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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 14, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

THE REBUILDING AND RENEWING OF AMERICA

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

Mr. BLUMENAUER. Madam Speaker, this morning's New York Times had a column by John Harwood, entitled: Obama's Potential Quandary—Creating Jobs or Reducing the Deficit, which analyzed what is potentially a dilemma, but it doesn't have to be that way.

NOTICE

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

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

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

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

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

The rebuilding and renewing of America should be one issue that actually brings us together, where there are solutions that are clear and complementary in terms of creating jobs, protecting the environment and reducing the budget deficit.

We have serious needs all across America for water and transportation investments in every single community. There are estimates that up to 20 million Americans every year are sick needlessly from waterborne illness because of failures in water systems. There are millions of hours and billions of dollars that are wasted as Americans and American businesses are stuck in traffic. There are tens of thousands of unsafe bridges. There are transit systems in desperate need of repair and revitalization.

What America needs, first and foremost, is a vision of investing in renewing and rebuilding America in this century. The plans for infrastructure for this century are available. As someone who has labored in this field for years, working around the country, I know that the vision is ready to be incorporated into the reauthorization of the Surface Transportation Act or in new water trust fund legislation, and it can be done not in years or in months but in a matter of weeks. This work is ready.

Next, we must commit to extracting more value out of existing and future investments. Luckily, here, too, reform is in the works. I have been deeply impressed with the work of Secretary Ray LaHood of Transportation, of Housing Secretary Shaun Donovan and of EPA administrator Lisa Jackson, where the Federal Government is in the process of creating a new partnership with our communities, businesses and families in terms of how the Federal Government does business and invests that money.

But even with bold vision and with more value being extracted, we actually are going to need to invest more money. The Chinese, for instance, are investing about nine times as much as the United States in their infrastructure needs. We are losing the race for global competitiveness while we see conditions deteriorating at home. The Society of Civil Engineers has graded American infrastructure at a D, and suggests that it requires at least $2.2 trillion in the next 5 years to bring things up to standard.

If we act now, there are, in fact, areas of broad support for more investment—from business, local government and the American people—if this increased money goes to rebuild and renew our country.

There is a danger that our current direction will not be as effective as it could be. I am heartened that there appears to be a consensus that we will be spending, perhaps, $50 billion or more in new infrastructure investment, but if this money is simply going to flow through existing channels with an imperative that it be spent as quickly as possible, it is not going to have as much long-term impact as it would if we were to do it right.

Doing it right means a reauthorization of the 6-year Transportation bill with a national purpose and reform specified. It means the creation of a water trust fund to give money where it is needed. It is the reenactment of the Superfund tax so that polluters actually pay to clean up dangerous areas that are found in every single State. It would create tens of thousands of jobs while it would reduce environmental threats.

There are many contentious, complex and partisan issues that, understandably, divide Congress and the American people, but renewing and rebuilding America is not one of them. Done right, it will be deficit-neutral with a bold vision to revitalize the economy while strengthening our communities and protecting the planet. I hope we all start the new year with a commitment to invest in livable communities where our families are safer, healthier and more economically secure.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RAHALL) at 2 p.m.

PRAYER

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

Our conversation with You, Lord, is so often born out of passing needs and events but always rooted in faith and Your faithful love. Through our prayer, things often become clearer, we recover focus or You give us strength to persevere.

We are confident, Lord, You will provide in the way You see best. When our personal efforts are stymied or our collective means fail us, we begin to face our own limitations.

It then remains for us only to lift up our eyes to You so that You might respond to our deepest needs as You see best. It is then and only then we say with free abandonment, ''Amen.''

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. GINGREY) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY of Georgia led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288) ''An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

CONGRATULATING A FEW OUTSTANDING HIGH SCHOOL FOOTBALL TEAMS

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

Mr. GINGREY of Georgia. Mr. Speaker, I would like to take this opportunity to congratulate a few outstanding high school football teams for their efforts in the State playoffs. These tremendous athletes are an exemplification of true dedication and remarkable talent.

The teams being recognized in the 11th District of Georgia are as follows: Bremen High School in Haralson County; Bowdon High School, Carroll County; the Darlington School in Troup County; Trion High School in Chattooga County; Armuchee High School in Floyd County; Pepperell High School in Floyd County; Chattooga High School, Chattooga County; Calhoun High School in Gordon County; Carrollton High School, again, Carroll County; Hiram High School in Paulding County; McEachern High School in Cobb County; and last but not least, Marietta High School in Cobb County.

Mr. Speaker, I applaud these young men, their bands, their dance teams, their cheerleaders, for proving themselves such sound competitors in the State playoffs. I am certainly proud of them for their achievements.

Congratulations to all on a great season.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1604

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. PINGREE of Maine) at 4 o'clock and 4 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

ANDEAN TRADE PREFERENCE EXTENSION ACT OF 2009

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4284) to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4284

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

SECTION 1. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 2. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a) of the Andean Trade Preference Act (19 U.S.C. 3206(a)) is amended in paragraphs (1) and (2) by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2010''.

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking ''7 succeeding 1-year periods'' and inserting ''8 succeeding 1-year periods''; and

(ii) in subclause (III)(bb), by striking ''and for the succeeding 2-year period'' and inserting ''and for the succeeding 3-year period''; and

(B) in clause (v)(II), by striking ''6 succeeding 1-year periods'' and inserting ''7 succeeding 1-year periods''; and

(2) in subparagraph (E)(ii)(II), by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) REPORT.—Section 203(f)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(f)(1)) is amended by striking ''April 30, 2003'' and inserting ''June 30, 2010''.

SEC. 3. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''February 14, 2018'' and inserting ''May 14, 2018''; and

(2) in subparagraph (B)(i), by striking ''February 7, 2018'' and inserting ''June 7, 2018''.

SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 1.5 percentage points.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4284. This bill extends two preference programs—the Generalized System of Preferences, known as GSP, and the Andean Trade Preference Act, known as ATPA—for 1 year. Without this extension, the two programs will expire in less than 3 weeks, on December 31.

Preferences, including GSP and ATPA, are important tools in U.S. trade policy. They are a means by which the U.S. can work with developing nations to help them capture the opportunities and to meet the challenges of trade and globalization.

Over many decades, the GSP and Andean programs have seen these results for developing nations: The GSP currently provides duty-free treatment to over 3,500 types of products coming into the U.S. from more than 130 developing countries. The program provides duty-free access to even more products from the 44 poorest, or least developed, countries. Last year, the GSP program facilitated $31.7 billion in imports from all beneficiary nations. ATPA provided additional benefits to the Andean nations to help address their special circumstances, in particular, their efforts to fight the trade in narcotics. Under ATPA, imports grew from $97 million in 1992, which was the first full year after enactment, to more than $17 billion in 2008, including $4 billion of nonfuel imports.

The programs have been crafted carefully so that they mirror the complementarities of trade between the developing nations and the United States. The needs of developing nations have been matched to the needs here at home. As a result, both programs have provided significant benefits here in the United States as well:

ATPA has developed an important market for U.S. textiles in the Andean region, and both ATPA and GSP have improved the sourcing options that many U.S. businesses, including many small and medium enterprises, use to remain competitive in the global marketplace. In recent years, for example, the majority of U.S. imports—75 percent—using GSP were imports used to sustain U.S. manufacturing, including raw materials, parts and components, and machinery and equipment.

At the same time that they have been structured to foster increased trade, the preference programs have been shaped to encourage developing countries to implement the kinds of policies that are necessary for increased trade to achieve the goal of development. Specifically, the preference programs have incorporated key eligibility criteria, including conditions regarding respect of fundamental worker rights, the rule of law, basic rules protecting innovation and investment, and policies to fight corruption.

The preference programs confirm what many of us have been saying for a long time—trade must be shaped so as to spread its benefits widely. That is true whether we talk about unilateral preference programs or bilateral and multilateral trade agreements.

I do not mean to suggest, however, that our work is done when it comes to preference programs. Far from it. We need to ask whether the preference programs are working as well as they should. This requires taking a hard look at all aspects of the programs, including how present eligibility criteria are working. In addition to considering any improvements, we also need to look at whether there is a need to include additional eligibility criteria, including relating to the environment.

This also means taking a careful look at those countries that are in an especially vulnerable situation. One example is Cambodia, which has been hard hit by the global economic recession. As many of my colleagues may recall, Cambodia and the U.S. were partners in a pioneering project called Better Factories Cambodia. That project, which grew out of the U.S.-Cambodia Textile Agreement in the late 1990s, sought to promote labor standards through a trade agreement at a time when many in the world were demonizing such efforts as protectionism. The effort bore fruit, significantly improving the rights of and conditions for workers, which, in turn, can help expand other freedoms.

However, that industry is now under siege as a result of the global recession and of competition, including from China and Vietnam. According to testimony provided in a recent Ways and Means hearing, nearly 1 quarter—80 of 340—of all exporting factories have been shut down, and nearly 80,000 workers—most of them women—have lost their jobs in Cambodia. We need to know whether the preference programs are doing enough to help these enormous challenges.

The extension we are voting on today gives us the time we need to look carefully at these important issues. The Ways and Means Committee and the

Trade Subcommittee plan to hold hearings and to work with the administration next year in a comprehensive review of our preference programs. Today's bill also provides for a review, in the middle of next year, of the Andean Trade Preference Act and of all issues relating thereto with each of the countries covered by the act.

I want to take a moment to thank my Republican colleagues for working on this extension with Chairman RANGEL and me. I look forward to working with Ranking Members DAVID CAMP and KEVIN BRADY and with our other colleagues on both sides of the aisle to evaluate the preference programs over the course of next year as we together determine whether we can make them work better for all beneficiaries—for both the citizens of developing nations and for our citizens.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, let me be blunt. We can and should be doing much more to advance our trade agenda and to create much needed jobs for American workers.

This year, America's trade agenda has stalled, and it has had a chilling effect on our economy, on job creation and on global commerce, in some cases, even weakening our national security interests. The delay in considering the Colombia Trade Promotion Agreement alone has cost U.S. exporters and their workers over $2.4 billion in unnecessary tariffs.

Last week, the President said there would be a renewed focus on trade next year. I welcome that commitment, and I stand ready to prepare our free trade agreements for congressional consideration. In the meantime, we still have valuable work to do. Although we are not dealing with any of our pending free trade agreements today, we are considering important trade programs which protect our own interests and which help advance developing nations—extensions of the Generalized System of Preferences and the Andean Trade Preference Act.

Make no mistake; the legislation before us is far from perfect, but it is a chance to ensure that the trade agenda does not slide further backward. By supporting this bill, we are sending a signal to the world that America is ready and willing to engage.

I am a strong supporter of our trade preference programs. These programs are vital, particularly as we struggle with the global recession and with the collapse in international trade. Allowing these preference programs to lapse would be a mistake that would encourage the rest of the world, which is already passing us by when it comes to new trade agreements, to increase their lead on us, and we cannot allow that to happen.

□ 1615

As I noted, this legislation should have been stronger to provide greater certainty to American employers doing business in developing countries, something sorely needed in this economic climate.

I would have preferred to see a 2-year extension of that program instead of the 1-year extension before us, but I think we all agree that a 1-year extension is better than no extension at all.

I would also have preferred to see a continuation of the bipartisan provision in the current Andean Trade Promotion Act program that requires enhanced oversight over Ecuador's compliance with the eligibility criteria. Unfortunately, this legislation fails to recognize the serious questions that surround Ecuador's compliance with the eligibility criteria for this program.

The 2008 bipartisan extension of ATPA extended benefits for Ecuador but required the administration to issue a report on Ecuador's compliance with eligibility criteria. This report, released on June 30 of this year by the Obama administration, highlighted multiple concerns, which I share.

Specifically, the report raised questions about Ecuador's compliance with its international investment obligations. The report raised concerns about Ecuador's decision to increase certain import duties above their bound levels and impose quotas on imports. None of these issues have been resolved. In fact, they have gotten worse.

Despite failure by Ecuador to address the issues raised in the Obama administration report, the majority has inexplicably stripped out last year's reporting requirement. For all the talk from the other side about enforcement and compliance, this legislation fails to address legitimate concerns our workers and employers face in Ecuador. While the legislation requires reporting for all of the Andean countries, I am disappointed that the majority has decided not to engage in specific oversight of a country clearly falling short of our expectations.

As 2009 comes to a close, there will be many retrospectives on the year. One focus ought to be on whether Washington advanced a pro-growth, pro-job trade agenda. The answer is clearly ''no.''

We started the year with the passage of a new Trade Adjustment Assistance program, showing what can be achieved when there is a bipartisan, bicameral commitment. We should all be very proud of what we have done for workers who are trying to adjust to the global economy.

But until today, there has been absolutely no positive movement on the trade agenda since TAA. While I am encouraged the majority decided to extend two trade preference programs, the failure to make this legislation as robust as it could have been shows the need to return next year to the sort of bipartisanship that we saw on TAA. I urge the majority to make that happen, and I am committed to doing my part.

Madam Speaker, we owe the American people a better result. Today's legislation gives us the first opportunity to build on the President's words to us at the White House last week, in which he acknowledged the importance of trade in creating jobs, but it represents the bare minimum.

I urge my colleagues to support a robust trade agenda that creates opportunities for American workers. For that reason, I support passage of this legislation.

With that, I reserve the balance of my time.

Mr. LEVIN. I now am privileged to yield 3 minutes to the very distinguished member of the committee and my colleague, Jim McDermott of Washington.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, I rise today to urge the passage of H.R. 4284 to extend the general system of preferences and the Andean trade preference program for 1 year. I have called for an extension to our preference programs in the past. We need to make these programs long and stable. This extension is only for a year, and that's okay in this instance, because we need to force more action on broader preference reform.

In difficult economic times like today, developed countries sometimes decide to pull back. But I think that in a globalized economy we need to push forward on improving trade with poorer countries of the world.

Our preference programs have done enormous good for the poor of the world and for American business. Now we need to make them even better.

For development to really accelerate, we need to get more countries involved in trading more products. I have introduced a bill with the support of Chairman RANGEL and Congressman LEVIN that will go far in modernizing our preference programs for American businesses and the poor of the world.

Now, while there are details to work out, there is broad agreement that our trade programs need to be stable, they need to be simplified, they need to be more effective, and they need to help more people.

I think we agree that the stability of our programs is essential to them being effective. No one who has ever run a business would want to invest in a climate that is so unstable, that goes year by year, you are never sure can you plan on it next year. That simply is very difficult for businesses to deal with, and our programs, therefore, need to be long term.

