) received during adjournment of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–371. A communication from the Chairman of the President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Azerbaijan; to the Committee on Banking, Housing, and Urban Affairs.

EC–372. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to laws and regulations of the national emergency that was declared in Executive Order 13348 relative to the former Libyan regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–373. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department’s Alternative Fuel Vehicle program for fiscal year 2010; to the Committee on Energy and Natural Resources.

EC–374. A joint communication from the Deputy Secretary of the Interior and the Deputy Secretary of State, transmitting a legislative report relative to the establishment of a Free Association between the Government of the United States of America and the Government of Palau; to the Committee on Energy and Natural Resources.

EC–375. A communication from the Chief of the Mid-Atlantic Branch, Division of Hydrologic Data Center, Federal Energy Regulatory Commission, transmitting, a report relative to the Indian River Tidal Hydrokinetic Energy Project; to the Committee on Energy and Natural Resources.

EC–376. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a report relative to the Annual Meeting of the Parliamentary Conference on the World Trade Organization; to the Committee on Foreign Relations.

EC–377. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, a report relative to the Office’s “Precedent Setting Practice of Counsel” (RIN 0780–AD16) received in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–378. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act Enforcement actions taken for fiscal year 2010; to the Committee on the Judiciary.

EC–379. A communication from the Director of Energy Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Herbicidal Exposures with Covered Service in Korea” (RIN 2900–AN27) received in the Office of the President of the Senate on January 26, 2011; to the Committee on Veterans’ Affairs.

EC–380. A communication from the Under Secretary, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Establishment of Emergency Relief Dockets for Situations for Emergency Waiver of Safety Regulations” (RIN 2315–AB79) received during adjournment of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–381. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Civil Penalties” (RIN 2127–AK78) received during adjournment of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–382. A communication from the Chairman, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Mortgage Assistance Relief Services” (RIN N9064–AB18) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–383. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Guides for the Jeweler, Precious Metals, and Pewter Industries” (16 CFR Part 21) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC–384. A communication from the Deputy Chief Counsel for Regulations and Security Standards, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Air Cargo Security Requirements; Compliance Dates; Amendment (RIN 151652–JA50) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–385. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revisions to Civil and Criminal Penalties; Penalty Guidelines” (RIN 2130–AB70) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–386. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Information Technology (IT) Security” (RIN 2700–AD46) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC–387. A communication from the Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled “Information Technology (IT) Security” (RIN 2700–AD37) received in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–388. A communication from the Assistant Secretary for Emergency Waivers, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Emergency Waivers of Safety Regulations” (RIN 7335–AB16) received duringadjournment of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–389. A communication from the Assistant Secretary for Emergency Waivers, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Emergency Waivers of Safety Regulations” (RIN 7335–AB16) received duringadjournment of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–390. A communication from the Assistant Secretary for Emergency Waivers, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Emergency Waivers of Safety Regulations” (RIN 7335–AB16) received duringadjournment of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–391. A communication from the Assistant Secretary for Emergency Waivers, Department of Transportation, transmitting, pursuant to law, a report relative to the National 911 Program; to the Committee on Commerce, Science, and Transportation.

EC–392. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC–393. A communication from the Chairwoman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC–394. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report of a rule entitled “Government Property” (RIN 2127–AF37) received in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.
EC–395. A communication from the Deputy Chief, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Establishment of a Model for Predicting Digital Broadcast Television Field Strength Received at Individual Locations” (FCC 10–194) received during adjournment of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.


EC–397. A communication from the Assistant Division Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Parts 1 and 63 of the Commission’s Rules Concerning the Authority of Commission Staff” (FCC 10–197) received during adjournment of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC–398. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Preserving the Open Internet; Broadband Industry Practices” (FCC 10–201) received during adjournment of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–399. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “High-Cost Universal Service Support” (WC Docket No. 05–337, DA 10–2443) received in the Office of the President of the Senate on January 27, 2011; to the Committee on Commerce, Science, and Transportation.


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 Mrs. SHAHEEN:
S. 243. A bill to increase and improve the Yellow Ribbon Reintegration Program of the Department of Defense; to the Committee on Armed Services.

By Mr. BARRASSO (for himself and Mr. GRAHAM):
S. 244. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. CORKER (for himself, Mrs. McCASKILL, Mr. BURR, Mr. MCCAIN, Mr. ALEXANDER, Mr. ISAKSON, Mr. CHAMBLISS, Mr. INHOFE, and Mr. KIRK):
S. 245. A bill to reduce Federal spending in a responsible manner; to the Committee on the Budget.

By Mr. CASEY (for himself and Mr. ENZI):
S. 246. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. SCHUMER, Mrs. MUKULSKI, and Mrs. GILLIBRAND):
S. 247. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):
S. 248. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BARRASSO, Mr. CRAPO, Mr. RISCH, Mr. McCAIN, Mr. KILY, Mr. LEE, and Mr. HAYEK):
S. 249. A bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to any gray wolf (Canis lupus); to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. HARKIN):
S. 250. A bill to protect crime victims’ rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase Federal funding for DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction DNA testing for certain individuals identified by DNA evidence as the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. CRAPO, and Mr. DE MINT):
S. 251. A bill to prohibit the provision of Federal funds to States for court-appointed local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments in the performance of any other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON:
S. 252. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND JOINT RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. MCCAIN, Mr. BROWN of Ohio, Mr. LIBERMAN, Mr. BERNSTEIN, Mr. MUSKIN of Florida, Mr. KERRY, Ms. LANDRIEU, Mr. BRICK, Mr. WYDEN, Mr. BURR, and Mr. HATCH):
S. Con. Res. 5. A concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest living United States veteran of the First World War; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS
S. 18
At the request of Mr. JOHNS, the name of the Senator from Wisconsin
(Mr. Kohl) was added as a cosponsor of S. 18, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations and for other purposes.

At the request of Mr. Hatch, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 19, a bill to restore American’s individual liberty by striking the Federal mandate to purchase insurance.

At the request of Mr. Hatch, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job—killing Federal employer mandate.

At the request of Mr. Johnson, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 27, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

At the request of Mr. Baucus, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

At the request of Mr. Isakson, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

At the request of Mr. Baucus, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 139, a bill to provide that certain tax planning strategies are not patentable, and for other purposes.

At the request of Mr. Toomey, the names of the Senator from Idaho (Mr. Risch) and the Senator from South Carolina (Mr. Graham) were added as cosponsors of S. 163, a bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

At the request of Mr. Menendez, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

At the request of Mr. Rockefeller, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

At the request of Mr. Johanns, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States—Korea Free Trade Agreement, the United States—Colombia Trade Promotion Agreement, and the United States—Panama Trade Promotion Agreement.

At the request of Mr. Inhofe, the name of the Senator from Texas (Mrs. Hutchison) was added as a cosponsor of S. Res. 23, a resolution to prohibit unauthorized earmarks.

At the request of Mr. Crapo, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from Wyoming (Mr. Barrasso) were added as cosponsors of S. Res. 32, a resolution designating the month of February 2011 as “National Teen Dating Violence Awareness and Prevention Month”.

At the request of Mr. Johanns, the names of the Senator from West Virginia (Mr. Manchin) and the Senator from Massachusetts (Mr. Brown) were added as cosponsors of amendment No. 3 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

**AMENDMENT NO. 3**

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

**By Mr. Corker (for himself, Mrs. McCaskill, Mr. Burr, Mr. McCain, Mr. Alexander, Mr. Isakson, Mr. Chambliss, Mr. Inhofe, and Mr. Kirk):**

S. 245. A bill to reduce Federal spending in a responsible manner; to the Committee on the Budget.

Mr. CORKER. Mr. President, I am glad to be here today with the Senator from Missouri, my friend Claire McCaskill. We are introducing a bill called the Commitment to American Prosperity Act, the CAP Act. It is a 10-page bill designed to limit spending in the Federal government to the norm over a 10-year period, on a glide path that takes us back to fiscal health and to that 20.6 percent of our economy being spent at the Federal level.

This morning I was happy to see 33 Senators meet over at the visitor center from both sides of the aisle to listen to people involved in the financial industry talking about the path we are on and what that is going to lead to as far as the ruination of our fiscal situation and our ability to borrow money at low rates as we are today. All of us know what that will mean to our citizens.

There is no one who doesn’t understand how problematic our financial situation is. I know the Congressional Budget Office just said that this year alone we will have a $1.5 trillion budget deficit. I think everyone in this body is very aware that we cannot continue on that path. For that reason, Senator McCaskill and I have crafted a 10-page bill, a very simple bill. It does a lot, but there are not a lot of words in it.

One of its purposes is to cap spending relative to economy.

Most people understand that when we look at economies in other countries of the world, people look at the amount of their economic output relative to their economic output. Senator McCaskill’s husband is a businessman. When he looks at the amount of debt he has in his company, he looks at that in relation to revenues and the amount of income he has and his ability to pay the debt. That is the way the world looks at the health of countries.

For the last 4 years—this is the post-entitlement period—our country has been spending 20.6 percent of our GDP on economic output at the Federal level. Everybody knows that right now we are way above that number, at over 24 percent. So again, not to try to create some messaging tool but to solve this problem, Senator McCaskill and I have joined to say we need to get back to the norm over a 10-year period, on a glide path that takes us back to fiscal health and to that 20.6 percent of our economy being spent at the Federal level.

The legislation calls for multiyear averaging so we can make sure that economic differentials don’t create volatility, so we know exactly what those targets are in advance, so we can go about our work in appropriations in a methodical and thoughtful way. In addition, it creates something called sequestration. That means if Congress does not have the courage, which we recently have not shown, to do the things it needs to do to make those cuts to live within this glide path we have set out, the cuts will take place. The Office of Management and Budget, 45 days after the end of the year, if we have not done those things
we need to do to make sure we are on this glide path, will, on a pro rata basis, take money out of the accounts of both mandatory and nonmandatory spending. In addition, if there is an emergency that comes up, it would take a two-thirds vote by both Houses of Congress to overcome those spending limits.

To my knowledge, this is the first time in the entitlement era that we have ever tried to put in place a total spending limit on government. Many of us talging about discretionary spending. All of us know that discretionary spending is less than a third of all Federal spending. All of us know that if we don't redesign the entitlement programs that are about two-thirds of our spending at the Federal level, then there is no way for us to deal appropriately with this issue. So for this reason, this bill would kick in, if it is implemented, in 2013, giving us time to redesign the entitlement programs, especially Medicare and Social Security, so that we know they are here for future generations, so we know that seniors have the benefits they need. This is the first time we would be putting everything on the table in a comprehensive way as we look at the Federal budget. Simply, this bill will cause us to live within our means.