Second, our programs are too complicated and too hard to use. Simplifying our programs and doing more to help our partners meet the important standards we set are keys to their success.

An interesting fact sort of clarifies it in your mind. Cambodia pays as much tariff on $1.5 billion worth of exports in

the United States as does Great Britain on $50 billion. Now, if you are trying to help Cambodia, you ought to think about those kinds of numbers. We need to address the capacity building. We all know that the wisdom of trade, not aid, is obvious. Preferences help our trading partners quite a bit. But without thoughtful capacity building, we can only help them so much. We need to pool these efforts together to help poor countries grow and to give American businesses more customers.

Finally, we need to find a way to strengthen the programs we have while at the same time helping more people. Trade is not a zero-sum game. We can strengthen our current programs while also helping other desperately poor countries who right now get no benefits. We can help different countries like Lesotho, the Philippines, and Cambodia at the same time.

I think this is a good start, and the House ought to pass this bill, and next year we will deal with a larger bill.

Mr. CAMP. At this time, Madam Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Washington State (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, I rise today also in support of this legislation to extend our trade preference programs.

Trade is vital to creating jobs, growing our economy, and strengthening ties with key partners around the world. Preferences are a bridge for developing countries to enter the global market, to grow, and to achieve permanent trade relationships with America.

Look no further than South Korea and Colombia for great examples of preferences done right. Through successful preference programs, both allies now stand ready to enter into permanent trade agreements with the United States.

The failure to pass pending free trade agreements like those with Korea and Colombia is costing America thousands of jobs and billions of dollars. President Obama did recently speak about how growing exports creates jobs, and I hope the Congress will soon prepare these agreements for consideration, because not only do these agreements create jobs, but also business relationships and partnerships and friendships.

It creates opportunities for cultural exchanges and the opportunities to help our friends across the globe educate each other and educate us. It also even affects our national security and our environment.

While I am disappointed that we could not extend these preference programs beyond just 1 year, they are too important to our partner countries to let them expire. I urge all of my colleagues to support this extension of our preference programs.

Mr. LEVIN. It's now my privilege to yield 3 minutes to my very distinguished colleague and member of the Ways and Means Committee from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this, as I appreciate his thoughtful leadership in this area of trade and balancing the commitments that we have.

The extension of the system of preferences was not merely related to trade but is reflective of a Nation's social values. It was in that context that we inaugurated our program of preferences in 1974.

It's more than a trade agreement; it's a statement about what policies we find valuable in our trading partners and which policies we feel drive the development of nations. For this reason, it's often referred to as a tool of foreign policy as well as trade.

We appropriately judge our trading partners on eligibility for this program on protection of American commercial interests, protection of intellectual property, preventing the seizure of property belonging to United States citizens or businesses, as well as protection of individual rights such as the protection of commonly accepted labor rights and the elimination of child labor.

Madam Speaker, the United States has, I think, at times fallen short in our dealing with tariff barriers for poor nations and agriculture. My friend from Washington referenced the difference between Cambodia and Great Britain.

I am hopeful that we will be able to work in the year ahead dealing with some outmoded tariff dealing with footwear and outerwear that's no longer even manufactured in the United States, and I am confident that we can work through in this approach.

But I would hope, as we move forward, that we would add to the list of the criteria by which we are going to judge the extension of these preferences environmental criteria. They are noticeably absent as we go through the list currently.

Making sure that agreements are required of our trading partners to enforce environmental laws already on the books and comply with various international environmental agreements, I think, is absolutely essential.

Concern for the environment is a core element of development. It reflects an appreciation of civil law for protection of individual and often indigenous people's rights and concern for the long-term sustainability of a state and society. Protection of the environment is not merely what rich nations do after they become wealthy, but it is what nations must do as they become wealthy.

Madam Speaker, at this moment the world is meeting in Copenhagen, and I am pleased the United States has not turned its back on these global climate negotiations. We are dealing with problems of energy demands and carbon pollution that may well be the most important for this century.

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

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. BLUMENAUER. These may be the most important discussions that we are going to have on the survival of human habitation as we know it, for the economies of countries rich and poor.

Being able to deal meaningfully with environmental protections through trade negotiations is perhaps the single most effective way that we are going to be able to establish a basis, a criteria, moving forward.

I hope that we will be able to have a more robust conversation in this next year. I hope that we will be successful in moving the world and this country forward in Copenhagen. I hope that as we move forward we can work together to strengthen the role of environmental protections that will be found as we extend these preferences in the future and our overall approach to trade.

Mr. CAMP. At this time, Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, here we go again. Another year, another Andean trade preference extension, another year of the Colombian trade agreement held up. Another missed opportunity.

Let's be clear: The Colombia agreement, which the majority is not moving, would be a job creator for Americans. If we passed it, Colombian tariffs, the tariffs that they place on U.S. exports, would be cut. If you reduced that export tariff, it would create more jobs here in the United States.

With the Colombia FTA, we could get two-way trade between the United States and Colombia. Right now, U.S. exporters sending to Colombia are mainly small- and medium-sized businesses. A lot of them are in my area in Southern California. They are our economic engine.

Let's help them. It's very ironic that many who routinely attack trade agreements are giving Colombia preferential treatment here today, asking for nothing in return, which is especially galling when there is a good agreement sitting on ice which would help our exporters in that market.

□ 1630

I think it's time to stand up for the American worker; certainly past time to get an agreement that's a two-way agreement here.

Of course, Colombia is our closest partner in an important region. It is locked in a very deadly struggle with well-financed forces, in this case terrorists and drug traffickers that are called the FARC. This bill today is better than nothing, but the majority is missing a good opportunity, an opportunity to help a friend in Colombia and to help American workers by passing the Colombia FTA.

This bill has another shortcoming that I wanted to speak on briefly, and that is Ecuador. A beneficiary, Ecuador is far, far from living up to this program's conditions. To be a beneficiary

of this agreement, there should be certain requirements. Yet it hasn't been cooperative in combating narco-terrorism, and Ecuador is very close to the FARC, which is warring against the Colombian Government. Its independent media has come under government attack. Its government has corrupted its legal system, harming U.S. companies.

Just to go into some of the specifics, the President of Ecuador, President Correa, has dissolved the Parliament there, the Congress. He has replaced all the judges in the country. He's censored the media and seized control of the television stations there. The State Department's 2009 human rights report cites concerns with what the State Department calls corruption and the denial of due process within Ecuador's judicial system. Transparency International ranked this country as one of the worst surveyed for 2008 in terms of its corruption perceptions index, one of the worst in corruption. And it has announced that it will withdraw from its bilateral investment treaty with the United States.

This bill frankly would be better without Ecuador. Instead, the majority rejected using these benefits as leverage. I think that's also a missed opportunity. Rejecting this bill would hurt Colombia and our strategic interests there, so let's pass it; but it should be noted that we should have done so much better for American jobs.

Mr. LEVIN. I now yield 3 minutes to my very distinguished colleague and friend, Mr. DOGGETT of Texas.

Mr. DOGGETT. I thank the gentleman and I thank him for his leadership.

I certainly support more trade—where it most stands to benefit American consumers and to spur economic development in some of the world's least developed countries. During the last 2 years, there has been considerable talk about crafting a 21st century American trade policy that ensures we are not encouraging trade that depends upon degrading our environment and lowering labor standards. Unfortunately, talk is often about all that we've had. Upholding labor and environmental standards has been much more rhetoric than reality. Today's renewal of this GSP legislation does nothing to encourage participating countries to even enforce their own minimal environmental laws or to honor the multilateral environmental agreements that they have joined.

This is in significant contrast with the European Union. There, in order to enjoy the benefits of its GSP Plus program, beneficiary countries must fully implement major multilateral environmental agreements. There's no reason why we should not be doing the same and more. We should have led the European Union on the environment, but we can now at least follow its lead.

There are GSP labor standards, but under the Bush administration, naturally, there was very little interest in seeing them enforced. Why, for example, should the thuggish government of Uzbekistan enjoy any trade preferences? In addition to being one of the world's leading violators of human rights across the board, we have ample evidence of widespread labor abuses within Uzbekistan, including compulsory child labor. For over 2 years, the USTR has failed to act on a related petition about child labor, even after the Uzbeks failed to appear at a hearing to defend or explain their egregious child labor record.

This raises troubling questions about the integrity and effectiveness of the USTR review process. The Uzbek case is but one example of the significant problems with that enforcement mechanism of labor provisions in the GSP. Surely our trade policies here in the 21st century can aspire to do more than to bless practices that come right out of a 19th century Charles Dickens novel.

In the promised GSP review for this next year, as described by Chairman LEVIN, I think we have considerable work to do if we are to give full and complete meaning to the promises of President Barack Obama that our trade policy will reflect not only our desire for more commerce but our commitment to uphold our environment and our workers.

Mr. CAMP. Madam Speaker, I yield 4 minutes to the ranking member of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I have long been a supporter of our preference programs because they allow valuable inputs to enter the United States duty free, helping our manufacturers and their employees. At the same time, trade preference programs are an important tool to help developing countries break into the international market. Over many years, Congress has worked on a bipartisan basis to develop trade preference programs that have provided a vital economic boost to many developing countries.

But effective trade preferences are just one step on a developing country's journey to becoming a full player in the international market, which a country achieves through a permanent, reciprocal trade agreement with the United States. Chile, Singapore and the CAFTA countries all graduated from trade preferences into these more mature relationships, giving them full, permanent duty-free access to the U.S. market. This is a significant benefit over the partial, temporary access provided by our preference programs, sending a strong signal that helps attract necessary investment and capital into the partner country.

For the United States, the benefits of reciprocal trade are obvious. American workers and businesses get a level playing field as a result of these countries opening their markets to U.S. exports. As a result, U.S. exports to these countries surge and those growing exports support American jobs. We can quickly realize similar benefits by implementing the pending trade agreements with Colombia and Panama, two more countries that are anxious to move from a one-way relationship to one that levels the playing field for American workers. I am frustrated to once again be faced with extending preferences for these countries instead of voting on a more permanent relationship that benefits all of us.

Now there are many countries that aren't yet ready to take the step from preferences to a free trade relationship, and for these countries effective trade preference programs are the right policy. To that end, we must design our preference programs with eligibility criteria that challenge countries to improve their laws while encouraging investment. The current eligibility criteria provide the right balance, allowing the U.S. on many occasions to use these criteria to prompt improvements in conditions in several countries and further economic development.

At the same time, when a country does not abide by the criteria in the preference programs, we must take notice and even eliminate benefits if necessary. Otherwise, the effectiveness of the criteria is undermined.

In this regard, I have been watching the situation in Ecuador for several years, and I'm deeply troubled by what I am seeing. When Congress last extended ATPA in 2008, we added an additional statutory review requirement for Bolivia and Ecuador because of our concerns about their compliance with the eligibility criteria. This past June the Obama administration completed this review. The administration found that Bolivia was not complying with the eligibility criteria in the ATPA program, which is why Bolivia is no longer eligible for benefits. The administration also noted several serious concerns about Ecuador. In particular, the administration cited Ecuador's withdrawal from the International Convention on the Settlement of Investment Disputes and Ecuador's unilateral decision to raise many of its tariffs to levels above its WTO bindings.

Since the administration's report, there have been further troubling developments in Ecuador. The country has announced that it will withdraw from its bilateral investment treaty with the United States, and the investment climate continues to cause concern. In addition, President Correa has made questionable statements with regard to Ecuador's respect for intellectual property rights. Moreover, negotiations to replace U.S. access to the Manta air base are still unresolved. Together with many other Members, I remain extremely concerned about the situation in Ecuador.

Therefore, I am disappointed that the bill before us today does not retain the requirement in current law that the President report to Congress on the situation in Ecuador. I believe that this

report provides us an opportunity to keep a careful eye on Ecuador and its compliance with the eligibility criteria. But just as important is the fact that the reporting requirement is enormously important as a signal to Ecuador—a message that this Congress is watching Ecuador closely.

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

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. BRADY of Texas. I thank the gentleman from Michigan.

In addition, I am disappointed that today's bill doesn't do more to establish certainty for users of the program here and abroad through an extension that is longer than a mere year. I and Mr. CAMP have been seeking a 2-year extension.

Madam Speaker, I support this bill because I don't want the remaining preferences to lapse, but we can and should do better.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. Madam Speaker, I yield myself the balance of my time.

I urge my colleagues to support the Andean Trade Preference Extension Act of 2009, which will extend the Andean trade preferences, as we know as ATPA, and also the Generalized System of Preferences, we also refer to as GSP, for an additional year. However, I do think it's important to note my disappointment that we did not put a message specifically putting Ecuador on notice that its behavior and its receipt of continued benefits is at serious risk. There is a deteriorating investment climate in Ecuador as well as their repudiation of the bilateral investment treaty. I think it's very important that while it is understood in this legislation that there is language maintaining a review, I am concerned that there is not specific language aimed at challenging Ecuador's actions. I do think this is a change from current law and it's a step backward. I think it's important to send a strong message that any central tenet of a preference program is that the participants uphold their commitments to the rule of law as well as their commitments to the U.S. on investment and other matters.

So as a result of this, I believe preference programs should not be viewed as an entitlement; that they are based upon meeting certain criteria as I mentioned, particularly, as others have said, the observance of labor and environmental laws, certainly actions to prevent the distortion of investment as well as the support and enforcement of intellectual property laws as well as reasonable access to markets.

However, I do think despite these concerns, this legislation is extremely important. It is essential that we extend this for another year. I think that this is an important step to take, and I will support its passage. I look forward to working with the administration as well as my colleagues on the Ways and Means Committee, Chairman RANGEL and Chairman LEVIN, as we continue to address trade issues in the coming year.

Ms. RICHARDSON. Madam Speaker, I rise in strong support of H.R. 4284, which would extend the Andean Trade Preferences Act, ATPA, and the Generalized System of Preferences, GSP, for an additional year. I would like to thank Chairman RANGEL for his leadership on this issue and for bringing this bill to the floor. It is critically important that we extend these trade preferences before they expire at the end of this calendar year. We have seen in the past the damage that a short lapse can do to cross border business relationships.