The problem we find ourselves in today is not a Republican problem or a Democratic problem. Both parties have contributed to this situation. What this bill would require us to do is to set priorities. It would mean that we would have to ensure that programs are being run as effectively and efficiently as possible. I know our main cosponsor, Senator McCaskill, has spent a lot of time looking at waste and abuse within the Federal Government. One of the best things about this bill is, if we want to limit spending relative to the country's economic output, it is obviously going to affect all the economic growth. So what that would mean is that both parties would be joined at the Federal budget. Simply, this bill will require us to do is to set priorities as we look at the Federal budget. This is like telling Congress: You have to be better parents, and if you cannot muster the courage to say no, these cuts are going to happen anyway. It is like a discipline for us. And I do not go here lightly. I do not go here without understanding the political risks involved. But I go here because I deeply believe it is necessary for our country. We cannot get control of the deficit if we do not control spending.

Let me talk about a few terms about debt and deficit because as I go out and talk to people, there are a lot of people who use those two terms interchangeably. They do not understand. There is a big difference between the debt and the deficit. The deficit is like your monthly budget and not having enough money to come in to meet your monthly expenses. We talk about the deficit on an annual basis: How much money is the government bringing in and how much money is going out. When more is going out than coming in, we have a deficit. What happens to that deficit every year? It goes on our debt. It is like a family's mortgage. But instead of our paying down our mortgage every year, we keep adding to the mortgage every year. That is why we now have a $1.4 trillion debt this year. We are going to spend that much more than we take in this year. We have $14 trillion in debt. That long-term mortgage our country has right now that we owe someone that we have to pay. So we have to get hold of this debt.

I want to compliment the President of the United States because the short-term spending stuff is important. And I want to compliment Senator Sessions. He and I have worked on short-term spending caps for over a year. But now it is time for us to look at long-term discipline and what we can do to get control of our present and not longer are precariously on the edge of not being the strongest economic power in the world.
Our deficits are unsustainable and our debt is out of control. This bill takes a very measured approach, gives us time to figure things out. It is not like the ridiculous proposal over in the House where we are going to cut $2.5 trillion this year. Anybody who thinks that that is going to happen, I have to tell you that you need to wear down the hall tomorrow. That is a ridiculous proposal. That is impossible to do. But this bill is possible and responsible. This puts us on a glide path to say to the American people—spending is going to be capped at a certain percentage of our economic activity in this country. That is possible, and it is responsible, and we should do it.

Who is to blame? Let’s be honest about how we got here. The biggest factor in our deficits the last 2 years is our poor economy. I know, I know; you would think it is the stimulus. You would think it is TARP. It is not. Political cheap shots but not true. The biggest factor in our deficits is because of the poor economy.

The biggest increase in spending in the last 2 years? You would think it was the auto bailouts or you would think it was the bank bailout or you would think it was the stimulus. The stimulus was not. Do you know what the biggest increase in spending was over the last 2 years? Unemployment benefits because of our bad economy. That was the biggest increase in spending in over the last 2 years. The deficit hole has grown primarily because of a bad economy over the last 2 years.

But there also have been bad decisions by both parties over the last decade. When Clinton left office, our debt—he may have been running a surplus in terms of the deficit, but our debt was $5.7 trillion. When Bush left office, he had doubled it from $5.7 trillion to $10.6 trillion. And today it is $14 trillion.

Over the past decade, we have had two wars we did not bother to pay for, a brand new Medicare entitlement—brand spanking new—that was not meant tested. We are buying Warren Buffett’s prescription drugs. Go figure.

We have tax cuts that go on forever. We have tax cuts that go on forever that we are fighting that have contributed to this. We have entitlement programs that are not paid for. But the stimulus was a one-time expenditure. It is not something that goes on. It has no tail.

Anybody who understands economics and understands the balance sheet of the U.S. Government knows this problem was not the stimulus. One-third of the stimulus was tax cuts. The last time I looked, unpaid-for tax cuts were the way of the world. One-third of the stimulus was tax cuts. Another third of it, almost, was unemployment benefits. That is not the problem. And TARP? Let’s be honest. It was a genius decision in many ways because it stabilized our financial sector, and it has cost us a mere fraction of money that was used on a temporary basis to make sure our economy did not twist down the drain, as many had done. President Bush not intervened with his economic team to ask us on a bipartisan basis to do something that was in the best interest of our Nation.

We can move on it now to who is to blame because now we have to talk about tomorrow’s problems. I am proud the President is dealing with short-term spending by his freeze. I am proud he is working on earmarks and all of the cost that are a symptom of the disease around here. But our challenge is long-term spending. In the long term, spending is going to drive the debt up even higher. Medicare and Medicaid cuts are going to double by 2021. Social Security is going to increase by 70 percent by 2021.

We have to look at those issues and make sure on a bipartisan basis we do what is responsible. We have to make sure these programs—Medicare, Medicaid, and Social Security—are stable and secure for our children and their children. If we cannot agree even on the modest measures such as the 3-year discretionary spending cap Senator McConnell and I have been pushing for over a year, I question whether we have the discipline to do the hard work. Getting control of spending is very hard, but we have to do it, and we have to do it now.

First and foremost, we need to focus on eliminating the waste and mis-management. That is what drives Americans crazy. It drives people crazy that we are spending money on duplicative programs and we are not even checking to see if it is needed. It drives them crazy when the Federal Government runs huge deficits and we are paying out $55 billion in improper payments at Health and Human Services and $12 billion of improper payments by Treasury to people who do not even qualify.

It drives Americans crazy when we do not make the reforms our auditors recommend. The Defense Department has 1,200 suggestions that have been made by our government auditors about how it can manage its money and its programs better, and they have not acted on almost 1,200 of them. It drives people crazy when we are running deficits when the entire food security is given over to the Agriculture Department and Homeland Security that get failing management grades for 8 straight years. And it drives people crazy when we are running deficits and we are passing appropriations bills with $15 billion worth of earmarks.

I have been working hard to try to clean up all this waste. We have been working on contract management. I have never requested an earmark. I voted against every omnibus appropriations bill that has come to the floor since I have been a Senator, and I have worked hard for the last year with Senator Sessions to cap spending. Now I look forward to working hard with Senator CORKER and many of my friends in the Republican Party to work on the Corker-McCaskill bill to put a cap long term on spending in the Federal Government.

By Mr. CARDIN (for himself, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. GILLIBRAND):

S. 247. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today, on the first day of Black History Month, I am proud to reintroduce the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park Act. I am joined by Mr. SCHUMER, Ms. MIKULSKI, and Ms. GILLIBRAND as original co-sponsors.

The woman, who is known to us as Harriet Tubman, was born in approximately 1822 in Dorchester County, Maryland, and given the name Araminta Ross Tubman in honor of a British abolitionist. It is especially significant that the Underground Railroad was the product of the ingenuity and strength of African-American women. Despite the many attempts to subdue and break the will of enslaved Africans, Harriet Tubman emerged as an icon, an exemplar of the human spirit and a symbol of hope. Harriet Tubman escaped from slavery in 1849. She did so in the dead of night, navigating the maze of tidal streams and wetlands that, to this day, comprise the Maryland Eastern Shore landscape. She did so alone, demonstrating courage, strength and skill that became her hallmarks. Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline counties where, under the most adverse conditions, she led away many family members and other slaves to freedom in the Northeastern United States. Tubman became known as “Moses” by African-Americans and white abolitionists. She is the most famous and most important conductor of the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout and...
York unit would include the tightly extraordinary American. The New Park that would include two geo-
mined that designating a Historical life and her contributions, however, most appropriate way to recognize that Tubman led an extraordinary life. Her contributions to American history that Tubman's life remain intact. Her per-
man's life still stand. The landscapes of the Eastern Shore of Maryland, how-
remains evocative of the time that Tubman lived there. Farm fields and forests dot the landscape, which is notable for its extensive network of tidal rivers and wetlands. In particular, a number of properties including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Plantation where she worked as a slave, and others are within the master plan boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the planta-
tion from which she escaped freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are today protected by various conservation easements. Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she se-
cretly led black men, women and chil-
dren to their freedom.

In New York, on the other hand, many of the buildings associated with Tubman's life remain intact. Her per-
sonal home, as well as the Tubman Home for the Aged, the church and rec-
tory of the Thompson Memorial AME Zion Episcopal Church, and the Fort Hill Cemetery are all extant.

In 1999, the Congress approved legis-
lation authorizing a Special Resource Study to determine the appropriate-
ness of establishing a unit of the Na-
tional Park Service to honor Harriet Tubman. The Study has taken an ex-
ceptionally long time to complete, in part because of the lack of remaining structures on Maryland's Eastern Shore. There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, has been exceedingly difficult. Eventu-
ally, the National Park Service deter-
mined that designating a Historical Park that would include the geogra-
phy she would have an appropriate tribute to the life of this extraordinarily American. The New York unit would include the tightly clustered Tubman buildings in the town of Auburn. The Maryland portion would include large sections of land-
scapes that are evocative of Tubman's time and are historically relevant. The Special Resource Study, completed by the National Park Service in the Fall of 2008, determined that Tubman's life still stand. The landscapes of the Eastern Shore of Maryland, how-

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

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

SEC. 1. SHORT TITLE.—This Act may be cited as the "Harriet Tubman National Historical Parks Act".

SEC. 2. HARRIET TUBMAN UNDERGROUND RAIL-
ROAD NATIONAL HISTORICAL PARK, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term "historical park" means the Harriet Tubman Underground Railroad National Historical Park es-
blished by subsection (b)(1)(A).

(2) MAP.—The term "map" means the map entitlement "Authorized Acquisition Area for the Proposed Harriet Tubman Underground Railroad National Historical Park", num-
bbered T20/80,001, and dated July 2010.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Maryland.

Additional areas that would comprise the Harriet Tubman historic area include about 2,300 acres in Caroline County that comprise the Poplar Neck plantation that Tubman escaped from in 1849. The 725 acres of viewed across the Choptank River in Talbot County would also be included in the Park. These parcels are authorized to come under protection through con-
servation easements held by the pri-
ivate property owners.

The bill authorizes such sums as nec-
ecessary to meet the goals and objectives of the bill. Funds can be used for the construction of the Harriet Tubman Park Visitors Center, through a cost sharing requirement, for easements, or acquisition of the designated parcels eligible for fee simple acquisition.

Harriet Tubman was a true American patriot. She was someone for whom lib-
erty and freedom were not just con-
cepts. She lived those principles and
shared that freedom with hundreds of others. In doing so, she has earned a nation's respect and honor.

Harriet Tubman is one of many great Americans that we honor and celebrate every February during Black History Month. In schools across the country, American History curriculum teach our children about Tubman's courage, conviction, her fight for freedom and her contributions to the greatness of our nation during a contentious time in U.S. history. Now it is time to add for our children about Tubman's courage, conviction, her fight for freedom and her contributions to the greatness of our nation during a contentious time in U.S. history. Now it is time to add to the American History curriculum that the contents of the Bill to establish the Harriet Tubman Parks would also be included in the Harriet Tubman Underground Railroad National Historical Park. I look forward to working with my colleagues to establish this important and fitting tribute to Harriet Tubman, a life wor-
thy of recognition.

President, I ask unanimous con-
sent that the text of the bill be printed in the RECORD.

The following is a list of the text of the bill as follows:

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Congress assembled,
(b) HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—
(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park, including an official boundary map for the historical park.

(D) AVAILABILITY OF MAP.—The official boundary map published under subparagraph (C) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of the public the history of Harriet Tubman and the Underground Railroad.

(A) IN GENERAL.—The Secretary may acquire land and interests in land within the areas depicted on the map as "Authorized Acquisition Areas" by purchase from willing sellers, donation, or exchange.

(B) BOUNDARY ADJUSTMENT.—On acquisition of land or an interest in land under subparagraph (A), the boundary of the historical park shall be adjusted to reflect the acquisition.

(C) ADMINISTRATION.—
(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—
(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and
(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERAGENCY AGREEMENT.—Not later than 1 year after the date on which funds are made available to carry out this section, the Secretary shall enter into an interagency agreement with the National Park Service to provide for public interpretation of historical resources associated with the life of Harriet Tubman and the Underground Railroad.

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, and any other nonprofit organization with expertise in black history and the Underground Railroad to provide for reasonable public access; or

(B) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the State, political subdivisions of the State, and any other nonprofit organization with expertise in black history and the Underground Railroad to provide for reasonable public access; or

(C) ADMINISTRATION.—
(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall enter into a cooperative agreement with the State, political subdivisions of the State, and any other nonprofit organization with expertise in black history and the Underground Railroad to provide for reasonable public access; or

(3) COOPERATIVE AGREEMENTS.—
(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, and any other nonprofit organization with expertise in black history and the Underground Railroad to provide for reasonable public access; or

(B) BOUNDARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park.

(F) MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) BOUNDARY.—The historical park shall include the Harriet Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church and Rectory, and associated land, as identified in the area entitled "National Historical Park Proposed Boundary" on the map.

(3) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of the public the history of Harriet Tubman, the Underground Railroad, and the Underground Railroad National Historical Park in Auburn, New York.

(A) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—
(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and
(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(B) INTERPRETIVE TOURS.—The Secretary may enter into a cooperative agreement with a State or Indian tribe to provide for interpretive tours to sites and resources located outside the boundary of the historical park in Auburn, New York, relating to the life of Harriet Tubman.

(C) GENERAL MANAGEMENT PLAN.—
(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the owner of any land within the historical park to provide for reasonable public access; or

(i) to conduct research relating to the life of Harriet Tubman and the Underground Railroad.

(B) VISTOR CENTER.—The Secretary may enter into a cooperative agreement with the State to design, construct, operate, and maintain a joint visitor center on land owned by the State.

(i) to provide for National Park Service visitor and interpretive facilities for the historical park; and

(ii) to provide for the Secretary, at no additional cost, sufficient office space to administer the historical park.

(D) COST-SHARING REQUIREMENT.—
(1) FEDERAL AND NON-FEDERAL SHARE.—The non-Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity under this paragraph may be in the form of in-kind contributions or goods or services fairly valued.

(E) GENERAL MANAGEMENT PLAN.—
(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of Public Law 91-383 (commonly known as the "National Park Service General Authorities Act") (16 U.S.C. 1a-7(c)).

(2) CONSULTATION.—The general management plan shall be prepared in consultation with the State (including political subdivisions of the State).

(F) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—
(A) the Blackwater National Wildlife Refuge; and
(B) the Harriet Tubman National Historical Park established by section 3(b)(1)(A); and
(C) the National Underground Railroad Network to Freedom.

(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. HARRIET TUBMAN NATIONAL HISTORICAL PARK, AUBURN, NEW YORK.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term "historical park" means the Harriet Tubman National Historical Park established by subsection (b)(1)(A).

(2) HOME.—The term "home" means The Harriet Tubman Home, Inc., located in Auburn, New York.

(3) MAP.—The term "map" means the map entitled "Harriet Tubman National Historical Park", numbered T18/80,000, and dated March 2009.

(b) SEC. 3. HARRIET TUBMAN NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—
(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman National Historical Park in Auburn, New York, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park.

(D) MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) BOUNDARY.—The historical park shall include the Harriet Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church and Rectory, and associated land, as identified in the area entitled "National Historical Park Proposed Boundary" on the map.

(3) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of the public the life of Harriet Tubman and the Underground Railroad.

(A) IN GENERAL.—The Secretary shall submit to the Attorney General for review any cooperative agreement under this paragraph involving religious property or property owned by a religious institution.

(B) FINDING.—No cooperative agreement subject to review under this subparagraph shall take effect until the date on which the Attorney General issues a finding that the proposed agreement does not violate the Establishment Clause of the first amendment to the Constitution.

(d) GENERAL MANAGEMENT PLAN.—
(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of Public Law 91-383 (commonly...
known as the “National Park Service General Authorities Act” (16 U.S.C. 1a-7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of an management plan with—

(A) the Harriet Tubman Underground Railroad National Historical Park established by section 2(b)(1); and

(B) the National Underground Railroad Network to Freedom.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act, except that not more than $7,500,000 shall be available to provide financial assistance under subsection (c)(3).

By Mr. WYDEN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 248. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, I rise today to reintroduce the Empowering States to Innovate Act with my colleagues, Senators SCOTT BROWN and MARY LANDRIEU.

At a time when we are looking for ways to bring this country together to deal with the most contentious issues of our time, we ought to be supporting innovation. We ought to be supporting unleashing creative kinds of approaches to deal with domestic issues. That is the foundation of this legislation.

What Senators BROWN, LANDRIEU and I are seeking to do is to show it is possible on a significant issue—I think we all understand health care is about as important as it gets—that we can come together, and facilitate this kind of innovation. It is pretty clear that what works in Springfield, OR, may not be exactly ideal for Springfield, MA. But what we can do is come up with a way to provide more flexibility and particularly, and more competition for our States and other States around the country.

If we can just move away from a Federal cookie-cutter approach and encourage the kind of creative thinking we have seen in Oregon and in Massachusetts and other parts of the country, I think we will be well served and will be in a position to better contain health care costs. I think we all understand that how to rein in these medical costs that are gobbling up everything in sight is first and foremost on the minds of our constituents.

The Empowering States to Innovate Act encourages additional innovative approaches in States, approaches that are tailored to the needs of States’ own residents, that will help us, in my view, to promote choice and competition in the American health care system. As long as they meet certain requirements as far as coverage and affordability are met, the States are free to do whatever they choose. It’s really up to my judgment that right now, at a time when most Americans still don’t get much choice in their health care coverage, this is an ideal opportunity that both Democrats and Republicans can support. As States seek to go forward with this approach, they can make their own choices.

In particular, what I have been concerned about, after talking to health policymakers over the last few months, is if, in the State of New York, for example, you go out and set up a process to comply with the legislation for purposes of 2014 and you see that the waiver, as now constituted under 1332, starts in 2017, am I going to reconcile those two? Am I going to set up one approach for 2014 and then do another approach in 2017? It is going to put us through a lot of bureaucratic water torture to try to figure out how to synchronize those two dates. So it only makes sense to speed it all up and make it possible for everybody to get started in 2014.

We have outlined the two key changes in the legislation that is law today. The first change is to make the waivers effective in 2014 rather than in 2017 so States only have to change their systems once. The second thing the Empowering States to Innovate Act does is it requires the Department of Health and Human Services to begin to review State waiver applications within 6 months of enactment of the legislation. This would allow States early notification of whether their State waivers have been approved and would give them adequate time to roll them out. I think that if we think about this, too, will help us create more competition, more choice, and more affordability in American health care because it will give the States adequate time to gear up. That is the philosophy behind the Empowering States to Innovate Act, whether one likes one particular approach or another. Clearly, there will be great diversity of approaches tried at the State level.

This legislation offers an opportunity for States to engage in a “race to the top” for what will deliver the best health care choices and options to their constituents. This provides a chance for States to do it better. I look forward to working with colleagues on both sides of the aisle to give States that chance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 248
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 “Empowering States to Innovate Act”.

SEC. 2. EARLIER START FOR STATE HEALTH CARE COVERAGE INNOVATION WAIVERS.
Section 1332(a) of the Patient Protection and Affordable Care Act is amended—
(1) by striking “January 1, 2017” in paragraph (1) and inserting “January 1, 2014”; and

(2) by inserting “beginning not later than 180 days after the date of the enactment of the Empowering States to Innovate Act” after “application” in paragraph (4)(B)(i).
Right now, as provided under section 1332—"The Waivers for State Innovation"—of the Patient Protection and Affordable Care Act, States can waive out of provisions of the Federal reform law. That's the good news. The bad news is that this waiver authority is not set to expire until 2017, a full 3 years after PPACA is scheduled to be fully implemented.

That makes no sense, so we are going to fix it.

The first thing our bill does is to allow States to waive out of specific parts of PPACA in 2014 rather than 2017. This makes sense not just from an operational standpoint—because PPACA takes effect in 2014—but also from an economic and fiscal standpoint. Why should Massachusetts be delayed in obtaining a waiver from the Federal reform bill when it may have already met and or exceeded specific provisions of PPACA? Holding Massachusetts back—limiting my State's ability to innovate—remains inflexible and unresponsive to the health care market—costs money; it costs taxpayer money.

That doesn't make sense. So our legislation fixes that.

The second piece our bill does is to provide States with certainty with the waiver process. Not every State will be eligible for a waiver and not every waiver will be granted. But our bill provides some certainty for those States who apply for a waiver by requiring the Secretary of Health and Human Services to begin reviewing applications within 6 months of enactment of this bill. The earlier a State knows whether it has received a waiver, the earlier it can begin implementing its specific plans and proposals.

Taken together, these two changes are good for Massachusetts. They are good for other States who are trying to innovate and advance in the areas of health care reform, cost containment, and coverage.

During Wednesday's Finance Committee hearing, Dr. Berwick, who is from the State of Massachusetts, I might add, said this about State innovation and flexibility: "The cliché about states as laboratories of democracy is not just a cliché; it's true. The diversity of approaches that we're seeing emerge state by state has been there for a long time. I think we should be doing everything we can to encourage it.

I couldn't agree more. I am a strong supporter of state rights and for allowing States to solve problems without the Federal Government's interference.

We should be encouraging State innovation, not hampering it.