The trade preferences we seek to extend benefit both the United States and our South American trading partners. These preferences support economic growth both here in the United States and abroad in some of the poorest countries in the world. Almost 2 million jobs in the United States and the Andean region depend on ATPA preferences and the region has emerged an important market for U.S. exports. Because use of the programs is conditioned through eligibility criteria, such as labor, human rights, and intellectual property, the United States is able to advance both important economic and foreign policy goals.

I therefore urge all of my colleagues to join me in voting for H.R. 4284.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I rise in support of H.R. 4284, the Andean Trade Preference Extension Act of 2009 (ATPA), which would extend both the General System of Preferences (GSP) and the Andean Trade Preferences for one year.

It is important to extend these preference programs, which assist developing countries in their efforts to build up domestic industries, increase exports, and alleviate poverty. In some cases, these programs have worked well. South Korea, Singapore, and other nations have graduated from the GSP program, and no longer qualify for these special trade benefits.

Failure to extend these preferences would put even more pressure on impoverished populations in developing nations.

Make no mistake, my support for this extension is not an unqualified endorsement of their current structure. To be sure, our preferences programs need improvement.

One key improvement that is desperately needed is to change the prevailing view that trade preferences are a development strategy. Instead, we must recognize that trade preferences are only part of a comprehensive development strategy, which must also include investments in education, training, and infrastructure, as well as a consideration of targeted debt relief.

In addition, our preferences programs currently have inadequately-enforced labor standards and no environmental standards whatsoever.

The rationale for linking trade and labor rights is vital to avoiding a "race to the bottom." For American working families, we need to ensure that developing countries attract investment based on a competitive wage advantage, not by artificially suppressing wages through labor repression. For working families in developing countries, the opportunity to bargain collectively for better wages and working conditions will ensure that some of the benefits of trade go to them, not just to multi-national corporations.

This one-year extension will give us the time we need to reform existing programs without disrupting the fragile economies of the lesser-developed nations that our preferences programs are designed to help.

Finally, I want to address the issue of Ecuador in particular. Unfortunately, it has come to my attention that Chevron Corporation has been urging Members of Congress and the Administration to punish Ecuador because its government refuses to intervene in a private lawsuit against the oil giant. The plaintiffs in the lawsuit contend that the company is responsible for polluting a vast area of the Amazon Basin, causing serious health and environmental consequences.

While I take no position on the lawsuit, I do believe that the plaintiffs should have their day in court. I also believe that, of all the legitimate reasons to oppose the U.S. trade preferences programs, doing the bidding of a single corporation is not one of them.

As the editors of the Los Angeles Times wrote in a recent editorial, "There are other factors for Congress to consider in determining whether to extend Ecuador's trade preferences: workers' rights and trade and investment policy also are important. And there are issues that remain to be negotiated between the two countries. But in each of these areas, Ecuador has demonstrated a willingness to work with the U.S. That should be the test for an extension of trade benefits, not the private interests of one corporation."

To reiterate, while our trade preferences programs are not perfect, extending them for one year is vital, and I strongly support this legislation.

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

Mr. LEVIN. I urge passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 4284.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 2009

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (S. 303) to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reauthorization.
Sec. 3. Website relating to Federal grants.
Sec. 4. Report on implementation.
Sec. 5. Strategic plan.
Sec. 6. Data standard requirements.

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking ''**and sunset**''; and

(2) by striking ''and shall cease to be effective 8 years after such date of enactment''.

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(2) by inserting after subsection (d) the following new subsections:

''(e) WEBSITE RELATING TO FEDERAL GRANTS.—

''(1) IN GENERAL.—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

''(2) CONTENTS.—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

''(A) the grant announcement;

''(B) the statement of eligibility relating to the grant;

''(C) the application requirements for the grant;

''(D) the purposes of the grant;

''(E) the Federal agency funding the grant;

''(F) the deadlines for applying for and awarding of the grant.

''(G) all applications received for the grant, set forth in the single data standard adopted under section 9(b); and

''(H) all reports relating to the use of the grant, set forth in the single data standard adopted under section 9(b).

''(3) USE BY APPLICANTS.—The website established under this subsection shall, to the greatest extent practicable, allow grant applicants to—

''(A) use the website with any computer platform;

''(B) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

''(C) apply for a Federal grant using the website;

''(D) manage, track, and report on the use of Federal grants using the website; and

''(E) provide all required certifications and assurances for a Federal grant using the website.

''(4) USE BY THE PUBLIC.—The website established under this subsection shall, to the greatest extent practicable, allow members of the public to—

''(A) view the items described in paragraph (2);

''(B) navigate easily among and between the items described in paragraph (2) and other supporting materials;

''(C) download grant applications and reports, in the single data standard adopted under section 9, individually or as a single data set; and

''(D) access individual grant applications and reports at web addresses that are distinct, permanent, unique, and searchable.

''(f) PUBLICATION OF INFORMATION.—Nothing in this section shall be construed as requiring the publication of information otherwise exempt under section 552 of title 5, United States Code (popularly referred to as the 'Freedom of Information Act').''; and

(3) in subsection (h), as so redesignated, by striking ''All actions'' and inserting ''Except for actions relating to establishing the website required under subsection (e), all actions''.

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

''SEC. 7. EVALUATION OF IMPLEMENTATION.

''(a) IN GENERAL.—Not later than 9 months after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, and every 2 years thereafter until the date that is 15 years after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a report regarding the implementation of this Act.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each report under subsection (a) shall include, for the applicable period—

''(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

''(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

''(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

''(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

''(E) a list of all Federal agencies exempted under section 6(d);

''(F) for each Federal agency listed under subparagraph (E)—

''(i) an explanation of why the Federal agency was exempted; and

''(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

''(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

''(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

''(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives of non-Federal entities during the implementation of the requirements under this Act;

''(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

''(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

''(2) SUBSEQUENT REPORTS.—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

''(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

''(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

''(c) DEFINITION OF APPLICABLE PERIOD.—In this section, the term 'applicable period' means—

''(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

''(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.''.

SEC. 5. STRATEGIC PLAN.

(a) IN GENERAL.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is further amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following new section:

''SEC. 8. STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 18 months after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a strategic plan that—

''(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

''(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

''(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

''(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

''(5) provides plans, timelines, and cost estimates for—

''(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

''(i) apply for Federal financial assistance;

''(ii) track the status of applications for and payments of Federal financial assistance;

''(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

''(iv) provide required certifications and assurances;

''(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009;

''(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified

under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

''(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(H) minimizing the number of different systems used to disburse Federal financial assistance; and

''(I) applying the single data standard adopted under section 9 to Federal grants and grant applications.

''(b) CONSULTATION.—In developing and implementing the strategic plan under subsection (a), the Director shall consult with representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

''(c) FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

''(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

''(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

''(2) CONSULTATION.—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

''(3) REPORTING.—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter until the date that is 15 years after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting '', until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)'' after ''subsection (a)(7)''.

SEC. 6. DATA STANDARD REQUIREMENTS.

(a) DATA STANDARD REQUIREMENTS.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is further amended—

(1) by redesignating sections 9, 10, 11, and 12 as sections 10, 11, 12, and 13, respectively; and

(2) by inserting after section 8, as added by this Act, the following new section:

''SEC. 9. DATA STANDARD REQUIREMENTS.

''(a) DATA STANDARD REQUIREMENTS.—

''(1) REQUIREMENT.—The Director of the Office of Management and Budget shall adopt a single data standard for the collection, analysis, and dissemination of business and financial information for use by private sector entities in accordance with subsection (b) for information required to be reported to the Federal Government, and a single data standard for use by agencies within the Federal Government in accordance with subsection (c) for Federal financial information.

''(2) CHARACTERISTICS OF DATA STANDARDS.—The single data standards required by paragraph (1) shall—

''(A) be common across all agencies, to the maximum extent practicable;

''(B) be a widely accepted, non-proprietary, searchable, computer-readable format for business and financial data;

''(C) be consistent with and implement—

''(i) United States generally accepted accounting principles or Federal financial accounting standards (as appropriate);

''(ii) industry best practices; and

''(iii) Federal regulatory requirements;

''(D) improve the transparency, consistency, and usability of business and financial information; and

''(E) be capable of being continually upgraded to be of maximum use as technologies and content evolve over time.

''(b) IMPLEMENTATION OF SINGLE DATA STANDARD FOR PRIVATE SECTOR.—

''(1) OMB GUIDANCE.—Not later than 180 days after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director of the Office of Management and Budget shall issue guidance to agencies on the use and implementation of the single data standard required by subsection (a) for information required to be reported to agencies by the private sector.

''(2) AGENCY REQUIREMENTS.—

''(A) REQUIREMENT.—To the maximum extent practicable and consistent with the guidance provided by the Office of Management and Budget under paragraph (1), the head of each agency shall require the use of the single data standard required by subsection (a) for business and financial information reported to the agency by private sector companies.

''(B) IMPLEMENTATION.—The head of the agency shall begin implementing the requirement of subparagraph (A) within one year after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009.

''(c) IMPLEMENTATION OF SINGLE DATA STANDARD FOR FEDERAL GOVERNMENT.—

''(1) OMB DEVELOPMENT.—Not later than 1 year after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director of the Office of Management and Budget shall develop the single data standard required by subsection (a) for use by agencies within the Federal Government for Federal financial information.

''(2) OMB GUIDANCE.—Not later than 18 months after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall issue guidance to agencies on the use and implementation of the single data standard developed under paragraph (1).

''(d) PUBLIC ACCESS TO DATA.—The head of each agency shall ensure that information collected using the single data standards required under this section is accessible to the general public in that format to the extent permitted by law.

''(e) REPORT.—Within one year after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director of the Office of Management and Budget shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of the implementation of this section.

''(f) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, independent establishment, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

''(A) the Government Accountability Office;

''(B) the Federal Election Commission;

''(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

''(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

''(2) EXECUTIVE DEPARTMENT, MILITARY DEPARTMENT, GOVERNMENT CORPORATION, GOVERNMENT CONTROLLED CORPORATION, INDEPENDENT ESTABLISHMENT.—The terms 'Executive department', 'military department', 'Government corporation', 'Government controlled corporation', and 'independent establishment' have the meanings given those terms by chapter 1 of title 5, United States Code.

''(3) INDEPENDENT REGULATORY AGENCY.—The term 'independent regulatory agency' has the meaning given that term by section 3502(5) of title 44, United States Code.''.

(b) REQUIREMENT FOR USE OF SINGLE DATA STANDARD BY FEDERAL AGENCIES.—Section 5 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by adding at the end the following new subsection:

''(e) SINGLE DATA STANDARD REQUIREMENT.—To the maximum extent practicable and consistent with the guidance provided by the Director under section 9, each Federal agency shall require the use of the single data standard adopted under section 9(b) for—

''(1) all applications for Federal financial assistance; and

''(2) all reports on the use of Federal financial assistance that the agency requires non-Federal entities to submit.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to add any extraneous materials.

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

There was no objection.

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

Madam Speaker, on behalf of the Committee on Oversight and Government Reform and Chairman ED TOWNS, I am proud to present S. 303, the Federal Financial Assistance Management Improvement Act of 2009, for consideration.

□ 1645

Senate 303 was introduced by Senator GEORGE VOINOVICH of Ohio on January 22, 2009, and passed by the United States Senate on March 17, 2009, by unanimous consent. The legislation was subsequently referred to the House Oversight Committee on March 18, 2009, and approved with a manager's amendment on December 10, 2009, by voice vote.

Madam Speaker, the legislation will reauthorize and enhance the Federal Financial Assistance Management Improvement Act of 1999. Specifically, Senate 303 reauthorizes and makes significant enhancements to the Web site, www.grants.gov, which serves as a central location for grant applicants to search and apply for Federal grants, as well as to submit the necessary financial reports. The Web site is a one-stop-shop for grant recipients, alleviating much of the paperwork burden that has traditionally been associated with the grant application process and allowing recipients to focus their attention on serving the American public.

In addition to reauthorizing the grants.gov Web site, Senate 303 directs the Office of Management and Budget to improve the administration of Federal grants and submit corresponding reports to Congress on its progress towards this end.

I'd also like to note that the gentleman from California, Representative DARRELL ISSA, and the ranking member of the Committee on Oversight and Government Reform joined Chairman TOWNS in offering a manager's amendment to this legislation during our committee business meeting last week.

The amendment makes a number of important technical changes to the bill. Specifically, it incorporates the provisions of H.R. 2392, the Government Information Transparency Act, legislation directing the Office of Management and Budget to adopt a single data standard for the collection, analysis, and dissemination of business and financial information. The standard must be common across all Federal agencies and make the data widely available to the public.

This standard will also be applied to the data on Federal grants, making it easier to evaluate the use of grant funds. This will make Federal financial information much more accessible to the public, thereby improving the transparency of this data and allowing the public to analyze it more easily. It will also improve the availability and interoperability of financial data reported to the government by the private sector, addressing concerns that the Committee on Oversight and Government Reform raised in their hearings earlier this year.

Madam Speaker, Senate 303 will help strengthen a great resource for Federal grant recipients as well as improve the public's access to important financial data.

I'd like to close my statement by thanking Chairman ED TOWNS, the gentleman from Brooklyn, New York, and Ranking Member DARRELL ISSA, the gentleman from California, for their work on this measure, and I urge my colleagues to join both of those gentlemen in supporting S. 303.

And I reserve the balance of our time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill will bring some much-needed transparency to the Federal Government. Senate 303 reauthorizes and improves the Federal Financial Assistance Management Act of 1999, which sought to simplify the application and reporting requirements for Federal grants. It requires the OMB and Federal agencies to develop a strategic plan for streamlining Federal grant processes, and it codifies grants.gov, the Federal Government's one-stop-shop for grant announcements and applications submission.

S. 303's new requirements are driven by a GAO assessment reporting that OMB and Federal agencies have made modest progress towards standardizing grant announcements and applications. The government has developed a standard format for grant announcements, began consolidating grant management systems, and set up a Web site, grants.gov. However, it, so far, has failed to develop a common system for a full-scale application, management, and reporting for financial assistance.

Madam Speaker, I appreciate Chairman TOWNS' willingness to work with us to incorporate language from H.R. 2392, the Government Information Transparency Act, which was introduced by Ranking Member ISSA. The provisions that were incorporated from the ranking member's bill will enhance the collection, analysis, and dissemination of business and financial information by the Federal Government through the use of a single data standard. Currently, the Federal Government mandates disclosure of large amounts of information in a multitude of ways. Financial reports in a uniform format will be more transparent and more easily analyzed and critiqued by the public, the media, and the oversight community.