And that is what the Empowering States to Innovate Act does—it helps ensure that States aren't held back from innovating and seeking solutions that work for their citizens, their taxpayers, and their communities.

Finally, Mr. President, I want to associate myself with Mr. WYDEN's comments about how our bill fits into the Federal health care reform debate. Ensuring this legislation is the right thing to do because it is good for States like Massachusetts. It is good for States like Oregon and Utah, who have begun to make changes and reforms as the bill has come before them.

The legislation provides flexibility and says that a one-size-fits-all health care system doesn't fit the needs of every State. I know a Federal standard isn't in the best interest of my State of Massachusetts. If that's why passing this bill is the right thing to do.

I thank my colleague, Mr. WYDEN, for his thoughtful remarks and urge my colleagues to join us in supporting this legislation that I think both parties can and should agree on.

By Mr. LEAHY (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. HARKIN):

S. 250. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the Justice for All Reauthorization Act of 2011. The Justice for All Act, passed in 2004, was unprecedented, bipartisan criminal justice legislation. It was Congress's most significant step forward in many years to improve the quality of justice in this country and to improve public confidence in the integrity of the American justice system.

After several hearings and much work, with this legislation we continue the process of building on that foundation to go still further in making sure our criminal justice system works fairly and effectively for all Americans. Senator KLOBUCHAR, Senator FRANKEN, and Senator HARKIN join me today as original cosponsors of this important bill, and I thank them for their ongoing support.

I also appreciate the involvement of Senators on the other side of the political aisle, including Senators SESSIONS and GRASSLEY, who have participated in the development of this bill and provided valuable input. I am confident that this bill will pass with bipartisan support, as the original Justice for All Act did, and I look forward to working with Senators from both parties to reach that goal.

In 2000, I introduced the Innocence Protection Act, which aimed to improve the administration of justice by ensuring that defendants in the most serious cases receive competent representation and, where appropriate, access to post conviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong.

The Innocence Protection Act became a key component of the Justice for All Act. The act also included vital provisions to ensure that crime victims have the rights and protections they need and deserve and that States and communities take major steps to reduce the backlog of untested rape kits and bring prompt justice for victims of sexual assault. These and other important criminal justice provisions made the Justice for All Act a groundbreaking achievement in criminal justice reform.

The programs created by the Justice for All Act have had an enormous impact, and they are functioning as designed.

In too many communities around the country, large numbers of untested rape kits have been found, many of which have not even made their way to crime labs. It is unacceptable that rape victims must still live in fear and wait for justice. We must act to fix this continuing problem.

The original Justice for All Act included the Debbie Smith DNA Backlog Reduction Program, which authorized significant funding to reduce the backlog of untested rape kits so that victims need not live in fear while kits languish in storage. Unfortunately, the Judiciary Committee's hearings and recent headlines have made clear that simply reauthorizing the existing law is not enough. Significant problems remain, and we must work together to address them.

Since we passed this important law in 2004, the Debbie Smith Act has resulted in hundreds of millions of dollars going to States and localities to reduce backlogs. The program is named after Debbie Smith, who lived in fear for years after being attacked before her rape kit was tested and the perpetrator was caught. She and her husband Rob have worked tirelessly to ensure that other victims need not experience the ordeal she went through. I thank Debbie and Rob for their continuing help on this extremely important cause.

As I have researched this problem of untested rape kits, there is one thing that I have heard again and again: the Debbie Smith program has been working and is making a major difference. I have heard from the Justice Department, States including my home State of Vermont, law enforcement, and victims' advocates that the Debbie Smith program has led to significant and meaningful backlog reduction, and to justice for victims, in jurisdictions across the country.
Unfortunately, despite the good strides we have made and the significant Federal funding for backlog reduction, we have seen alarming reports of continuing backlogs. A study in 2008 found 12,500 untested rape kits in the Los Angeles area alone, and while Los Angeles made progress in addressing the problem, other cities have now reported backlogs almost as severe. In 2009, the Justice Department released a report finding that in 18 percent of open, unsolved rape cases, evidence had not even been submitted to a crime lab.

That Justice Department study gets to a key component of this problem that has not yet been addressed. No matter how much money we send to crime labs for testing, if samples that could help make cases instead sit on the shelf in police evidence rooms and never make it to the lab, that money will do no good. Police officers must understand the importance of testing this evidence. Rape victims and their families must understand that a backlog means to get criminals off the street—are sitting untested.

The bill we introduce today will finally address this part of the problem by mandating that the Department of Justice develop practices and protocols for the DNA evidence collection and provide technical assistance to State and local governments to implement those protocols. The bill authorizes funding to States and communities to reduce their rape kit backlogs at the law enforcement stage by training officers, improving practices, developing evidence tracking systems, and taking other key steps to make sure that this crucial evidence gets to the labs to be tested.

The bill will also help us get to the bottom of this problem by calling for the development of a standardized definition of “backlog” covering both the law enforcement and lab stages and by implementing public reporting requirements to help us to identify where the backlogs are. It also takes steps to ensure that labs test DNA samples in the best order so that those samples which can help secure justice for rape victims are tested most quickly. It will also put into place new accountability requirements to make sure that Debbie Smith Act money is being spent effectively and appropriately.

The bill makes important changes to existing law to ensure that no rape victims are ever required to pay for testing of their rape kits and that these costs are covered with no strings attached. Senator FRANKEN has been a strong advocate of this important provision, and I thank him for his help.

In the years since the Justice for All Act passed, we have also seen too many cases of people found to be innocent after spending years in jail, and we have faced the harrowing possibility that the unthinkable may have happened: the State of Texas may have executed an innocent man. We must act to ensure that our criminal justice system works as it should so that relevant evidence is tested and considered and all defendants receive quality representation.

The Justice for All Reauthorization Act takes important new steps to ensure that defendants in serious cases receive adequate representation and, if appropriate, testing of relevant DNA samples by a prosecutor. I have great faith in the men and women of law enforcement, and I know that the vast majority of the time our criminal justice system does work fairly and effectively. I also know that the system only works as it should when each side is well represented by competent and well-trained counsel, and when all relevant evidence is retained and tested.

Sadly, we learn regularly of defendants who are exonerated. We must do better. It is an outrage when an innocent person is punished, and it is doubly an outrage that, in those cases, the guilty person remains on the streets, able to commit more crimes, which makes all of us less safe.

This legislation takes important new steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive constitutionally adequate representation. It requires the Department of Justice to assist States that want help developing an effective and efficient system of indigent defense, and it establishes a cause of action for the Federal Government to step in when States are systematically failing to provide the representation called for in the constitution.

This is a reasonable measure that gives the States assistance and time needed to make necessary changes and seeks to provide an incentive for States to do so. Prosecutors and defense attorneys recognize the importance of quality defense counsel. It was persuasive to me when Houston District Attorney Patricia Lykos testified before the Judiciary Committee that it helps her do her job as a prosecutor when there are competent defense attorneys. I have also learned through this process that the most effective systems of indigent defense are also the most expensive. In some cases, making the necessary changes may also save States money.

This legislation will also help ensure that the innocent are not punished while the guilty remain free by strengthening Kirk Bloodsworth Post Conviction DNA Testing Grant Program, one of the key programs created in the Innocence Protection Act. Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted and sentenced to death for a heinous crime that he did not commit. He was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence.

This program provides grants to States for testing in cases like Kirk’s where someone has been convicted, but where significant DNA evidence was not tested. The last administration resisted implementing the program for several years, but we worked hard to see the program put into place. Now, money has gone out to a number of States, and the Committee has heard strong testimony that the program is making an impact. The legislation we introduce today expands the very modest authorization of funds to this important program and clarifies the conditions set for this program so that participating States are required to preserve key evidence, which is crucial, but are required to do so in a way that is attainable and will allow more States to participate.

The bill also asks States to produce comprehensive plans for their criminal justice systems, which is important to ensure that criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need. The bill reauthorizes and improves key programs in a variety of areas throughout the criminal justice system. Importantly, it increases authorized funding for the Paul Coverdell Forensic Science Improvement Grant program, which is a vital program to address the many forensic tests that are essential to solving crimes and prosecuting perpetrators. I appreciate Senator SESSIONS’ longstanding support for this important program.

Finally, the legislation strengthens rights for victims of crime. It gives crime victims an affirmative right to be informed of all of their rights under the Crime Victims’ Rights Act and other key laws, and it takes several other key steps to make sure that crime victims are able to assert their legal rights in court. I thank Senators FEINSTEIN and KYL for their leadership in this area and their assistance in developing these provisions.

In these times of tight budgets, it is important to note that this bill would make all of these improvements without increasing total authorized funding under the Justice For All Act and that many of these changes will help States, communities, and the Federal Government save money in the long run to help to ensure that our criminal justice system does work fairly and effectively. I also know though that the criminal justice system does work fairly and effectively. I also know though that the criminal justice system does work fairly and effectively. I also know though that the criminal justice system does work fairly and effectively.
they need to advance the cause of justice. Americans need and deserve a criminal justice system which keeps us safe, ensures fairness and accuracy, and fulfills the promise of our constitution. This bill will take important steps to bring us closer to that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

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 “Justice for All Reauthorization Act of 2011”.

SEC. 2. CRIME VICTIMS’ RIGHTS.

Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(9) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims’ Rights Ombudsman of the Department of Justice.”;

(2) in subsection (d)(3), in the fifth sentence, by inserting “, unless the litigants, with the approval of the court, have stipulated to a different time period for consideration” before the period; and

(3) in subsection (e)—

(A) by striking “this chapter, the term,” and inserting the following: “this chapter: “(1) COURT OF APPEALS.—The term ‘court of appeals’ means—

“(A) the trial court of the United States, the United States court of appeals for the judicial district in which a defendant is being prosecuted; and

“(B) for a violation of the District of Columbia Code, the District of Columbia Court of Appeals.

“(2) CRIME VICTIM.—The term ‘crime victim’ means—

“(A) the victim of the offense, or the victim of the offense who is a member of the victim’s immediate family; and

“(B) any person who is injured in any way as a result of the offense.

“(3) DISTRICT COURT; COURT.—The terms ‘district court’ and ‘court’ include the Superior Court of the District of Columbia.”;

(B) by striking “in the case” and inserting the following:

“(B) MINORS AND CERTAIN OTHER VICTIMS.—In this section—

“(C) by adding at the end the following:

“(3) COURT DISTRICT; COURT.—The terms ‘district court’ and ‘court’ include the Superior Court of the District of Columbia.”;

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) Crime Victims Legal Assistance Grants.—Section 153(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2294) is amended—

(1) in paragraph (1), by striking “$2,000,000” and inserting “$4,000,000”;

(2) in paragraph (2), by striking “$2,000,000” and all that follows through “2009,” and inserting “$4,000,000”;

(3) in paragraph (3), by striking “$300,000” and all that follows through “2009,” and inserting “$500,000”;

(4) in paragraph (4), by striking “$7,000,000” and all that follows through “2009,” and inserting “$11,000,000”;

(5) in paragraph (5), by striking “$5,000,000” and all that follows through “2009,” and inserting “$7,000,000”;

(b) Crime Victims Notification Grants.—Section 1494E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10606(c)) is amended by striking “this section—” and all that follows through “for each of the fiscal years 2012, 2013, 2014, 2015, and 2016.”.