In addition, S. 303 will require grant applications and reports to be made public and prepared according to a single, consistent data standard. For the first time, watchdog groups, journalists, and ordinary citizens will be able to see for themselves the promises and projections that grant applicants make in order to receive taxpayer dollars and then hold them directly accountable. A watchdog group publicizing waste or abuse of taxpayer money could put up a blog post linking directly to applications and reports describing how the money has been appropriated and spent.

A citizen or a news reporter searching for the name of a company might discover that the company had received taxpayer money to complete a local infrastructure project and be able to hold the company directly accountable for the use of public funds. Information about the amount of money requested, the amount of money spent, and progress on taxpayer-funded projects could be computed automatically and easily. Taxpayers could determine how much grant money had been awarded to a local business or nonprofit, and automatically compare the performance of different grant recipients and recognize disparities in grant funding between States or congressional districts.

Madam Speaker, I want to thank Chairman TOWNS and his staff for working with the Republicans on this important legislation by incorporating bipartisan language to increase transparency in the Federal Government. I also want to commend Senator VOINOVICH for his hard work on this bill, and I ask my colleagues to support this legislation.

We have no further speakers, and I would yield back the balance of my time.

Mr. ISSA. Madam Speaker, earlier this year, I introduced H.R. 2392, the "Government Information Transparency Act," to make federal reporting of taxpayer dollars more accessible to the American people. In Committee, Chairman EDOLPHUS TOWNS and I were able to work on a bipartisan basis to get key provisions of this legislation into S. 303, which is now under consideration by the House.

The Government Information Transparency Act instructs the Office of Management and Budget to designate a single data standard for the collection, analysis, and dissemination of business and financial information required to be reported to the federal government.

The federal government mandates disclosure of large amounts of information: financial filings by public companies, call reports by financial institutions, various disclosures by federal contractors, reports by recipients of taxpayer-funded grant money, and the list goes on. Too often, these disclosures are in formats that don't permit electronic searches and comparisons. Some disclosures, in fact, are still made using paper. Moreover, the formats vary from agency to agency, and even within agencies. Unwieldy and incompatible data formats make reported information much less useful than it could be. Even worse, it creates complex and overlapping layers of reporting that serve as the breeding ground for wasteful government.

Information reported to the federal government needs to become both fully searchable and fully standardized. Modern information technology can bridge these two gaps. An interactive data standard that relies on electronic tags to individually identify each element of information can render every piece of data separately readable by software. This interactivity allows the creation of databases that are far more useful than sequential, plain-text financial reports. And if the same standard were applied to every federal agency's disclosure programs—securities, banking, grants, contracts, and so on—unprecedented searches and comparisons would become possible.

So, the Government Information Transparency Act requires the OMB to set up a single interactive data standard for reported information—a standardized, universal, and machine-readable format that will be made available to the general public. The use of a single data standard will still allow agencies to be flexible in how they require information to be submitted. Sophisticated companies might be asked to submit large data files; small companies and nonprofits could fill in Web-based forms that would automatically encode each element on their reports. The result: every report would be computer-readable, and the underlying data could be more easily extracted, searched, and analyzed.

Financial and business information in a uniform format will be more transparent, and thus more accessible for public critique. Fraudulent transactions and irresponsible risk-taking can be more easily detected, search costs are reduced, and companies will be put under greater pressure to explain the underpinnings of the financial statements they release. Instead of assigning an immense oversight responsibility to a handful of federal employees, we can now enable the public to act as citizen-regulators. And because information reported to different agencies will become compatible, investors, watchdog groups, and analysts will have powerful new searches at their disposal.

The Government Information Transparency Act also requires a single data standard for federal financial information, to bring the same interactivity and compatibility to the disclosures put out by federal agencies. By making this kind of information more accessible to the general public, we are unleashing the very best government watchdogs—the American people themselves—to expose waste, fraud, and abuse of their tax dollars.

For business and financial information, the sunlight of transparency has always been the best disinfectant. Our Government Information Transparency Act, added to S. 303, will make that sunlight brighter and clearer than ever.

Mr. LYNCH. Madam Speaker, in closing, I would just ask all Members to join with Senator VOINOVICH, Chairman TOWNS, and Ranking Member ISSA in support of this resolution, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, S. 303, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF YOUTH RUNAWAY PREVENTION

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 779) recognizing and supporting the goals and ideals of National Runaway Prevention Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 779

Whereas the prevalence of runaway and homelessness among youth is staggering, with studies suggesting that every year, between 1,600,000 and 2,800,000 youth live on the streets of the United States;

Whereas running away from home is widespread, and youth aged 12 to 17 are at a higher risk of homelessness than adults;

Whereas runaway youth most often are youth who have been expelled from their homes by their families; physically, sexually, and emotionally abused at home; discharged by State custodial systems without adequate transition plans; separated from their parents by death and divorce; too poor to secure their own basic needs; and ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities necessary for youth to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth, and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month in November to increase public awareness of the life circumstances of youth in high-risk situations, and the need for safe, healthy, and productive alternatives, resources, and support for youth, families, and communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of youth runaway prevention; and

(2) urges support for greater public awareness efforts and effective runaway youth prevention programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

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

There was no objection.

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

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present House Resolution 779 for consideration. This resolution recognizes the importance of youth runaway prevention and at-risk youth programs. House Resolution 779 was introduced by my friend and colleague, Representative JUDY BIGGERT of Illinois, on September 25, 2009, and was favorably reported out of the Oversight Committee December 10, 2009, by unanimous consent. Notably, this measure enjoys the support of 55 Members of Congress.

Madam Speaker, according to the National Runaway Switchboard, between 1.6 million and 2.8 million young people run away from home every year. As additionally noted by The New York Times in an October 25, 2009, article on this issue of runaway youth, this societal problem is growing. Specifically, The New York Times reported that the number of contacts made by federally financed outreach programs with runaways increased to 761,000 in 2008, and that was up from 550,000 in 2002, the year that the current methods of counting began.

Notably, National Runaway Switchboard reports that among those young people at greatest risk of running away and facing homelessness are those that have been expelled from school, those that have suffered domestic abuse, and those that have been discharged by State custodial systems without the benefit of an adequate transitional planning program. Additionally, young people who have separated from their parents by death or divorce, live in poverty, and/or are unable to access adequate or mental health resources are similarly at risk of running away and becoming homeless. And the National Runaway Switchboard also reports that youth homelessness affects males and females equally, although females are more likely to seek help through shelters and hotlines.

Despite these concerning reports and statistical programs, there are efforts, such as The National Network for Youth and the National Runaway Switchboard, that provide effective support to runaway youth and assist young people and their families in remaining together by developing partnerships with families, community-based agencies, schools, and faith-based organizations.

These two programs offer invaluable services, including advocacy on behalf of the runaway youth and their families, crisis intervention, and various forms of community-based support to address critical needs. In addition, the two programs have worked together to cosponsor National Runaway Prevention Month, which occurs in November, and attempts to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources and support for runaway youth and their families.

Madam Speaker, in light of the prevalence of the problem of runaway youth as well as youth homelessness,

let us take this opportunity to join Mrs. BIGGERT of Illinois to pass House Resolution 779 and recognize the important role that youth runaway prevention and at-risk youth programs play in addressing these issues.

Accordingly, I urge my colleagues to join Mrs. BIGGERT in supporting H. Res. 779, and I reserve the balance of our time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 779, the resolution recognizing the goals and ideals of National Runaway Prevention Month. This initiative is sponsored by my good friends at the National Runaway Switchboard and the National Network for Youth.

As the gentleman from Massachusetts mentioned, between 1.6 and 2.8 million youth run away from home each year. According to the National Runaway Switchboard, crisis calls citing economic distress have increased 200 percent since 2006. Incredibly, one in every 50 children will experience homelessness at some point in their lives. And although some youth will return within a few days of running away, others will remain on the streets, never to return. In far too many cases, these children will fall prey to the worst forms of exploitation, including the sex industry. In fact, 30 percent more youth are using the sex industry as a means of survival today than in the year 2000.

There are many reasons why children run away from home. Some are expelled from their homes by their families or separated from their parents because of death or divorce. In other cases, the child may be fleeing from physical, sexual, and emotional abuse at home. Having run away, these youths are now homeless, without means to secure their own basic needs, and are often ineligible or unable to access medical or mental health resources.

There are many individuals and organizations that are doing whatever they can to assist America's runaway youth by providing food, shelter, clothing, and counseling. Others are working with families to prevent a child from running away in the first place. And still others are intervening and advocating on behalf of the children and giving them options other than running away.

With congressional support, the National Runaway Switchboard provides crisis intervention and referrals to reconnect the runaway youth with their families.

□ 1700

It also helps link young people to local resources that provide positive alternatives to running away.

Founded in the Chicago area in 1971, the NRS now provides comprehensive crisis intervention services for at-risk youth nationwide, including a 24-hour crisis hotline.

In 1974, the National Network for Youth was founded to coordinate the work of community-based organizations that now represent hundreds of youth-oriented organizations and advocate at the Federal level, provide information on available services, and train organizations in best practices.

I want to thank Mr. WOLF, Mr. STUPAK and Ms. LOFGREN, my fellow co-Chairs of the Congressional Caucus on Missing, Exploited and Runaway Children for joining me on this important effort, and I thank the gentleman from Massachusetts (Mr. LYNCH) for managing this bill. And I want to thank Mr. ISRAEL, who has worked with me on this important resolution for years.

It is fitting for Congress to endorse the goals and ideals of National Runaway Prevention Month and to highlight the effort of those organizations that work so hard to help the youth of America who have left or who are considering leaving their homes for a dangerous and uncertain life on the street.

I urge my colleagues to support this resolution.

If the gentleman has no further speakers, I yield back the balance of my time

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise before you today in support of H. Res. 779, "Recognizing and supporting the goals and ideals of National Runaway Prevention Month." I would like to thank my colleague Representative JUDY BIGGERT for introducing this very important piece of legislation.

It is appalling that in the United States of America, the greatest country in the world, there is a staggering number of runaway and homeless youth. Studies suggest that every year, between 1,600,000 and 2,800,000 youth live on the streets of the United States. Running away from home is a widespread epidemic, and youth aged 12 to 17 are at a higher risk of homelessness than adults. What is terrifying is that traffickers exploit abused runaways or so-called "throwaways"—children abandoned by their parents and living on the streets.

Runaway youth most often are youth who have been expelled from their homes by their families; physically, sexually, and emotionally abused at home; discharged by State custodial systems without adequate transition plans; separated from their parents by death and divorce; too poor to secure their own basic needs; and ineligible or unable to access adequate medical or mental health resources.

There are effective programs supporting and assisting runaway youth. These programs succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses. We must support and create more of these organizations in order to save the future of this nation.

Preventing youth from running away from home and supporting those in high-risk situations should be a family, community, and national priority. The future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities necessary for youth to develop into safe, healthy, and productive adults.

I want to recognize the National Network for Youth and its members for advocating on behalf of runaway and homeless youth, and for providing an array of community-based support to address their critical needs. Additionally I would like to recognize the National Runaway Switchboard for providing crisis intervention and referrals to reconnect runaway youth to their families and link youth to local resources that provide positive alternatives to running away from home.

I urge my colleagues to support this legislation and to support National Runaway Prevention Month in November to increase public awareness of the life circumstances of youth in high-risk situations, and the need for safe, healthy, and productive alternatives, resources, and support for youth, families, and communities.

Mr. LYNCH. Madam Speaker, I want to thank Mrs. BIGGERT for her leadership on this very important issue, and I want to urge my colleagues to support House Resolution 779.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 779, as amended.

The question was taken.

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

Mr. LYNCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

COMMENDING THE REAL SALT LAKE SOCCER CLUB

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 942) commending the Real Salt Lake Soccer Club for winning the 2009 Major League Soccer Cup.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 942

Whereas the Real Salt Lake soccer club won the 2009 Major League Soccer Cup, defeating the Los Angeles Galaxy at Qwest Field in Seattle, Washington on November 22, 2009;

Whereas Real Salt Lake played through 2 sudden-death overtimes and a penalty-kick shootout to defeat the Galaxy;

Whereas forward Robbie Findlay scored a goal in the second half to tie the game and force an overtime period;

Whereas defender Robbie Russell scored the decisive fifth goal in the seventh round of the shootout to win the game;

Whereas goalkeeper Nick Rimando blocked 4 shots, including 2 in the shootout, and was named the Most Valuable Player of the game;

Whereas head coach Jason Kreis is the youngest coach to win a Major League Soccer Cup, and coached Real Salt Lake to its second post-season appearance since joining the team in 2007; and

Whereas Real Salt Lake defeated the top 2 seeds in the Eastern Conference, the first-seeded Columbus Crew and the second-seeded Chicago Fire, to reach the championship game: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup; and

(2) congratulates Real Salt Lake for winning the first Major League Soccer Cup in the franchise's history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

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

There was no objection.

Mr. LYNCH. Madam Speaker, at this time I would like to recognize the principal lead sponsor of this resolution, the gentleman from Utah (Mr. MATHESON), for 5 minutes.

Mr. MATHESON. I thank the gentleman from Massachusetts for yielding.

You know, often when we have a sporting event about to come up, a lot of people predict what's going to happen. But what's great about sports is you never really know what's going to happen. And while we often do a resolution to congratulate teams who have won a major championship, this is kind of special because the Real Salt Lake team went into the playoffs as the last team in. Eight teams made the playoffs for Major League Soccer this year. Real Salt Lake had the worst record, but it's a team that throughout the course of this year has evolved, and in fact there was a stretch of 17 days between two games toward the end of the regular season where the team kind of rededicated itself and went through sort of a mini-training camp again, and when it came out of that camp, it seemed to be a different team.

It got into the playoffs, and of course it was an underdog in its first round, and it won. It was an underdog in the semi-finals, and it won there, too. And then the championship against the L.A. Galaxy. In a shoot-out, the team was able to succeed.

And there's an interesting sign in the locker room of the Real Salt Lake team. The sign says, ''The team is the star.'' And in an era where we often celebrate great individual performances—and there are a number of individuals that certainly deserve mention—still the concept of a team coming together in a team sport seems to be a pattern and a formula for success. And in terms of the Real Salt Lake soccer team, that is exactly what happened.

So I was thrilled to have the opportunity to offer this resolution. It was interesting going around to my colleagues to collect cosponsorships. This was something that was very accepted on both sides of the aisle. And again, I just think it's great that we have a chance as a Congress to at least congratulate this team on its great accomplishment in winning the Major League Soccer Cup in 2009.

Mrs. BIGGERT. I yield myself such time as I may consume.

I rise today in support of House Resolution 942 commending the Real Salt Lake Soccer Club for winning the 2009 Major League Soccer Cup.

Last month on November 22 in front of over 46,000 fans at Qwest Field—you'd think that we were in the UK with the popularity of soccer out there. But the Real Salt Lake Soccer Club won the 2009 Major League Soccer Club, defeating the Los Angeles Galaxy, and the final victory of a remarkable five-game winning streak did not come easily. The Real Salt Lake Soccer Club outlasted a formidable opponent through two sudden-death overtimes and a penalty kick shoot-out en route to a brilliant 5–4 victory. Congratulations.

This victory marked the culmination of a remarkable session for a team that I guess barely made the playoffs and only 5 years ago was a lowly expansion team. In fact, this victory is the first major pro sports championship in Utah for almost 40 years.

Congratulations to the Real Salt Lake Soccer Club, their coach. Jason Kreis—the youngest coach to win a Major League Soccer Cup—and to Utah and their very many, many dedicated fans.

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I just want to amplify what has been said by both the speakers. I think there's a certain magic about this championship, that it was totally unexpected, and I, too, want to congratulate Coach Jason Kreis, who became the youngest coach to win a Major League Soccer Cup, and goalkeeper Nick Rimando, the Most Valuable Player. The Real Salt Lake won their first Major League Soccer Cup in only their second appearance in the Major League Soccer playoffs. As a Red Sox fan who suffered forever, I envy the early success.

I do want to note that after compiling a regular season record of 11 wins, 12 losses, and 7 ties, Real Salt Lake narrowly earned the final spot on the 2009 Major League Soccer Playoffs. This is a Cinderella team if there ever was one.

Despite being the underdog, Real Salt lake orchestrated a series of improbable victories against the defending champion Columbus Crew and the Chicago Fire before—as has been mentioned here—beating the favored Los Angeles Galaxy in the Major League Soccer Cup.

In the championship game, the Los Angeles Galaxy struck first with a goal by Mike Magee in the 41st minute of play, and many thought that might be it, but Real Salt Lake continued to play hard and managed to tie the game in the 61st minute of the game with a goal by Robbie Findley. The game ended in a tie and eventually went to penalty kicks, which Real Salt Lake won by a score of 5–4.

Real Salt Lake's victory in the MLS Cup stands as a testament to what can be achieved through hard work, dedication, and relentless team spirit. As USA Today wrote after the game, ''Major League Soccer has its most improbable champion in its 14-year history.''

Real Salt Lake's commitment to teamwork and perseverance in the face of adversity is both inspiring and commendable. Their achievement deserves our praise, and personally I want to applaud the team's players, coaches, management, and its fans who never gave up—all of those who helped in this unprecedented success in the Major League Soccer Cup.

Madam Speaker, let us, as a body, take this opportunity to commend this year's Major League Soccer Cup Champions through passage of House Resolution 942, join with Mr. MATHESON of Utah and congratulate Real Salt Lake on winning the 2009 Major League Soccer Cup.

I yield back the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 942.

The question was taken.

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

Mr. LYNCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HONORING THE AMERICAN KENNEL CLUB

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) honoring the American Kennel Club on its 125th anniversary, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 160

Whereas the American Kennel Club (AKC), headquartered in New York City, with an operations center in Raleigh, North Carolina, was founded in 1884, operates the world's largest registry of purebred dogs and is the Nation's leading not-for-profit organization

devoted to the advancement, study, responsible breeding, care, and ownership of dogs;

Whereas the American Kennel Club approves, sanctions, and regulates the events of its 609 member clubs and monitors more than 4000 licensed and sanctioned clubs throughout the United States who hold events under American Kennel Club rules and regulations;

Whereas in 2008, the American Kennel Club sanctioned or regulated 22,630 sporting events that included breed conformation, agility, obedience, earthdog, herding, field trial, retrieving, pointing, tracking, and coonhound events;

Whereas the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners and promotes responsible dog ownership;

Whereas the American Kennel Club promotes responsible dog ownership and breeding practices and supports thousands of volunteers and teachers from affiliated clubs across the country who teach responsible dog ownership and safety around dogs;

Whereas the American Kennel Club founded and supports the AKC Humane Fund, which promotes the joy and value of responsible pet ownership by supporting breed rescue activities, educating adults and children about responsible dog ownership, and assisting human-services organizations that permit domestic abuse victims access to shelters with their pets;

Whereas the American Kennel Club trains and employs kennel inspectors and conducts over 5,200 kennel inspections each year;

Whereas the American Kennel Club promotes responsible dog ownership, care, and handling of dogs to over 21,000 youths ages 9 to 18 years old enrolled in its National Junior Organization;

Whereas the American Kennel Club is the largest purebred dog registry in the world and the only registry that incorporates health screening results into its permanent dog records;

Whereas the American Kennel Club offers the largest and most comprehensive set of DNA programs for the purposes of parentage verification and genetic identity to ensure reliable registration records;

Whereas the American Kennel Club created and supports the Canine Health Foundation (CHF), which funds research projects focusing on the genetics of disease, the canine genome map, and clinical studies, and has donated over $22,000,000 to the CHF since 1995;

Whereas the American Kennel Club created and operates DOGNY: America's Tribute to Search and Rescue Dogs, which supports canine search and rescue organizations across the United States;

Whereas the American Kennel Club annually awards $170,000 in scholarships to veterinary and veterinary technical students;

Whereas the American Kennel Club has reunited more than 340,000 lost pets and their owners through the AKC Companion Animal Recovery (CAR) program;

Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community;

Whereas the American Kennel Club maintains the world's largest dog library and the Museum of the Dog in St. Louis, which houses one of the world's largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

Resolved, That Congress honors the American Kennel Club for its service to dog owners and the United States public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

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

There was no objection.

Mr. LYNCH. Madam Speaker, at this time, I would like to recognize the lead sponsor of this resolution, Representative DAVID PRICE, my friend from North Carolina, for 5 minutes.

Mr. PRICE of North Carolina. I thank the gentleman, Madam Speaker, and I rise today in support of House Concurrent Resolution 160, honoring the contributions of the American Kennel Club on its 125th anniversary.

Over the course of these 125 years, the AKC has established itself as our Nation's leading not-for-profit organization dedicated to the advancement, study, responsible breeding, care, and ownership of dogs. Today, dog owners throughout the United States can be proud of the work the club does to promote the responsible care that dogs deserve.

With offices employing 300 constituents in my district in Raleigh, North Carolina, and additional staff in New York City, the AKC has also become a major source of good-paying jobs.

Each year, the American Kennel Club sanctions and regulates over 20,000 sporting events. It is also a leader in training inspectors and inspecting dog kennels, conducting more than 5,200 kennel inspections each year.

Through its national junior organization, the AKC has enrolled over 21,000 children aged 9 to 18 to promote responsible dog ownership, care, and handling.

In addition to serving as the world's largest purebred dog registry, the AKC has also started a mixed breed program to allow all dogs to participate in a variety of AKC's sanctioned events. Various AKC programs support the advancement of canine health and well-being, and educate the public on responsible dog ownership.

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Madam Speaker, I want to thank Mr. LYNCH, Mrs. BIGGERT, Chairman TOWNS, and Ranking Member ISSA for moving this resolution forward, and my colleague from North Carolina (Mr. COBLE) and 51 other cosponsors for their help as well.

I urge my colleagues to join in support.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Con. Res. 160, honoring the American Kennel Club for its service to dog owners throughout the United States.

Founded in 1884, the Kennel Club operates the largest registry for purebred dogs in the U.S. and is the country's leading nonprofit organization dedicated to the study of dogs and their care. This organization has 609 member clubs and monitors 4,000 licensed and sanctioned clubs holding events under the American Kennel Club rules and regulations.

I have to say, I did show one dog that I had for a period of time, a basset hound, in Chicago, in the American Kennel Club at one of the shows, and it's quite an experience for anybody to do that. It's well run and well regulated.

The American Kennel Club has taken the lead in promoting responsible dog ownership and breeding practices as well as supporting thousands of volunteers across the country who teach safety to dog owners. In order to maintain the high standards for which the American Kennel Club is known, they conduct over 5,200 kennel inspections each year. And, as Mr. PRICE mentioned, youth ages 9 to 18 are enrolled in the National Junior Organization, which really helps to communicate the proper handling of dogs and allows them the opportunity to participate in shows at an early age.

It has also created a Canine Health Foundation, which funds research projects focused on the genetics of dog diseases and clinical studies. The club annually awards over $170,000 in scholarships to veterinary students and veterinary technical students and has reunited thousands of dogs with their owners through its Companion Animal Recovery program.

The American Kennel Club has been a part of communities of the United States since 1884 and continues to be a model for teaching responsible breeding, care, and ownership of dogs. So we congratulate the American Kennel Club on its 125th anniversary.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I simply want to stand and join with Mr. PRICE of North Carolina in honoring the American Kennel Club for its service on behalf of the study, the responsible breeding and ownership of dogs.

I do want to add that in addition to Mr. PRICE, who is the lead sponsor, this resolution has enjoyed the support of over 50 Members of Congress. As others have noted here, there's been a long and illustrious history of the AKC in the United States, and they sanction and regulate the events of its 609 member clubs as well as monitor over 400 licensed and sanctioned clubs located throughout the United States that hold events pursuant to AKC rules and regulations. And as has been noted, the American Kennel Club sanctioned or regulated nearly 23,000 individual events across the country last year.

Moreover, in promoting canine health and well-being, the American

Kennel Club has implemented a variety of kennel inspector training initiatives, with AKC-employed kennel inspectors conducting over 5,200 inspections each year. This is all great work that needs to be done and is proudly done by the AKC, an organization that funds research projects focused on the genetics of canine disease and to which the AKC has donated over $22 million since 1995.

So, in closing, I would simply ask Members on both sides of the aisle to support Mr. PRICE and his resolution.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise in strong support of H. Con. Res. 160, honoring the American Kennel Club on its 125th anniversary.

As someone who is proud to have three loveable four-legged members of my own family, Chavo, Baloo, and Pippin, I was eager to be an original cosponsor of this resolution. The American Kennel Club provides invaluable services to dog owners and breeders across the country. For the past one hundred and twenty-five years, this organization has been counted upon to promote best practices for training, regulation, inspection, and registration.

Most Americans know the club for its annual dog shows, but it does much more. The American Kennel Club awards nearly $170,000 in scholarship money per year to veterinary students and has donated nearly $22 million to the Canine Health Foundation. Younger owners also learn proper skills for treatment and care of their dogs through the National Junior Organization.

Every dog owner knows the bond that can develop between a family and its four-legged member. The American Kennel Club has worked to cultivate and encourage this relationship. The individuals of the AKC have selflessly worked to achieve high standards in each club function and for this they are to be commended.

I want to thank the bill sponsor, Representative PRICE and my fellow co-sponsors for their strong support of the American Kennel Club.

Mr. LYNCH. Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160, as amended.

The question was taken.

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

Mr. LYNCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 779, by the yeas and nays;

H. Res. 942, by the yeas and nays;

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

RECOGNIZING IMPORTANCE OF YOUTH RUNAWAY PREVENTION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 779, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 779, as amended.

The vote was taken by electronic device, and there were—yeas 341, nays 0, not voting 93, as follows:

[Roll No. 969]

YEAS—341

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Cleaver
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Green, Al
Green, Gene
Griffith
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Slaughter
Smith (NE)
Smith (TX)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Westmoreland
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NOT VOTING—93

Abercrombie
Alexander
Austria
Barrett (SC)
Barton (TX)
Berman
Bishop (UT)
Blunt
Bonner
Bono Mack
Boucher
Boustany
Braley (IA)
Carney
Childers
Chu
Clay
Clyburn
Coble
Costa
Crowley
Davis (AL)
Davis (IL)
Deal (GA)
DeLauro
Edwards (TX)
Eshoo
Frank (MA)
Gerlach
Gohmert
Goodlatte
Graves
Grayson
Grijalva
Guthrie
Gutierrez
Higgins
Hinchey
Hinojosa
Hodes
Hoekstra
Johnson (IL)
Jordan (OH)
Kirkpatrick (AZ)
Klein (FL)
Langevin
Larson (CT)
Lewis (GA)
Loebsack
Mack
Maffei
Maloney
Marchant
McCarthy (NY)
Meeks (NY)
Mica
Michaud
Miller, George
Moran (KS)
Moran (VA)

Murphy, Patrick
Murtha
Myrick
Neal (MA)
Neugebauer
Pascrell
Paul
Paulsen
Radanovich
Richardson
Rohrabacher
Rush
Sanchez, Loretta
Sestak
Shuler
Simpson
Skelton
Smith (NJ)
Smith (WA)
Souder
Stark
Taylor
Thompson (CA)
Tiberi
Wamp
Wasserman Schultz
Weiner
Welch
Wexler
Wilson (SC)
Wolf
Young (AK)
Young (FL)

□ 1858

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A resolution recognizing the importance of youth runaway prevention and at-risk youth programs.''.

A motion to reconsider was laid on the table.

COMMENDING THE REAL SALT LAKE SOCCER CLUB

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 942, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 942.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 0, not voting 87, as follows:

[Roll No. 970]

YEAS—347

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Cleaver
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Green, Al
Green, Gene
Griffith
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Slaughter
Smith (NE)
Smith (TX)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Westmoreland
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NOT VOTING—87

Abercrombie
Alexander
Austria
Barrett (SC)
Barton (TX)
Berman
Bishop (UT)
Blunt
Bonner
Bono Mack
Boucher
Boustany
Braley (IA)
Carney
Childers
Chu
Clay
Clyburn
Coble
Crowley
Davis (AL)
Davis (IL)
Deal (GA)
Edwards (TX)
Eshoo
Frank (MA)
Gerlach
Gohmert
Goodlatte
Graves
Grayson
Grijalva
Guthrie
Gutierrez
Higgins
Hinchey
Hinojosa
Hodes
Hoekstra
Johnson (IL)
Jordan (OH)
Kirkpatrick (AZ)
Klein (FL)
Langevin
Loebsack
Mack
Maffei
Maloney
Marchant
McCarthy (NY)
Meeks (NY)
Mica
Michaud
Moran (KS)
Moran (VA)
Murphy, Patrick
Murtha
Myrick
Neal (MA)
Neugebauer
Pascrell
Paul
Paulsen
Radanovich
Rohrabacher
Rush
Sanchez, Loretta
Sestak
Shuler
Simpson
Skelton
Smith (NJ)
Smith (WA)
Souder
Stark
Taylor
Thompson (CA)
Tiberi
Wamp
Wasserman Schultz
Weiner
Welch
Wexler
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1906

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Speaker, I regret missing floor votes on Monday, December 14, 2009 due to travel. If I was present, I would have voted: ''Yea'' on rollcall 969, agreeing to H. Res. 779—Recognizing and supporting the goals and ideals of National Runaway Prevention Month; ''yea'' on rollcall 970, agreeing H. Res. 942—Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup.