SEC. 4. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) IN GENERAL.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14315) is amended to read as follows:

“SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘backlog for DNA case work’ has the meaning given that term by the Director, in accordance with (b)(1);

“(2) the term ‘Combined DNA Index System’ means the Combined DNA Index System of the Federal Bureau of Investigation;

“(3) the term ‘Director’ means the Director of the National Institute of Justice;

“(4) the term ‘emergency response provider’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

“(5) the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

“(b) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS OF EVIDENCE BACKLOG FOR DNA CASE WORK.—

“(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall work with the State and unit of local government in which work necessary to reduce the backlog of DNA case work is being conducted to publish a nationwide comprehensive plan for the expeditious collection, processing, and analysis of DNA evidence in accordance with this section; and

“(A) ensure that the collection and processing of DNA evidence, including forensic analysis, adhere to standards for forensic practices.

“(B) ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, and others, and the laboratory personnel involved in the analysis of DNA evidence.

“(C) ensure the appropriate use of the protocols and practices developed under subsection (b)(1); and

“(D) make grants to States or units of local government to—

“(i) adapt the appropriate protocols and practices developed under subsection (b)(1); and

“(ii) ensure that emergency response providers, law enforcement personnel, prosecutors, and laboratory personnel who are providing services within the jurisdiction of the State or unit of local government receive training on the content and appropriate use of the protocols and practices; and

“(E) require States or units of local government to submit to the Attorney General an annual report reflecting the current backlog for DNA case work within the jurisdiction in which the funds are used, which shall include—

“(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work, and the current backlog of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

“(ii) each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is being conducted; and

“(iii) any other information the Attorney General determines appropriate.
(B) Compilation.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

(d) Authorization of Grants for DNA Testing and Analysis by Laboratories.—

(1) Purpose.—The Attorney General may make grants to States or units of local government to—

(A) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples collected under applicable legal authorities;

(B) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect;

(C) increase the capacity of laboratories owned by the State or unit of local government to carry out DNA analyses of samples specified in subparagraph (A) or (B);

(D) collect DNA samples specified in subparagraph (A); and

(E) ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

(2) Use of Vouchers or Contracts for Certain Purposes.—

(A) In General.—A grant for a purpose specified in subparagraph (A), (B), (E), or (F) of paragraph (1) may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

(B) Redemption.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

(C) Payments.—The Attorney General may use amounts appropriated to carry out this section to make payments to a laboratory described under subparagraph (B).

(3) Reporting and Publication of DNA Backlogs.—

(A) In General.—A plan described in paragraph (2) shall require the State or unit of local government to submit to the Attorney General an annual report reflecting the backlog of DNA case work within the jurisdiction in which the funds will be used, which shall include—

(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government that has been requested or requested funds necessary to complete the DNA analysis is pending; and

(iii) any other information the Attorney General determines to be necessary.

(B) Compilation.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

(e) Formula for Distribution of Grants.—

(A) In General.—Subject to paragraphs (2) and (3), the Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among States and units of local government applying for grants under this section that—

(i) maximizes the effective use of DNA technology to solve crimes and protect public safety; and

(ii) allocates grants among States and units of local government fairly and efficiently, across rural and urban jurisdictions, to address States and units of local government in which significant backlogs for DNA case work exist, by considering—

(A) the number of offender and casework samples awaiting DNA analysis in a State or unit of local government;

(B) the population in the State or unit of local government;

(C) the number of part 1 violent crimes in the State or unit of local government; and

(D) the availability of resources to train emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel on the effectiveness of applying DNA technology to solve crimes.

(B) Distribution.—In distributing grant amounts under paragraph (1), the Attorney General shall ensure that for each fiscal year from 2012 through 2016, not less than 40 percent of the grant amounts are awarded for purposes described in subsection (d)(1)(B).

(C) Restrictions on Use of Funds.—

(i) Non-Supplanting.—Funds made available under this section shall not be used to supplant funds of a State or unit of local government, and shall be used to increase the amount of funds that would, in the absence of Federal funds made available from the State or unit of local government for the purposes described in this Act.

(ii) Administrative Expenses.—Each State or unit of local government may not use more than 3 percent of the amounts made available under a grant under this section for administrative expenses of the grant.

(iii) Reports to the Attorney General.—Each State or unit of local government that receives a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from a grant received under this section are expended, a report at such time and in such manner as the Attorney General may require.

21304(b)). Each State or unit of local government that receives a grant under this section shall make available, for the purpose of audit and examination, any records relating to the receipt or use of the grant.

(j) Use of Funds for Accreditation and Assistance.—The Attorney General may require the recipient to distribute not more than 1 percent of the amounts made available for grants under this section for a fiscal year to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government to—

(1) independently audit and examine the records relating to the receipt or use of the grant;

(2) maintain the security and confidentiality of evidence and records relating to the receipt or use of the grant; and

(3) maintain the security and confidentiality of evidence and records relating to the receipt or use of the grant.

(k) Exclusion of Certain Purposes.—

(1) In General.—Subject to paragraph (2), a grant under this section—

(A) shall not be used for—

(i) the construction, renovation, or replacement of a forensic laboratory; or

(ii) the purchase of analysis equipment or technology to solve crimes and protect public safety;

(B) shall be used to—

(i) increase the capacity of laboratories owned by the State or unit of local government to carry out DNA analyses of samples collected under subparagraph (A) on February 1, 2011; and

(ii) increase the capacity of laboratories owned by the State or unit of local government to—

(A) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crimes, including sexual assault and other serious violent crimes, that are collected under applicable legal authorities;

(B) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect;

(C) increase the capacity of laboratories owned by the State or unit of local government to—

(i) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples collected under applicable legal authorities;

(ii) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect;

(D) collect DNA samples specified in subparagraph (A); and

(E) ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

(2) Authorization of Grants for DNA Testing and Analysis by Laboratories.—For purposes of this paragraph, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in section 21303(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).
government in preparing for accreditation or reaccreditation;
(2) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to—
(A) The Attorney General may make a grant under this section to a State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;
(B) assess compliance with any plans submitted to the Director that detail the use of funds for DNA case work; and
(C) support capacity building efforts; and
(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government under this section; and
(4) through 2009 to the Attorney General that in such State or unit—
(A) all of the purposes set forth in subsections (c) and (d) have been met;
(B) the laboratory has not a backlog for DNA case work, as defined by the Director in accordance with subsection (b)(3); and
(C) there is no need for significant laboratory closures, or additional personnel for timely processing of DNA case work or offender samples; and
(2) demonstrates to the Attorney General that the State or unit of local government requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.
(1) INTERNAL AUDITS AND REMEDIAL EFFORTS.—If a laboratory operated by a State or unit of local government which has received grants under section 2 of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a), and (B) the date on which the Director of the National Institute of Justice publishes a description of protocols and practices in accordance with section 2(b)(1) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a).
(2) GRANT AUTHORITY.—Notwithstanding the amendments made by subsection (a),
(A) the Attorney General may make grants under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 1413b), as in effect on the day before the date of enactment of this Act, until the transition date; and
(B) the Attorney General may not make a grant under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 1413b), as in effect on the day before the date of enactment of this Act, until the transition date.
SEC. 5. RAPE EXAM PAYMENTS.
Section 2010 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 1397b(c)) is amended by striking—
"(1) in subsection (a)—
(A) striking "entity incurs the full" and inserting the term "entity: "
(1) "(A) incurs the full;"
(2) "by striking the period at the end and inserting "; and"; and
(C) by adding at the end the following:
(2) "coordinates with regional health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victim;"
(2) in subsection (b)—
(A) in paragraph (1), by adding "or" at the end,
(B) in paragraph (2), by striking "; or" and inserting a period; and
(C) by striking paragraph (3); and
(3) in subsection (d), by striking "(d) RULE OF CONSTRUCTION." and substituting a sentence that follows through the end of paragraph (1) and inserting the following:
"(d) NONCOOPERATION.—
(1) In general.—To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.
(2) provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdic- tion in which the funds will be used for the purposes of the grants, that the State or jurisdiction—
“(A) provides DNA testing of specified evidence under a State statute to persons convic ted after trial and under a sentence of imprisonment or death for a State felony offense, thereby ensures a reasonable and efficient process for resolving claims of actual innocence consistent with section 3600A(a) of title 18, United States Code (which may include making DNA tests available in cases in which the testing would not be required under that section) and, if the results of the testing exclude the applicant as the perpetrator of the offense, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

(B) preserves biological evidence under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of a State felony offense (including, at a minimum murder, non-negligent manslaughter, and sexual offenses) in a manner consistent with section 3600A(a) of title 18, United States Code (which may require preserving biological evidence for longer than the period of time that the evidence would be required to be preserved under that section).

SEC. 11. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

“(a) IN GENERAL.—The Director of the National Institute of Justice shall—

(1) establish best practices for evidence retention; and

(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

SEC. 12. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

“(a) SHORT TITLE.—This section may be cited as the “Effective Administration of Criminal Justice Act”.

(b) STRATEGIC PLANNING.—Section 502 of title IV of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting “(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

(B) assistance with adopting and implementing a systematic approach to the administration of justice consistent with the requirements of the Sixth Amendment.

(2) AUTHORIZATION OF APPROPRIATIONS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

(3) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

(B) assistance with adopting and implementing a systematic approach to the administration of justice consistent with the requirements of the Sixth Amendment.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to be appropriated $5,000,000 for each of fiscal years 2012 through 2016 to carry out this subsection.

(4) PROTECTION OF CONSTITUTIONAL RIGHTS.—

(1) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by officials or employees of any governmental agency with respect to State or local justice, including the administration of programs or services that provide appointed counsel to indigent defendants, that deprive persons of their rights to assistance of counsel as protected under the Sixth Amendment and Fourteenth Amendment to the Constitution of the United States.

(2) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General may, in a civil action, obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) EFFECTIVE DATE.—This subsection shall take effect 2 years after the date of enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. WEISS, Mrs. MCCASKILL, Mr. THUNE, and Mr. BLUNT):

S. 233. A bill to establish a commission to ensure a suitable observance of the centennial of World War I, to recommend the designation of memorials to the service of men and women of the United States in World War I; to the Committee on the Judiciary.