PERSONAL EXPLANATION

Mr. MICA: Madam Speaker, delays to US Airways flight 859 caused me to be unavoidably detained, and I was unable to vote on rollcalls 969 and 970. Had I been present, I would have voted ''yea'' on each of these measures.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Ms. HIRONO. Madam Speaker, I ask unanimous consent to remove my name from H. Res. 648.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute requests.

KC–X COMPETITION

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

Mr. DICKS. Madam Speaker, America's workers and America's industries have never shied away from competition. Our readiness to compete is a part of who we are. It is a driver that has been fundamental to our Nation's success.

However, competition must be fair if it is to serve us well. This evening, I

rise to draw attention to a fundamentally unfair competition that our Department of Defense seems intent on pursuing: the competition for the Air Force's KC–X tanker program.

One of the proposals for this solicitation will be based on an Airbus A330 aircraft. This aircraft received $5.7 billion in government subsidies that the World Trade Organization has ruled to be in violation of the rules that the WTO nations have agreed to. In total, Airbus platforms have received over $15 billion that the WTO has found to be illegal, agreeing with the complaint filed by the U.S. Government in 2004. These subsidies have contributed to a 40 percent decline in U.S. market share for commercial aircraft and the loss of thousands of jobs. Lockheed and McDonnell Douglas are no longer in the business.

In spite of this record, the Department of Defense stubbornly refuses to include any provision in the tanker solicitation that accounts for these subsidies. This simply isn't right.

THE AIR REFUELING TANKER

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

Mr. TIAHRT. Madam Speaker, over the past several months, Airbus and their congressional allies have been pushing the Pentagon to change the requirements for the air refueling tanker so that the French company will win the contract. Just last month, the Airbus team sent the Department of Defense a clear ultimatum: If you don't change your requirements, we won't bid. The Air Force needs an air refueling tanker that meets the needs of the warfighter, not the needs of the French.

Airbus is gambling that the threat of not having a competition will force the Air Force to change their requirements, the very same requirements that were determined by the Air Force to meet the needs of the warfighter. To change them to meet the needs of the competition does not serve the interests of our fighting men and women or the Nation.

If Airbus chooses not to offer the tanker in a bid that the Air Force needs, then that's their choice, and then the decision will be an easy one for the Pentagon. After 7 years of trying to recapitalize the KC–135 tanker fleet, we know what it takes to ensure that the warfighter gets the tanker they need and the taxpayer gets the protections we need, even in a sole-source award.

Our military and American workers shouldn't have to wait any longer for the tanker they both deserve: an American tanker built by American workers at an American company.

WTO AIRBUS TANKER RULING

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

Ms. DELAURO. Madam Speaker, after 23 straight months of job losses, we must do more to preserve and to create American jobs, and we must ensure a fair and a level playing field for U.S. manufacturers.

The World Trade Organization recently found that Airbus has been receiving illegal subsidies that violate global rules and stifle real competition in the aerospace industry. We should not reward these illegal trade practices. As such, the Pentagon should take into account this ruling when considering bids for the next generation air refueling tanker contract.

Awarding this contract to Airbus means the loss of at least 14,000 American jobs to Europe. In today's economy, we cannot afford any more job loss. We cannot continue to allow our foreign competitors an unfair economic advantage nor can we let our domestic defense manufacturing base erode as we have.

I strongly urge the Department of Defense to consider these billions of dollars in illegal European subsidies. When bidding the tanker contract, it is time to put our workers, American workers, and our security first.

SHAKE-A-LEG MIAMI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I would like to recognize the noble work of a wonderful south Florida organization, Shake-A-Leg Miami. Founded in 1982 by Harry Horgan, Shake-A-Leg Miami helps children and adults who have physical, developmental, and economic challenges. How does it do that? Through the joy of sailing.

Harry, who was paralyzed in a tragic automobile accident at the age of 22, did not let his disability keep him from his lifelong love of sailing. With optimism and determination, Harry created Shake-A-Leg Miami. Its programs have made a difference in the lives of over 10,000 individuals. For the past 25 years, Shake-A-Leg has been instrumental in empowering individuals so that they can reach their highest potential for an independent life.

My youngest daughter volunteered at Shake-A-Leg, and the experience for both participants and volunteers is life-changing. Shake-A-Leg is a remarkable organization whose contributions have made the lives of countless children more fulfilling. I am honored to have such a fine organization in my congressional district.

UNFAIR AIRBUS COMPETITION

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

Mr. INSLEE. Madam Speaker, we cannot allow a great injustice to the American worker, to the American warfighter and to the American taxpayer, which would happen if a contract for the Air Force tanker goes to the Airbus contractor without taking into consideration these massive illegal subsidies that the Airbus competitor has received.

We have decided and we have determined, the U.S. Government, that Airbus has received multibillion dollars of illegal subsidies, which have allowed them to develop a tanker with which they now have to bid against an American contractor, the Boeing Company.

We are calling upon the administration to do the right thing, which is in the contracting process, and figure into the respective bids the amount of the illegal subsidies that the Airbus company has received. And they can do that by having the countervailing duty section of the U.S. Department of Trade Representative determine the amount of that illegal subsidy. When that illegal subsidy is added to the Airbus bid, the right thing will happen, and we will have American jobs.

□ 1915

WHITE HOUSE TRESPASSERS

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

Mr. POE of Texas. Madam Speaker, in a purported letter to the editor, Alicia Church states, ''I don't understand why the White House is so upset about two party crashers . . . Is it appropriate and politically correct to call them party crashers just because they trespassed?

''Does that make them criminals? Isn't that discrimination? Shouldn't they be rewarded for such bold and brave behavior? Maybe they were just trying to feed their family? Isn't it more appropriate to call them undocumented guests? Just because they weren't officially invited guests doesn't mean they should be treated like criminals.

''Maybe they should get free health care, free housing, free legal services, and free White House green cards so next time they can enter legally. And they should be able to bring all of their relatives and family members, too.

''How can anyone be mad at them just because they crossed over some arbitrary man-made border? They were only doing things that regularly invited guests didn't want to do, like hang out with Vice President BIDEN. How can the White House punish these poor, oppressed, undocumented visitors?''

Madam Speaker, how ironic; the government panics about two White House trespassers while the thousands who illegally trespass across our borders are completely ignored.

And that's just the way it is.

COMMEMORATING THE LIFE OF EDWARD JOSEPH KELLY III

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise with a very sad duty today. As the chairwoman of the Transportation Security and Infrastructure Protection Committee on Homeland Security, I rise to pay tribute to the late Edward Joseph Kelly III, who passed away this month.

He was born October 1, 1942, in New York. He joined the Navy and served his country and graduated from the University of Scranton in 1967, and he retired as vice president and controller of Emery Worldwide in 2000.

He truly is an American hero, for after 9/11 he could not sit still. In response to that horrific tragedy, Mr. Kelly left retirement to join the Department of Homeland Security, signing on as the first general manager of the air cargo security for the Federal Transportation Security Administration, whose mission is securing the Nation's transportation network.

Air cargo industry officials have indicated and gone on record to say he transformed the industry. If future airline passengers feel safe about what is carried in the belly of a cargo plane, then they should credit Mr. Kelly. Officials who worked with him said that he was an impeccable professional. He loved this country. Yes, a Navy man. And the president of the Cargo Security Alliance said that he was front and center on this work.

Madam Speaker, his contributions were immeasurable. He is a great American hero. I pay tribute to this distinguished American, Edward Joseph Kelly III. Thank you, and may you rest in peace.

Madam Speaker, I wish to take this time to commemorate the life of a great American, and an outstanding public servant—Edward Joseph Kelly III, who died Saturday at Inova Alexandria Hospital of Legionnaires' pneumonia.

He was born Oct. 1, 1942, in New York, the third child and oldest son of the late Edward and Jessie Cobane Kelly. Mr. Kelly completed service in the Navy before graduating from the University of Scranton in 1967, and retired as vice president and controller of Emery Worldwide in 2000.

In response to 9/11, Mr. Kelly left retirement to join the Department of Homeland Security, signing on as the first general manager of air cargo security for the Federal Transportation Security Administration, whose mission is securing the Nation's transportation network.

Air cargo industry officials have gone on record saying he had transformed their industry. If future airline passengers feel secure that the commercial cargo in the belly of their flight will not blow up or poison them, they should credit Mr. Kelly, officials said. Walt Beadling, president of the Cargo Security Alliance, a trade group, told reporters "He's been front and center in this work of implementing the plan to secure air cargo." Acting TSA administrator Gale D. Rossides wrote in an e-mail to employees, "Ed's contributions to TSA are immeasurable."

He was responsible for implementing a Federal law that requires screening of all cargo transported by flights originating in the United States by next August. The voluntary system established by Mr. Kelly and his team shifted screening responsibility to shippers before cargo reach airports. TSA certifies shippers and their facilities.

His friendships span the globe. He and his wife, Ann, enjoyed a network of family and friends on many continents and most loved returning home to Lake Ariel and Ireland. He loved the sea and spent his early retirement years traveling by boat from San Francisco, to Newport, R.I. On this trip, he and Ann bravely cruised the Pacific coasts of California, Mexico and Central America, passed through the Panama Canal into the Atlantic and crossed the Caribbean Sea.

He is survived by his wife and three sons, Edward IV and wife, Sasithorn, Bangkok, Thailand; Packy and wife, Robyn, Redwood Shores, Calif.; and Daniel and wife, Crissy, Fairfield, Conn.; three sisters, Maureen Kelly Dufour, Kathleen Kelly Hoban and Rosemary Kelly Morgan; three grandchildren, Devin, Mairead and Catherine; several nieces and nephews.

That is why I stand here today—to offer my condolences to Mr. Kelly's family, and gratitude for his public service.

DEBT CEILING

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, it is a darn good thing that the credit reporting agencies don't factor in each American's share of the national debt when they calculate an individual's credit scores. If the agencies did, there would be quite a few otherwise-eligible borrowers who couldn't get a mortgage or a car loan.

Think about that. I wonder why they don't include the national debt? Perhaps it's because no one seems to think it's real. Madam Speaker, it is real.

Last year, America spent $250 billion in interest payments alone, $250 billion. That's $250 billion a year we cannot invest in America's future. Yet, in spite of this situation, Congress is preparing to increase the debt again by another $1.8 trillion. Attaching it to a must-pass Defense bill holds our troops hostage. And it might be convenient politics, but our country deserves much better.

Congress should use the TARP returns to pay down the debt and redirect the failed stimulus money to tax reforms that actually work. Wouldn't that be unique?

GLOBAL WARMING

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

Mr. QUIGLEY. Madam Speaker, coal miners used to keep a canary with them to let them know when the air was getting dangerous. Today, we have much more sophisticated measurements, but the concept is still the same: The canary is dying.

Over 200 peer-reviewed studies have concluded that global warming is real and potentially catastrophic. No scientific peer-reviewed studies have found the opposite. None. But some of my colleagues have seized on a few illegally hacked e-mails to convince themselves that the little bird is fine. Well, that must be comforting, except it ignores the nasty case of asthma from increased emissions and the tiny bits of soot that thicken the canary's blood and boost harmful inflammation.

Watching my colleagues hold the canary like Monty Python's dead parrot would be funny if it were just an imaginary bird, but it's not a canary we're killing with increased emissions. It's our children.

And that's the way it will always be.

BREAST CANCER AWARENESS

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, breast cancer mammograms have been in the news with concern for Federal Government guidelines on who should have a mammogram and at what age.

More relevant is the fact that breast cancer is the most common cancer among American women next to skin cancers. The American Cancer Society estimates that 40,170 women will die from breast cancer in 2009.

As daunting as that figure is, there is another figure that tells the story. At this time, there are more than 2.5 million breast cancer survivors in the United States.

Death rates from breast cancer have been declining since about 1990. The decreases are believed to be the result of earlier detection through screening and increased awareness, as well as improved treatment.

Guidelines are simply that. Every woman should talk to her physician about her past history and current health to determine the frequency of mammogram exams.

This disease touches us all. I doubt there is anyone here who doesn't have a relative who has suffered from breast cancer. In this season of giving, encourage your loved ones to talk to their physicians and have screening tests as often as they suggest. It will save lives.

WHITE HOUSE CONSIDERS BUSINESSES THE ENEMY

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

Mr. SMITH of Texas. Madam Speaker, the White House considers business owners the opposition, but don't take my word for it. In his autobiography,

Mr. Obama wrote that when he worked in the business world, he felt like a ''spy behind enemy lines.''

So it's no surprise that as President, he has appointed fewer people with business backgrounds to Cabinet positions than any other President in over a century, according to an analysis by J.P. Morgan. Maybe that explains why the President favors government control of the health care, energy, automobile, banking, insurance, and student loan industries.

Perhaps the administration has forgotten that without employers, there would be no employees, and that small businesses generate 65 percent of the new jobs in America. It is the private sector, not the government, that makes America productive and prosperous. Business owners are our friends, not the enemy.

RUNAWAY SPENDING

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

Mr. INGLIS. Madam Speaker, this week follows a surreal week last week. Last week, we did an omnibus bill that spends $446.8 billion. That's on top of the $634.2 billion from other discretionary spending. Those are increases of 7.6 percent over 2009 levels and 16.8 percent over 2008 levels. This is on top of the mandatory spending programs like Social Security, Medicare, and Medicaid.

That is why this week the surrealness will continue as the majority will find it necessary to increase the debt limit from $12 trillion, which is 20 percent of GDP. They will raise it by another $2 trillion.

Madam Speaker, we must stop the runaway train. We must stop the runaway spending.

RECOGNIZING THE SACRIFICE OF OUR NAVY SEALS AND THE INJUSTICE CURRENTLY OCCURRING

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

Mr. BOOZMAN. Madam Speaker, I rise today to recognize the valor, sacrifice, and contribution of the United States Navy SEALs and to bring attention to a great injustice.

Our SEALs routinely defend our Nation in some of the most dangerous places in the world, sacrificing their lives for their mission and our country; yet recently, three of our SEALs have been forced to defend their honor.

The alleged mastermind of the brutal murder of four American security contractors claims that these SEALs punched him in the stomach while he was being detained under supervision. Despite reports that he was armed at the time, he was captured without the SEALs firing a shot. Because of the accusation, these SEALs opted to have a court martial rather than a nonjudicial punishment that would have essentially been an admission of guilt.

Rather than a trial, we should be giving these guys a medal. I am pleased that these men will have the opportunity to defend their honor and confident that justice will be served. At this time, we must not waste the time and resources of our Armed Forces on political correctness and facts based on hearsay of terrorists and other people who wish our country harm.

GIVING A VOICE TO TEA PARTY ACTIVIST

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

Mr. MCCAUL. Madam Speaker, tonight I want to give a voice to one of my constituents by the name of Jennifer Heiden. She is a TEA party activist. She wrote me a letter. She said, ''My name is Jennifer Heiden. I am a wife, a daughter, a mother, a sister, business professional, and grassroots leader.

''We are dismayed at this Congress and its proposed health care legislation. You stress accountability and transparency, but fail to disclose to the American people that its 20-year costs are in the $4.9 trillion price range once you cut through the budget gimmicks. You avoid town halls and citizen gatherings since you found that we had questions you could not or would not answer. And you draft bills in secret and give no one sufficient time to read them or understand them.

''The majority of Americans do not want this bill, and you know it. Do what this country elected you to do. Scrap this legislation and give us health care reform that will help—not hurt—this country and its citizens.''

WE MUST STOP UNNECESSARY SPENDING

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

Mrs. SCHMIDT. Madam Speaker, I rise once again to remind this body that we must stop the unbridled spending that continues to raise our deficit.

We have been reminded by Moody's that we are in jeopardy of losing our AAA rating by 2013 if we do not get our spending under control. Today, Barron's echoed the same warning.

Our debt ceiling currently is $12 trillion. It is my understanding we are going to be asked to raise it an additional $2 trillion this week. Enough is enough. We must stop this unnecessary spending and stop it now before it is too late. We cannot spend our way into prosperity. I fear the results.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PAYING TRIBUTE TO COACH BOBBY BOWDEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 5 minutes.

Mr. ALTMIRE. Madam Speaker, I rise tonight to pay tribute to Bobby Bowden, who will coach his last game on January 1. Coach Bowden will retire following the Gator Bowl, ending an amazing career as one of college football's most successful coaches.

Many of us may not realize that Bobby Bowden was an outstanding football player in his own right. He graduated from Woodlawn High School in Birmingham, and he achieved his dream of playing quarterback for the University of Alabama before transferring to Howard College, now Samford University.

After college, Bowden worked his way up to becoming head coach for 4 years at Samford, and he later was head coach for 6 years at West Virginia, but it's his 34 years as head coach at Florida State for which he will most be remembered.

In 1976, he took the reins of his Seminoles team that had gone winless the previous season. From that unlikely beginning, he built one of the powerhouses of modern college football. During his 34 years at the helm of Florida State, he led his teams to 31 bowl games, including the past 28 years in a row, during which he once went 14 consecutive bowl games without a loss. He was named coach of the year six times, and is already a member of college football's hall of fame. From 1987 to 2000, Bowden's Florida State teams compiled a streak of 14 consecutive years in the season-ending top 5. During that time, he coached two Heisman Trophy winners, and his Seminoles played in five national championship games, winning two.

It was in the beginning of that streak in the late 1980s that I first encountered Coach Bowden. As he did with so many, he left upon me an indelible impression. As a walk-on on the Seminole football team, I had the good fortune to see firsthand Coach Bowden's rare skill on the practice field, but it was his kindness and generosity away from football that I will most remember.

While serious about winning, with the results to prove it, what most stands out about Bobby Bowden is his love of people. Known for his down-to-Earth colloquialisms and disarming Southern drawl, he can charm even the most intense personality. He is never at a loss for words, and sportswriters across the country will surely miss his quick wit and accessibility.

On the Seminole practice squad, I occupied, perhaps, the lowest possible position on the team, yet Coach Bowden treated me and every player with respect. When you crossed paths with

him, he never failed to ask about your schoolwork, your family, your hometown or about some other personal facts about you that he somehow remembered. I used to think that this was just coincidence or somehow related just to me, but what you quickly learn in spending time around Bobby Bowden is that he is like that with everyone, not just on the team or on campus but anywhere he goes in the country, whether it be to an alumni meeting, to a business luncheon, or to a church service. He has that rare ability to make a personal connection with everyone he meets. It is why the National Citizenship Award, presented annually by the Fellowship of Christian Athletes, now bears his name.

So, for all of his success as a football coach, the true legacy of Bobby Bowden is the impact he has on people and on the lives he has touched. Just as much as his coaching record, the relationships that he built and the friends he made during his 80-plus years and counting will long be remembered. My best wishes and congratulations go out to Bobby and Ann Bowden as they now embark on this next chapter of their lives together.

CLIMATE CHANGE IN IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the whole world has been watching what has taken place in Copenhagen, Denmark last week and this week. All the talk is about climate change and how man is affecting the climate, but what we need in this world is a climate change in Iran. That's right. We need to change the atmosphere in Iran with what has taken place with the little man from the desert, Ahmadinejad.

Last week and even this week, thousands of students—and here is a photograph of some of them—have taken to the streets to protest the regime of Ahmadinejad and how oppressive it is. They are complaining in this peaceful protest against the tyranny against the people of Iran. Not only Ahmadinejad, but they are protesting the radical mullahs and the Iranian military.

You see, these young people want what everybody throughout the world wants—freedom. Somewhere down in the way that we are made there is this spark; there is this flame of freedom. The people in Iran don't have that, so the young people have taken to the streets—the sons of Iran, the daughters of democracy—and they are protesting the oppressive government. They are protesting the fraudulent elections that got Ahmadinejad elected last summer. They are protesting the fact that they have no freedom in their own country. They have suffered the consequences for these protests. They have been beaten. They have been teargassed. They have been hauled off to jail.

The press has been oppressed as well. In fact, what has occurred is that the Internet has been closed, and cell phones have been blocked—all in the name of preventing young people and others from protesting this oppressive regime.

We all remember this past summer how numerous students were murdered in the streets just because they complained to their government about what was taking place. Already 80 of those protesters, political prisoners, have been tried by the star chamber—in secret, away from anybody in a public trial—and 80 of them have received sentences in an Iranian prison of 15 years or more, and 5 of them have received a sentence of the death penalty.

Why? What is their crime?

Their crime is objecting to the oppression of their own government, and for that, they are punished. Of course, others have been shot in the streets just because they have taken to the streets to protest their government.

You know, the students aren't the only ones who have been arrested. Journalists have been arrested. Clerics, who call themselves ''reform clerics,'' and other people—all for the same reason—objecting to their government. They object to what has taken place.

By blocking the cell phones and Internet access, the government had hoped to keep the word from getting out to the rest of the world about this pollution, about this horrible climate in Iran, but the word has gotten out—photographs such as this one here. Here is another one of a young Iranian student having been beaten for taking to the streets to protest his government last week. This one also escaped the controlled press of the Iranian Government.

You know, Iran violates its own constitution by not allowing its people to protest and to lawfully assemble. They are standing for basic human rights. That's right—the right to peaceably assemble and to object to your government and what it's doing to you. It's the right of free speech—a basic human right. It's the right of a free press, which is a right we take for granted in this country.

So we need a regime change in Iran. The way to do that is to help these young people and the people who want to change their regime. We must support them. This country should support them in any way that we can.

Yes, President Ahmadinejad is the pollution of the world, and we need a change of climate in Iran. The students are sending a message to Iran's rogue government that you can beat us, you can arrest us, you can imprison us, but you will not stop us, and you will not intimidate us because we are not going away.

Good for them. We should be proud of those students. We should support them. We should have a climate change in Iran.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE LOSS OF AMERICA'S HEROES AND OF AMERICA'S ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

HONORING THE LIFE AND SERVICE OF UNITED STATES MARINE CORPORAL XHACOB LATORRE

Mr. MURPHY of Connecticut. Madam Speaker, before I address the issue which has brought me to the floor tonight, I want to recognize the ultimate sacrifice made by a young man from my district in the service of the United States Marine Corps.

I am sad to report that my office received news last week that Marine Corporal Xhacob LaTorre, from Waterbury, Connecticut died due to wounds received in combat in the Helmand province of Afghanistan. Corporal LaTorre's fatal injuries were the result of a roadside bomb.

I speak for myself and for my constituents in expressing my appreciation for this young man's service in the defense of his country. Corporal LaTorre, who would have turned 22 last weekend, is one of America's heroes. I send my prayers and my condolences to his family; to his wife, Frances; to his son; and to his brother, Corporal Daniel LaTorre, on this tragic loss. We will never forget the sacrifice he has made for us.

MOMENT OF SILENCE

Mr. MURPHY of Connecticut. I ask those in this Chamber this evening to join me in a brief moment of silence. Thank you.

THE AMERICAN ECONOMY IS BEING SENT OVERSEAS

Mr. MURPHY of Connecticut. Madam Speaker, I have come to the floor tonight to speak about an issue important to my home State. As you can see by the 1-minute speeches given here earlier tonight to this entire Nation, Connecticut pioneered America's shipbuilding and aerospace industries. Shops which were once bustling with workers are now silent. When those shops went away, thousands of good-paying jobs for hardworking people in my State went away with them. We just learned recently that Connecticut will lose another 1,000 jobs when a major defense supplier shutters two of its facilities and moves its operations to Singapore and Japan.

At this moment, 158,000 people in my State and almost 16 million across this country are out of work—many of those as a result of the transfer of military manufacturing jobs overseas. At the same time, the Department of Defense and other Federal agencies have created thousands of waivers of our domestic sourcing legislation, like the

Buy American Act, which has resulted in billions of taxpayer dollars being sent to overseas companies.

Now, in working with a group of Members who is dedicated to shoring up the rules that require the government to purchase domestically, I've been drafting legislation which will seek to address the growing number of loopholes that allow companies to take taxpayer dollars overseas. My legislation would begin to reorient and to build up our domestic manufacturing and construction base, which has been hit so hard in recent times, by using taxpayer dollars to do it. Taxpayer dollars are already going to buy, too often, overseas products.

We don't seek to interfere with the decisions of private businesses. We do, however, seek to make it clear that the U.S. Government values American-made products and that taxpayer money shouldn't be shipped off to a foreign country to contribute to the bottom line of that foreign company when American businesses can produce the same high-quality goods right here at home.

I believe strongly in international trade, and I accept the necessity of an interdependent global economy. However, what we are discussing here is not just economics, and it is not simply a race to find the lowest price. It is about national security. It is especially about national security with regard to the Department of Defense. A stable supply of domestically manufactured defense products is imperative to this Nation's long-term safety and common defense. We have a real opportunity here to both reinvigorate our domestic capacity for manufacturing while enhancing our national security.

With that in mind, I, along with a group of Members, am crafting legislation which will seek to assist firms that are victims of the loopholes in our current Buy American and Buy America regime. This legislation will target assistance to suppliers that manufacture or that could manufacture products that Federal agencies have deemed nonavailable from domestic sources, which is a misleading designation. Under current law, an agency can determine that an item is nonavailable in sufficient quantity or quality in the United States and then can just waive the Buy American restrictions. Therefore, the assistance in my legislation will target firms that make these nonavailable items right here in the United States but that might not have the capacity right now to meet the agency's needs.

These firms will use this assistance to increase their capacity so that they can be the suppliers to the American Government rather than ceding that ground to foreign firms. It will also assist suppliers that manufacture an item which is currently being bought through the Buy American provisions. If that firm is in danger of going out of business, then let's step up and help it stay in business because the only place that we are left to go after that firm folds is to a foreign supplier.

Madam Speaker, my colleagues came to this House floor earlier tonight to talk about the major Federal tanker contract which is going to a foreign supplier—Airbus. It is just one example. It is a major example of a growing trend in defense work going overseas. We have had enough. It is time for us as a Congress to deem this unacceptable, to strengthen the Buy American provisions, and to bring our taxpayer dollars back home.

□ 1945

THE LEANES FAMILY—MILITARY FAMILY OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I have the distinct privilege of representing many of this Nation's wonderful military families. The Third District of North Carolina is home to Marine Corps Base Camp Lejeune, Seymour Johnson Air Force Base and Marine Corps Air Station Cherry Point.

Every year, the National Military Family Association honors the top families from each of the seven uniformed services: Army, Navy, Air Force, Coast Guard, Marine Corps, Public Health Service and the National Oceanic and Atmospheric Administration. One family is chosen from these seven as the National Military Family of the Year.

This year I am very pleased to say that the Leanes family from Camp Lejeune, North Carolina, is not only this year's Marine Corps Family of the Year but also the National Military Family of the Year.

Sergeant Dennis Leanes and his wife, Kristy, are dedicated and committed to serving this country as well as their community. The Leanes' six children, Jordan, Syvannah, Bethany, Marissa, Emily and Karianne are following their parents' example in giving back to their community as well.

In 2006, after 8 years of working in a civilian job, Dennis' love for his country led him to re-enlist in the Marine Corps, take a pay cut and uproot his family. The Leanes embraced life in the Camp Lejeune community and incorporated volunteering in their daily lives.

Dennis and Kristy run Scout meetings, coach sports teams, lead family readiness meetings and help their neighbors in any way they can. Kristy also dedicates a major portion of her time to home schooling all six of the Leanes children.

Jordan fixes bicycles and donates them to charity, Syvannah organized a wonderful ''Wounded Warrior Thank You'' project at church. Bethany volunteers her babysitting services for moms whose husbands are deployed. The three younger children, Marissa, Emily and Karianne, help out by baking cookies and bread for various projects and are quick to share with their neighbors.

Dennis and Kristy have taught their children by example what it means to be brave and strong. They have taught their children the importance of volunteering and what it means to serve your neighbor and community. Our military families need to know that the Members of Congress and the people of this Nation appreciate them and all they do for our country.