Mr. ROCKEFELLER. Mr. President, today, February 1—is the 110th birthday of Frank Buckles, the longest surviving veteran of World War I.

It is also the day that I am proud to introduce a bipartisan bill to recognize the extraordinary efforts of 4 million men and women who served in World War I. I am joined by my colleagues Senators WEBB, MCCASKILL, THUNE and BLUNT. We are united in our effort to prepare for the upcoming centennial of World War I. Our goal is to rededicate the DC memorial on the Mall as the District of Columbia and National World War I Memorial, and rededicate the Liberty Memorial of Kansas City as the National World War I Museum and Memorial. Our legislation also creates a commission to plan the national observance of the centennial.

Having the appropriate tributes for our World War I veterans has been a cause for Frank Buckles. Over the years, he has become a representative of his generation of veterans. His personal story is similar to many young men of his era. As an eager 16-year-old, Frank Buckles tried to enlist in the Army several times and finally succeeded. He then pestered his officers to be sent to France. Mr. Buckles drove motorcycles, cars, and ambulances in England and France, and during the Occupation, he guarded German prisoners. Following the war, he went to work for the White Star steamship line. In December 1914, while on business in Manila, he was attacked by the Japanese. Frank Buckles spent over 3 years as a prisoner at the city’s Los Banos prison camp. On February 23, 1945, a unit from the 11th Airborne Division freed him and 2,147 other prisoners in a daring raid on the Los Banos prison camp. Mr. Buckles was affected by and has memories of both World War I and World War II.

I had the privilege of listening to Frank Buckles’ compelling stories in his home in West Virginia while visiting with his daughter. He generously shares his memories of working to enlist and get to France, as well as meeting French soldiers and guarding German prisoners. Everyone can hear his reflections by visiting the Library of Congress’s special Web site for its Veterans History Project. It has personal interviews of Mr. Buckles and thousands of other veterans that have served our Nation both during times of war and peace. Visiting this Web site is an admirable present for students and every American, and it reminds us of the compelling personal stories of bravery, commitment, and
sacrifice made by our country's veterans and how they shaped our world.

Our bipartisan bill is designed to honor and remember over 4.35 million Americans, like Frank Buckles, who answered the call of duty and served from 1914–1918 in World War I. What became known as the Great War claimed the lives of 126,000 Americans, wounded 234,300, and left 4,526 as prisoners of war or missing in action.

At the end of World War I, numerous cities and States erected local and state memorials to honor their citizens who answered the call and proudly served the United States of America. On Armistice Day in 1931, President Hoover dedicated the DC World War I Memorial to honor the 499 District of Columbia residents who gave their lives in the service of our country. Since then, national monuments to commemorate the sacrifice and heroism of those who served in World War II, the Korean War, and the Vietnam War have all been built on the National Mall. I believe that the DC Memorial should be rededicated in time for the centennial as well as the Kansas City City Museum and Liberty Tower.

By Mr. SHELBY (for himself, Mr. ROBERTS, Mr. BOOZMAN, and Mr. UDALL of Colorado):

S. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the federal government during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

Mr. SHELBY. Mr. President, I rise to introduce a piece of legislation that I have introduced in every Congress since 1987—a proposed constitutional amendment requiring Congress to balance our Nation's budget. This bill has bipartisan support and will allow us to finally begin to get our fiscal house in order.

A balanced budget amendment to the Constitution, I believe, is the only certain mechanism that will break the cycle of deficit spending.

I believe we must ensure that the government does not continue to saddle the next generation with the current generation's debts. Essentially, this amendment that I propose requires the United States not spend more money than it receives in revenue, except in times of war, or when by a vote of three-fifths of both Houses of Congress.

This bill that we propose will provide financial stability to our Nation. Bailouts, stimulus programs, government takeovers of private industry, and costly new programs have consumed and overwhelmed the Federal budget. Over the past 30 years, annual deficits have become routine and the Federal Government has incurred massive debt—nearly $4 trillion and rising quickly.

For a moment, let me share this chart with you. It says, "The Case for a Balanced Budget Amendment to the Constitution" from 1990—just 30 years ago—we owed, as a nation, $909 billion—not yet a trillion dollars. That was after nearly 200 years of government, including the First World War debt, the Depression, the Second World War, the Vietnam war, and many deficits. But from 1980 to 1990, this jumped to $3 trillion. From 1990 to 2000—a 10-year span—it jumped from $3 trillion to $5.6 trillion. That was pretty bad. But from the year 2000 to 2010, which ended a few weeks ago, it went from $5 trillion to $13 trillion—in 10 years. It is slated now, in the next 11 years, to go to $25 trillion. That is unsustainable.

In fact, for the record, the United States has only had 2 years in its entire history when debt was free. Look back a while. It was 1834 and 1835. I repeat, only 2 years free from debt. It seems to me that the most powerful nation in the world has had its weaknesses exposed. Foreign markets cannot stand on wobbly financial legs. The reverberations of our fiscal ineptitude have not only cost American jobs, which we badly need, but have weakened how other nations perceive us. Something must be done.

Unfortunately, Congress must have to look back far in history to see an example of a once great empire sitting on the curb with its hand held out. Greece's excessive public spending, coupled with a massive borrowing campaign, has put its fiscal insolvency woes on the entire European Union. Greece's bond rating was downgraded to "junk" by Standard and Poor's in April. Bondholders were warned they could recover as little as 30 percent of their initial investment.

The euro was the European Stock markets plunged. The question is, will the dollar soon be seen as "junk" to the rest of the world? I hope not.

American taxpayers are rightly infuriated by the Federal Government's disregard for the same economic principles that govern every household and business budget. Unfortunately, until the Federal Government is required to spend only the amount of money it takes in, I fear we will continue to write checks the Treasury cannot cash.

In fiscal year 2010, the total interest alone on the Treasury debt securities was $413 billion. I believe this money could be better spent on improving education, supporting our law enforcement, or even better, by returning it to the people who earned it, the taxpayers.

We hear on a daily basis the rhetoric about tough choices, sacrifice, and austerity. What we need to hear more now, however, is basic mathematics when we are talking about the budget. A balanced budget amendment to the Constitution is the solution, I believe, to a perpetual problem that we do not have the political will to fix. It will finally put our Nation on a path to paying off our national debt. The adoption of an amendment that would require the Federal Government to do what every American already has to do—balance its checkbook—is what this country needs to prove that Washington is serious about accomplishing this feat.

A balanced budget amendment is simply a promise to the American people that the government will spend their hard-earned tax dollars responsibly. Some opponents of a balanced budget amendment state that it is a drastic measure not necessary at this time. They are also correct that it is bold. But I believe it is also necessary. I have introduced this legislation, as I said, in every Congress since 1987. If not now, when?

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I am proud to join my colleague, the Senator from Alabama, in introducing legislation today that would amend the Constitution to require a balanced budget.

The idea of requiring a balanced Federal budget seems like common sense to most American families, who have to balance their own checkbooks. And in these hard times, they wonder why the Federal Government doesn't have to do the same. In fact, the United States has only balanced its budget 5 times in the last 50 years. We heard the Senator from Alabama point out the Federal budget balanced only twice in our history.

The budgets of nations are not the same as family budgets. Since the Great Depression of the 1930s, we have known that national emergencies sometimes require deficit spending. But we are fast approaching a tipping point where our debt threatens this economic orthodoxy. We are approaching a point where we exceed the precedent level of debt—and our institutional failure to address it—risks our national security. We need to take action soon to turn around our fiscal situation.

By restoring responsible spending through a reasonable balanced budget amendment, we can begin climbing out of our economic hole, and, perhaps just as important, this amendment would send a strong signal to the financial markets, the European Union, and the American people that we are serious about stabilizing our economy for the long term. That is a signal I believe we need to send now.

Before going further, I want to recognize the obvious—that there is a wide range of strong opinions about the wisdom of adding a balanced budget amendment to our U.S. Constitution. Tinkering with the Constitution is not something any of us takes lightly, and this amendment is certainly no exception. I myself have had doubts in the past about similar legislation. During the
Clinton years, our government ran a surplus, and there was no pressing need for such a requirement. When we started running deficits again, part of me hoped we could use other tools at our disposal to get our Nation back on a financially sound path.

Additionally, Members of my party raised—and continue to raise—credible arguments about why a balanced budget amendment could actually hurt our economy in some circumstances. Some of them believe it is nothing more than a checkbox amendment only to make a political statement and move us inevitably toward smaller government.

The recent history of the balanced budget amendment is a partisan one. Of the five proposals that were introduced last Congress, none had a Democratic cosponsor—largely because of, in my opinion, extraneous provisions that manipulated the budget in one way or another to protect favored tax breaks or certain spending.

However, if I take a longer view into the past, it was actually progressive Democratic Senator Paul Simon—along with Senator Hatch of Utah—who led the balanced budget amendment effort that came closest to passage. He knew that if we balanced our Federal budget, we would be better able to make more intelligent choices about spending, rather than spending billions on debt service, and we would actually see family incomes rise.

Today, the dilemma we face as a result of our debt is even more extreme. That is why I am cosponsoring this legislation.

Our government debt, as Senator Shelby pointed out, is now over $14 trillion. That is $45,300 for every person in this country. If we don’t put limits on how we spend money, the question we face isn’t whether we can make intelligent choices; it is whether we will be able to keep up with the spending that we value at all—programs we need to help propel the middle class and small business over the longer term.

What is at stake isn’t just family income; it is our Nation’s ability to continue to lead in the global economic race. The cochairman of President Obama’s bipartisan commission on reducing the debt called our debt a “cancer” that is eating away at our economic health. That is a point I wish President Obama had made in his State of the Union Address last week when he spoke about some of the investments America needs to make to spur innovation and economic growth—education, clean energy, and infrastructure, to name a few.

He is right that without targeted investments to help hard-working Americans and businesses, the United States will be relegated to second-class status. We won’t be able to compete with countries around the world or to grow jobs in America. We won’t be able to catch up. We will be relegated to second-class status.

We won’t be able to compete with other nations around the world or to grow our economy into an inflexible straitjacket. This balanced budget amendment puts our economy in situations that can’t be predicted or planned for.

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All in all, I am confident our proposed amendment provides a responsible approach to putting us on a path toward a balanced budget.

We talked a lot last week during and after the Senate’s only debate about the need to work together to address our biggest challenges, not just sit in judgment of each other. I hope we are doing so. I hope I am putting my money where my mouth is by joining my good friend from Alabama. I hope our partnership will send a signal that collaboration can help us address our most pressing national needs. The American people are demanding that of us. As usual, they are a few steps ahead of us. It is time for us to catch up.

I ask my colleagues of both parties in both Chambers to work with Senator Shelby and me on this idea. We may not agree on every detail, but let’s at least have an honest and spirited dialog about this legislation and ways to dig ourselves out of our economic hole. Our children’s future depends on it.

**SUBMITTED RESOLUTIONS**

**SENATE, CONCURRENT RESOLUTION—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO HONOR FRANK W. BUCKLES, THE LONGEST SURVIVING UNITED STATES VETERAN OF THE FIRST WORLD WAR**

Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. MCCAIN, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. BINGMAN, Mr. NELSON of Florida, Mr. BURKHARDT, Ms. LANDRIEU, Mr. BEGICH, Mr. WYDEN, Mr. BURR, and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

> S. CON. RES. 5

Resolved by the Senate (the House of Representatives concurring),

**SECTION 1. HONORING FRANK W. BUCKLES.**

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time during the 112th Congress at a time to be determined jointly by the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, in consultation with the Architect of the Capitol, for a ceremony to honor the longest surviving veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION.—Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Mr. ROCKEFELLER. Mr. President, today is the 110th birthday of Frank Buckles, the longest surviving American veteran of the First World War. Frank Buckles is a wonderful man who still lives on his farm in West Virginia thanks to the extraordinary care provided by his daughter Susannah Flanagan. I am sure that my colleagues will join me in wishing Frank “Happy Birthday.”

I also believe it is important that we as a nation express our deep conviction for the sacrifices that Mr. Buckles and all the World War I veterans endured for our country. Frank is a representative of the extraordinary men who fought in numerous battles of the Great War in the defense of our nation. They have made sure that we as Americans are able to enjoy the quality of life that we so cherish.

Mr. Buckles has witnessed the world change drastically throughout his lifetime and has experiences that most of us can only dream about. He has seen the metamorphosis that has defined the American social and cultural revolutions of the last century. As a young man, he served in the Army’s ambulance corps in France and Germany, where he evacuated wounded soldiers from the battlefield. During the Second World War, he spent over three years confined to a Japanese prison camp in the Philippines as a civilian.
Today, I am introducing a resolution to allow for a tribute in the Capitol to Frank Buckles as the representative of all World War I veterans during the 112th Congress. As the longest surviving veteran, Frank represents nearly 4.5 million U.S. soldiers, sailors, and airmen who joined forces with over 27 million Allied soldiers to defeat the Central Powers. These men witnessed atrocities such as gas warfare that were unprecedented at the time. Each and every serviceman made his own signification to this effort that cannot be understated. This generation of dynamic young men was able to alter the course of history for the betterment of each and every one of us here today. Frank, like many young men of this time, worked hard to enlist and serve his country, and in doing so helped to change our world.

As America’s last surviving veteran of the First World War, Mr. Buckles represents our final link to a generation that built a legacy as the defenders of the world in the first large-scale global conflict. I promise you that his legacy and the legacy of all veterans will live on forever in the ideals and values that make America the strongest nation in the world. I appreciate the bipartisan support of our cosponsors and hope more will join our effort to honor such a special veteran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 6. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 7. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 8. Mr. WHITEHOUSE (for himself, Mr. KIRK, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 9. Ms. STABENOW (for herself, Mr. BROWN, Mr. CARDIN, Mrs. MCDONNELL, Ms. CANTWELL, Ms. KLOBUCAR, Mr. MENENDEZ, Mr. TESTER, Mr. UDALL of Colorado, and Mr. WHEED) proposed an amendment to the bill S. 223, supra.

SA 10. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 11. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 12. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 13. Mr. MCCONNELL proposed an amendment to the bill S. 223, supra.

SA 14. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 15. Mr. INOUYE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 16. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 17. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 18. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 19. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 20. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 21. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 49209(b) of title 49, United States Code, is amended— (1) in subsection (a) by redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively; (B) by striking “the harm” and inserting “(A) except in the case of subparagraph (B), the harm”;

In paragraph (2), nothing in this section; and (B) by adding at the end the following:

“(B) the volunteer—

“(i) was properly licensed and insured for the operation of such aircraft; and

“(ii) was properly licensed and insured for the operation of such aircraft; and

“(B) is properly licensed for the operation of such aircraft; and

“(C) in subsection (c) by striking “Nothing in this section” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section; and

(B) by adding at the end the following:

“(2) EXCEPTION.—A volunteer pilot nonprofit organization whose purpose is to provide public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a responsible agency of such organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

“(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

“(B) is properly licensed for the operation of such aircraft; and

“(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer’s operation of such aircraft.”;

SA 6. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SECTION 732. LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS.

(a) Short Title.—This section may be cited as the “Volunteer Pilot Organization Protection Act of 2011.”

(b) Findings and Purpose.—

(1) Findings.—Congress finds the following:

(A) Many volunteer pilot nonprofit organizations fly public benefit and provide valuable services to communities and individuals.

(B) In calendar year 2006, volunteer pilot nonprofit organizations provided long-distance, no-cost transportation for more than 56,000 people during times of special need.

(C) Such nonprofit organizations are no longer able to purchase non-owned aircraft liability insurance to provide liability protection at a reasonable price, and therefore face a highly detrimental liability risk.

(D) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during times of national emergency.

(2) Purpose.—The purpose of this section is to promote the activities of volunteer pilot nonprofit organizations that fly for public benefit and to ensure the availability of the services that such nonprofit organizations provide, including the following:

(A) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(B) Flights for humanitarian and charitable purposes.

(C) Other flights of compassion.

(D) Liability protection for volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(E) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(F) Flights for humanitarian and charitable purposes.

(G) Other flights of compassion.

(H) Liability protection for volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(I) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(J) Flights for humanitarian and charitable purposes.

(K) Other flights of compassion.

(L) Liability protection for volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(M) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(N) Flights for humanitarian and charitable purposes.

(O) Other flights of compassion.

(P) Liability protection for volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(Q) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(R) Flights for humanitarian and charitable purposes.

(S) Other flights of compassion.
SEC. 565. RESTRICTION ON ALTERATION OF FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS FOR SUPPLEMENTAL OPERATIONS.

(a) IN GENERAL.—The flight time limitations and rest requirements for supplemental operations under subpart S of part 121 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), shall remain in effect unless and until the Administrator of the Federal Aviation Administration issues a final rule in a rulemaking proceeding described in subsection (b).

(b) MAKING PROCEEDING DESCRIBED.—A rulemaking proceeding described in this subsection is a rulemaking proceeding—

(1) with respect to modernizing the flight time limitations and rest requirements under that subpart (as in effect on the day before the date of the enactment of this Act), shall remain in effect and be enforced until such time as the Administrator of the Federal Aviation Administration issues a final rule in a rulemaking proceeding described in subsection (b).

(2) by an individual using a laser emergency signaling device to send an emergency distress signal.

(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as are necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, no later than 90 days before such regulations become final.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

"39A. Aiming a laser pointer at an aircraft."

SEC. 566. RESTRICTION ON ALTERATION OF FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS FOR SUPPLEMENTAL OPERATIONS.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"83A. Aiming a laser pointer at an aircraft"

"(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designated to be used by the operator or other user to light up, or otherwise identify, mark, or identify a specific position, place, item, or object."

"(c) This section does not prohibit aiming the beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

(1) an authorized individual in the direct conduct of flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Administrator of the Federal Aviation Administration to conduct such research and development or flight test operations;

(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as are necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on Transportation and Infrastructure of the House of Representatives, no later than 90 days before such regulations become final.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

"39A. Aiming a laser pointer at an aircraft."

SEC. 9. Ms. STABENOW (for herself, Mr. BROWN of Ohio, Mr. CARDIN, Mrs. McCASKILL, Ms. O'KEEFE, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. TESTER, Mr. UDALL of Colorado, and Mr. WERB) proposed an amendment to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 335, after line 20, insert the following:

TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and the amendments made thereby, were never enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS.—

(1) In general.—Notwithstanding any other provision of law, all unused and unobligated funds, $49,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescissions under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. On or not later than the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the use of funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

SA 10. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. STAFFING OF NEWARK LIBERTY AIRPORT.

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 378, line 2, strike "5 years" and insert "3 years".

SA 11. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 2 and 3, insert the following:

SEC. 408. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

(1) in the section heading by striking "scheduled" and inserting "scheduled passenger"

(b) by striking subsection (a) and inserting the following:

"(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.—An individual may not smoke in an aircraft—

(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation;

(2) in nonscheduled passenger foreign air transportation. If a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration),

"(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS.—

(1) I N GENERAL.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

(1) in scheduled passenger foreign air transportation; and

(2) in nonscheduled passenger foreign air transportation. If a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration),

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

"41706. Prohibitions against smoking on flights.".

SA 12. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. STAFFING OF NEWARK LIBERTY AIRPORT.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Senate Committee on Commerce, Science, and Transportation an initial report that includes the availability of air traffic control tower with a minimum of 35 certified professional controllers.
SA 13. Mr. MCCONNELL proposed an amendment to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**TITLE — REPEAL OF JOB-KILLING HEALTH CARE LAW**

SEC. 01. SHORT TITLE.

This title may be cited as the “Repealing the Job-Killing Health Care Law Act”.


(a) Job-Killing Health Care Law.—Effective as of the enactment of Public Law 111–148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) Health Care-Related Provisions in the Health Care and Education Reconciliation Act of 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. 03. BUDGETARY EFFECTS OF THIS TITLE.

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this title, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this title.

SA 14. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. — EXCLUSION OF EMPLOYEES OF THE TRANSPORTATION SECURITY ADMINISTRATION FROM COLLECTIVE BARGAINING RIGHTS OF FEDERAL EMPLOYEES.**

(a) Scope of amendment.—This section may be cited as the “Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.”

(b) Amendment.—Section 7103(a) of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking “; or”;

(B) in subparagraph (H), by striking the period and inserting a semicolon;

(C) by adding at the end the following:

“(i) the Transportation Security Administration of the Department of Homeland Security;”;

(2) in paragraph (3)—

(A) in subparagraph (G), by striking “; or”;

(B) in subparagraph (H), by striking the period and inserting a semicolon;

(C) by adding at the end the following:

“(i) the Transportation Security Administration of the Department of Homeland Security;”;

SEC. 15. Mr. INOUYE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. — REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.**

(a) In General.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall apply and the amounts of such repeal and amendments, had never been enacted.

(b) Repeal of Unspent Federal Funds to Offset Loss in Revenues.—

(1) In General.—Notwithstanding any other provision of law, all available unobligated funds, $39,000,000,000 are hereby rescinded.

(2) Implementation.—The Director of the Office of Management and Budget shall determine and identify from which accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the amounts and accounts determined and identified for rescission under the preceding sentence.

SA 16. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize...
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the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 210. FULL FAITH AND CREDIT ACT.
(a) SHORT TITLE.—This section may be cited as the "Full Faith and Credit Act".
(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the debt of the United States Government, as defined in section 3101 of title 31, United States Code, is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 211. MAINTAIN MODERNIZATIONS TO THE AIR TRAFFIC CONTROL SYSTEM.
(a) MODERNIZATION.—The Federal Aviation Administration is authorized to modernize the air traffic control system to improve safety, efficiency, and reliability and availability of transportation by air in the United States, provide modernization of the air traffic control system, realign the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

(b) PRIORITY.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the debt of the United States Government, as defined in section 3101 of title 31, United States Code, is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 220. RESCISSION OF CERTAIN AMOUNTS APPROPRIATED FOR GRANT PROGRAMS OF THE FEDERAL AVIATION ADMINISTRATION TO REDUCE THE DEFICIT.
The unobligated balance of the amount appropriated under the heading "Grants-In-Aid for Airports" under the heading "Federal Aviation Administration" in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 205) is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 211. MAINTAIN MODERNIZATIONS TO THE AIR TRAFFIC CONTROL SYSTEM.
(a) MODERNIZATION.—The Federal Aviation Administration is authorized to modernize the air traffic control system to improve safety, efficiency, and reliability and availability of transportation by air in the United States, provide modernization of the air traffic control system, realign the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

(b) PRIORITY.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the debt of the United States Government, as defined in section 3101 of title 31, United States Code, is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 210. FULL FAITH AND CREDIT ACT.
(a) SHORT TITLE.—This section may be cited as the "Full Faith and Credit Act".
(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the debt of the United States Government, as defined in section 3101 of title 31, United States Code, is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 211. MAINTAIN MODERNIZATIONS TO THE AIR TRAFFIC CONTROL SYSTEM.
(a) MODERNIZATION.—The Federal Aviation Administration is authorized to modernize the air traffic control system to improve safety, efficiency, and reliability and availability of transportation by air in the United States, provide modernization of the air traffic control system, realign the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

(b) PRIORITY.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the debt of the United States Government, as defined in section 3101 of title 31, United States Code, is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 220. RESCISSION OF CERTAIN AMOUNTS APPROPRIATED FOR GRANT PROGRAMS OF THE FEDERAL AVIATION ADMINISTRATION TO REDUCE THE DEFICIT.
The unobligated balance of the amount appropriated under the heading "Grants-In-Aid for Airports" under the heading "Federal Aviation Administration" in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 205) is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 210. FULL FAITH AND CREDIT ACT.
(a) SHORT TITLE.—This section may be cited as the "Full Faith and Credit Act".
(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the debt of the United States Government, as defined in section 3101 of title 31, United States Code, is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 211. MAINTAIN MODERNIZATIONS TO THE AIR TRAFFIC CONTROL SYSTEM.
(a) MODERNIZATION.—The Federal Aviation Administration is authorized to modernize the air traffic control system to improve safety, efficiency, and reliability and availability of transportation by air in the United States, provide modernization of the air traffic control system, realign the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

(b) PRIORITY.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the debt of the United States Government, as defined in section 3101 of title 31, United States Code, is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SEC. 220. RESCISSION OF CERTAIN AMOUNTS APPROPRIATED FOR GRANT PROGRAMS OF THE FEDERAL AVIATION ADMINISTRATION TO REDUCE THE DEFICIT.
The unobligated balance of the amount appropriated under the heading "Grants-In-Aid for Airports" under the heading "Federal Aviation Administration" in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123
ORDERS FOR WEDNESDAY, FEBRUARY 2, 2011

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, February 2; 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 following any leader remarks, Senator PAUL be recognized in morning business for up to 20 minutes in order to deliver his maiden speech to the Senate; finally, I ask that following his remarks, the Senate resume consideration of Calendar No. 5, S. 223, the Federal Aviation Administration authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, tomorrow the managers of the bill will continue to work with the leadership on an agreement to dispose of the pending amendments. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, February 2, 2011, at 10 a.m.
Tuesday, February 1, 2011

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HIGHLIGHTS
See Résumé of Congressional Activity.

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Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 243–254, S.J. Res. 4, and S. Con. Res. 5.

Measures Passed:

John M. Roll United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of S. 188, to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse", and the bill was then passed.

Measures Considered:

FAA Air Transportation Modernization and Safety Improvement Act—Agreement: Senate began consideration of S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, taking action on the following amendments proposed thereto:

Pending:
Stabenow Amendment No. 9, to repeal the expansion of information reporting requirements for payment of $600 or more to corporations.

McConnell Amendment No. 13, to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

A unanimous-consent agreement was reached providing for further consideration of the bill following the remarks of Senator Paul, on Wednesday, February 2, 2011.

Appointments:

Migratory Bird Conservation Commission: The Chair, on behalf of the Vice President, pursuant to Public Law 70–770, appointed the Senator from Arkansas (Mr. Pryor) to the Migratory Bird Conservation Commission, vice the Senator from Arkansas (Mrs. Lincoln).

President's Export Council: The Chair, pursuant to Executive Order 12131, as amended and extended, reappointed the following Members to the President's Export Council:

Reappointment:
The Senator from Oregon (Mr. Wyden)
The Senator from Michigan (Ms. Stabenow), and
The Senator from Ohio (Mr. Brown).

Senator Paul Maiden Speech—Agreement: A unanimous-consent agreement was reached providing that following any Leader remarks on Wednesday, February 2, 2011, Senator Paul be recognized in morning business for up to 20 minutes in order to deliver his maiden speech to the Senate.

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Adjournment: Senate convened at 10:30 a.m. and adjourned at 7:33 p.m., until 10 a.m. on Wednesday, February 2, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today’s Record on page S430.)

Committee Meetings

(Economic Outlook
Committee on the Budget: Committee concluded a hearing to examine the United States economic outlook, after receiving testimony from Richard Berner, Morgan Stanley, and David R. Malpass, Encima Global, both of New York, New York; and Simon Johnson, Massachusetts Institute of Technology Sloan School of Management, Washington, D.C.

American Medical Isotopes Production Act
Committee on Energy and Natural Resources: Committee concluded a hearing to examine the American Medical Isotopes Production Act of 2011, after receiving
testimony from Parrish Staples, Director, Office of European and African Threat Reduction, Global Threat Reduction Initiative, Defense Nuclear Nonproliferation, National Nuclear Security Administration, Department of Energy; Margaret M. Doane, Director, Office of International Programs, Nuclear Regulatory Commission; and Roy Brown, Council on Radionuclides and Radiopharmaceuticals, St. Louis, Missouri.

IRAQ
Committee on Foreign Relations: Committee concluded a hearing to examine Iraq, focusing on transitioning to a civilian mission, after receiving testimony from James F. Jeffrey, Ambassador to Iraq, Department of State; and General Lloyd Austin, Commanding General, United States Forces Iraq.

IMPROVING FEDERAL CONTRACT AUDITING
Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine improving Federal contract auditing, focusing on helping to ensure effective oversight and reducing improper payments, after receiving testimony from Thomas P. Skelly, Director, Budget Service, Department of Education; Ingrid Kolb, Director, Office of Management, Department of Energy; Brian D. Miller, Inspector General, General Services Administration; Patrick J. Fitzgerald, Director, Defense Contract Audit Agency, Department of Defense; Jeanette M. Franzel, Managing Director, Government Accountability Office; and E. Sanderson Hoe, McKenna Long and Aldridge, on behalf of the United States Chamber of Commerce, and Nick Schwellenbach, Project On Government Oversight (POGO), both of Washington, D.C.

FORECLOSURE MEDIATION PROGRAMS
Committee on the Judiciary: Committee concluded a hearing to examine foreclosure mediation programs, focusing on if bankruptcy courts can limit homeowner and investor losses, after receiving testimony from Judge Robert D. Drain, United States Bankruptcy Court for the Southern District of New York; John Rao, National Consumer Law Center, Boston, Massachusetts; Anthony B. Sanders, George Mason University Mercatus Center, Fairfax, Virginia; Larry Britt, Riverside, Rhode Island; and Andrew M. Grossman, Washington, D.C.

INTELLIGENCE
Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action
The House was not in session today. The House is scheduled to meet at 2 p.m. on Tuesday, February 8, 2011, pursuant to the provisions of S. Con. Res. 1.

Committee Meetings
No committee meetings were held.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 2, 2011

(Committee meetings are open unless otherwise indicated)

Senate
Committee on the Budget: To hold hearings to examine tax reform, focusing on fiscal responsibility, 10 a.m., SD–608.

Committee on Environment and Public Works: To hold an oversight hearing to examine public health and drinking water issues, 10 a.m., SD–406.

Committee on the Judiciary: To hold hearings to examine the constitutionality of the Affordable Care Act, 10 a.m., SH–216.

Full Committee, to hold hearings to examine the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Kathleen M. Williams, to be United States District Judge for the Southern District of Florida, and Mae A. D’Agostino, to be United States District Judge for the Northern District of New York, and Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice, 2 p.m., SD–226.

House
No committee meetings are scheduled.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY
January 5 through January 31, 2011

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<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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</thead>
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<tr>
<td>Days in session</td>
<td>5</td>
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<tr>
<td>Time in session</td>
<td>39 hrs., 30'</td>
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<td>Public bills enacted into law</td>
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<td>Private bills enacted into law</td>
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<tr>
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<td>Bills vetoed</td>
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<tr>
<td>Vetoes overridden</td>
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</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 0 reports have been filed in the Senate, a total of 5 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS
January 5 through January 31, 2011

Civilian Nominations, totaling 139, disposed of as follows:
Unconfirmed ................................................................. 139

Other Civilian Nominations, totaling 1, disposed of as follows:
Unconfirmed ................................................................. 1

Air Force Nominations, totaling 3, disposed of as follows:
Unconfirmed ................................................................. 3

Army Nominations, totaling 23, disposed of as follows:
Unconfirmed ................................................................. 23

Navy Nominations, totaling 3, disposed of as follows:
Unconfirmed ................................................................. 3

Summary

Total Nominations carried over from the First Session .................. 0
Total Nominations Received this Session .................................. 169
Total Confirmed .................................................................... 0
Total Unconfirmed .................................................................. 169
Total Withdrawn ..................................................................... 0
Total Returned to the White House .......................................... 0
Next Meeting of the SENATE
10 a.m., Wednesday, February 2

Senate Chamber

Program for Wednesday: Senator Paul will be recognized to deliver his maiden speech. Following his remarks, Senate will continue consideration of S. 223, FAA Air Transportation Modernization and Safety Improvement Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Tuesday, February 8

House Chamber

Program for Tuesday: To be announced.