May God continue to bless our troops, their families, and this great Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FINANCIAL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Ms. MOORE) is recognized for 5 minutes.

Ms. MOORE of Wisconsin. Madam Speaker, I could not resist coming to you and speaking to you about my experience when we passed the financial reform bill last Friday.

You know, Wall Street has provided an unparalleled life-style for Americans. The speculation and the brilliance and genius of futures and credit default swaps and derivatives have provided us with a life-style where every bride can have a diamond ring and every handsome groom can have a gold band. We can have two cars, one a gas-guzzling SUV, lobster dinners, McMansions, Madam Speaker, with six bedrooms, five fireplaces, 4½ baths but, of course, not enough closet space for all the shoes and designer clothes that we have.

Last fall, all of this balloon spending came to a crash. And it was amazing to me, Madam Speaker, that when we tried to rein in Wall Street and some of the speculation, that there was tremendous resistance from both parties with developing a Consumer Financial Protection Agency, putting together an assessment from all of these ''too big to fail'' companies to pay for an orderly dissolution of the mess that they created. I can tell you, Madam Speaker, it was amazing to me.

This bill that we passed, for those who have asked the question, what is government for, this bill demonstrates better than anything that I have seen what the purpose of government is, and that is to regulate unfettered greed and avarice that can bring our country and, indeed, the world to financial brink.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONDEMNING THE ARREST OF JORGE LUIS GARCIA PEREZ ''ANTUNEZ'' AND YRIS PEREZ AGUILERA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, Senator BOB MENENDEZ gave an important speech last Thursday, December 10, opposing concessions to the dictatorship of Cuba.

In his speech Senator MENENDEZ read out loud an open letter which had been sent by one of Cuba's true heroes—a giant of the resistance to the Cuban tyranny—Jorge Luis Garcia Perez ''Antunez,'' here photographed with his wife, Yris Perez Aguilera, a letter to the titular Cuban dictator, Raul Castro, on Tuesday, December 8.

''Mr. Raul Castro,'' Antunez wrote, ''for months now my wife Yris Tamara Perez Aguilera and I have been kept in extrajudicial house arrest by your political police. Mr. Dictator, let me ask you some questions that may help clarify some doubts for those fellow countrymen of mine who may at some point have had hope your government would reduce the repression or even carry out democratic openings.

''What do you feel when you incite or allow people who call themselves men to beat and drag through the streets women like Damaris Moya Portieles, Maria Diaz Rondon, Ana Alfonso Arteaga, Sara Marta Fonseca, Yris Perez and now more recently the blogger Yoani Sanchez?

''How can you sleep after your subordinates cruelly beat, more than once, Idania Yanez Contreras while she was pregnant?

''How can you and your government talk about the battle of ideas, when ideas constantly face repression with beatings and arrests and years of imprisonment?

''Maybe your followers will not dare respond, but I who am in the long list of those who do not fear you, will answer:

''You act like that because you are a cruel man, insensitive to the pain and suffering of others; because, loyal to your anti-democratic and dictatorial vocation, you are convinced that dictatorships such as yours can only sustain themselves by fear and torture, and that even the most minimal of openings can end the only thing that interests you: staying in power.

''And finally, speaking of my case in particular, I will respond to you without the need to first ask of you the motives for such focused repression against my person.''

Antunez, by the way, Madam Speaker, now 45 years old, was a political prisoner for 17 years until 2007.

He continued to write, ''Your government and its lackey-repressive forces cannot forgive my two great and only crimes. First, that for almost two decades of torture and cruelties during my unjust and severe imprisonment, you were not able to break my dignity and my position as a political prisoner. Second, because despite all the violence and harassment—and above all the risk of returning to prison—I have decided to not abandon my country, where I will continue fighting for a change I believe to be as necessary as it is inevitable.''

Signed, in the City of Placetas, by Jorge Luis Garcia Perez ''Antunez'', Tuesday, December 8.

On Friday, December 11, Antunez and his wife, Yris Perez Aguilera, she is a heroine, were violently arrested. The doctrine of Fidel Castro's hero Adolf Hitler was again devoutly followed: ''The very first essential for success is a perpetually constant and regular employment of violence.''

''This is kidnapping,'' yelled Yris. ''Long live human rights,'' shouted Antunez as they were being beaten and taken away by the Castros' political police on Friday.

I condemn the brutal arrest of these two heroes by the Castros' cowardly thugs. The days of the Castros' racist totalitarian tyranny in Cuba are coming to an end. Those who have collaborated with the violence and brutality of the racist regime will face justice and eternal shame. Antunez, Yris Perez Aguilera, her brother, Mario Perez Aguilera, Oscar Elias Biscet, Darsi Ferrer and many other heroic political prisoners of Cuba will be elected the leaders of free Cuba. That change is as necessary as it is inevitable. Because of heroes like Antunez and Yris Perez Aguilera, the day of freedom in Cuba is approaching.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MIAMI-DADE COUNTY MEMORY WALK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise to recognize the success of the Miami-Dade Memory Walk sponsored by the Alzheimer's Association.

This event called on volunteers of all ages to be champions in the fight against the terrible disease of Alzheimer's, which impacts more than 5 million Americans and their families. Over 2,200 people participated in the Alzheimer's Association Memory Walk in my home county of Miami-Dade, and their efforts raised over $130,000 for research into a cure.

I was encouraged by the wonderful outpouring of support and participation from our community in South Florida. I know from countless personal stories, as well as from my own family, just how devastating this disease of Alzheimer's is.

My mom, Amanda Ros, was diagnosed with Alzheimer's over a year ago. While I am blessed to have tremendous family support during this difficult time for her, I recognize how important it is to have organizations, such as the Alzheimer's Association, that can step in and provide families with guidance on how to care for their loved one.

Tony Friguls is another individual who knows this terrible disease all too well. He participated in the Memory Walk in support of his wife of 37 years, Maria, who was diagnosed with Alzheimer's 4 years ago at the age of 55. Since that day, her life, Tony's life and the lives of their children, grandchildren and, indeed, their entire family, has never been the same. It has changed forever.

For Tony and his wife, there was no more hope to reach retirement, to travel, to enjoy life. Instead, they were both forced to retire from their jobs in order to cope with the new daily challenges of Alzheimer's. Determined to help his wife, Tony made a decision to help raise community awareness for this disease. His team for the Alzheimer's Memory Walk, Baba's Bunch, included over 400 members. He is also involved in an essay-writing contest in public schools to raise student awareness about Alzheimer's.

Today, Tony's wife is 59 years old. She can hardly speak. She cannot even sign her own name, and she is not who she used to be.

He continues the fight against Alzheimer's in honor of his wife and all of those who suffer and cope with this terrible disease. Unfortunately, as we all know, Alzheimer's has no survivors. It destroys brain cells. It causes memory changes, erratic behaviors and loss of body functions. It slowly and painfully takes away a person's identity, a person's ability to connect with others, to think, to eat, to talk, to walk, to find your way home. There is no treatment, no cure, no way to stop the progression of Alzheimer's disease.

This disease is widespread and growing. Every 70 seconds, Madam Speaker, someone new develops Alzheimer's, and it is not only the person diagnosed that is impacted, but also their family members. One in eight people aged 65 and older has Alzheimer's, an even higher number of those aged 85 and

older, and 87 percent of that time it is the family members who are the primary caregivers.

The emotional stress of care giving is so high, and about one-third of caregivers develop symptoms of depression. Care giving also takes a financial toll, with many individuals having to quit work, reduce their work hours, or take time off because of their responsibilities.

Madam Speaker, we must continue the fight against this devastating disease before it claims more lives, more lives of our mothers, our fathers, our sisters, our brothers and our spouses. I again encourage all in our community to show solidarity in the fight we must win against Alzheimer's.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MASSA) is recognized for 5 minutes.

(Mr. MASSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, the report by the chief actuary of Medicare is in and, as we thought, it shows real problems with the idea of expanding Medicare coverage to lower age groups. This summer, I had an opportunity to do a bunch of town hall meetings, and in those meetings we discussed the fact that what we're talking about really, in the public option, is adding more people to something like the SS Medicare which is already sinking in the harbor. But now over in the other body, there is specifically a proposal to literally add more people to the sinking SS Medicare in the harbor.

And so in the last several days, the chief actuary has provided a report that really should stop us in our tracks and cause us to realize that that's no solution, to add people to a program that is already unsustainable.

What that chief actuary of Medicare reports—and there are several items in his report, obviously, but one of them is the report cautions that savings needed to extend the trust fund cannot simultaneously be used to extend other health insurance coverage. In other words, if you're going to save money, you can't simultaneously expand coverage under the program. It seems fairly obvious to the folks I was talking to in town hall meetings. Unfortunately here in Washington, it seems not to be comprehended. We seem to think that here in Washington we can continue to add people to a program even though the people that are currently on the program have it on a trajectory that can't be sustained.

The actuary also points out that actually the Senate bill would increase the cost of health care; would not decrease the cost of health care. In fact, total spending on health care would increase by $234 billion between 2010 and 2019. Also, total Federal expenditures on health care would increase $365.8 billion during that period. The bill would extend coverage to 33 million Americans by 2019 but would still leave 24 million people uninsured, 5 million of which may be illegal immigrants. And the number of people with employer-sponsored health care would drop by 5 million by 2019.

What the chief actuary is telling us is that the solution that's being proposed is not a solution. In order to solve the challenge of Medicare, you have to figure out some way to change the underlying behavior. You have to figure out a way to get the patient invested in their care and caring how much it costs. That's what we've got to do for Medicare, Medicaid and for private insurance.

There are some very creative things going on in the private sector that are toward this end, to have this objective of changing the underlying behavior. What we're discussing here in the Congress under the majority here in the House and the apparent majority over in the Senate is not something that will change behavior. What it will do is simply add more people to a program that is already unsustainable. So rather than saving money, as the President suggests it will, actually what will happen, as the chief actuary says, is the costs rise; not everybody gets covered. It's clearly not a solution.

So what we have to do is scrap the current plans and go back to something that might actually work: by getting a change in behavior, by figuring out how to get people covered, by figuring out how to do medical malpractice reform and by getting 50-State competition among private insurance companies. Those, Madam Speaker, are the solutions we want to see in this country. We must stop this false solution that's being offered now.

THE CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

Ms. FUDGE. Madam Speaker, it is my pleasure again to be the anchor for the Congressional Black Caucus Special Order Hour. I want to thank our chairwoman, BARBARA LEE, for talking with us the last week or two about jobs and how important jobs is going to be for this nation.

I would at this time like to welcome and ask our Chair, the Honorable BARBARA LEE from California, to please now join me. She has directed us in so many different ways over this year, I am just especially pleased to be a part of this caucus.

Ms. LEE. Thank you very much.

Let me take a moment to thank Congresswoman FUDGE for really consistently raising the alarm and setting forth what the agenda is every Monday night of the Congressional Black Caucus, which is an agenda that speaks not only to the issues in communities of color in the Congressional Black Caucus but issues which really will allow for the American Dream to be real for all.

So thank you, Congresswoman FUDGE, and I know you come from a State where the unemployment rate is critical. People are suffering, housing foreclosure rates are off the scale, and especially in the African American community. Communities of color have been hardest hit, I know, in Ohio. So thank you so much for your leadership.

Let me just talk for a few minutes about our economy. We all know that the economic security of all Americans is extremely fragile. Communities of color, especially the African American community and Latino communities, have been disproportionately hit by this recession. Last week, we released a letter which we forwarded to President Obama, Speaker PELOSI and Chairman MILLER which outlined our priorities as members of the Congressional Black Caucus. We are continuing to work with House leaders and the administration to ensure that our priorities for job creation and economic growth are included in a jobs package which should be finalized hopefully before Congress adjourns this year.

After the release of our letter, it was interesting to read some of the bloggers, some of the pundits. They actually argued that targeted relief was unneeded. And what we propose is not based on race. I just want to be clear on that. It's based on need. We want to ensure that our resources are targeted to areas of greatest hardship.

For example, here are some of the facts regarding the African American community that are indisputable:

The unemployment rate for African Americans is nearly twice that of whites. 49.4 percent of African Americans 16 to 19 years of age were unemployed in November.

Nearly 28 percent of African Americans received food aid compared to 15 percent of Latinos and 8 percent of whites.

Recent African American college graduates are unemployed at higher rates than their white counterparts and African American workers remain unemployed an average of 5 weeks longer than the rest of Americans.

More than 24 percent of African Americans are living below the poverty line and African Americans are 55 percent more likely to be unemployed than white Americans.

African Americans have 2.3 times the infant mortality rate as non-Hispanic whites. They are four times as likely to die as infants due to complications related to low birthweight as compared to non-Hispanic white infants.

Additionally, African Americans have shorter life spans.

The Congressional Black Caucus in its continued role as the Conscience of the Congress is morally obligated to address these systemic inequalities. Moreover, as members who represent so many constituents who are disproportionately suffering, we have an obligation as policymakers to write legislation to address these moral gaps. That is why I convened a task force to develop targeted proposals to address the acutely unemployed and the crisis in our communities and throughout the country and also to spur job creation for the chronically unemployed who happen to be black and Latino, many are white, and many are Asian Pacific Islanders. This task force is chaired by Congressman EMANUEL CLEAVER.

We must maintain support for vital extensions of unemployment insurance and the COBRA health insurance subsidies as millions of Americans continue to face job loss and extended periods of unemployment. We also must continue to invest in education and job training programs that fully support housing initiatives like the Affordable Housing Trust Fund and the Neighborhood Stabilization Program to bring some stability to our hardest hit communities.

We must raise and index the minimum wage so that every working person can be assured that they will earn a wage that will lift them up and out of poverty each and every year without having to rely on the legislature to keep up with increases in the cost of living. We need to ensure access to early education, guarantee a high quality public education for every American student, and make sure that every working family has access to the affordable, quality child care that they need so that they can get to their jobs. Also, we need to reconnect with our disconnected youth and the formerly incarcerated individuals with increased support for job training and education for a new wave of environmentally friendly and economically green jobs which are going to be competitive but also which will require skills and the knowledge and the qualifications to be able to be eligible for these jobs. That's why we suggested a strong training program for these jobs. And we must remove Federal barriers to provide for a second chance.

Last week, President Obama delivered a speech that was another sober reminder of the important work we must do and we must continue to work to grow our economy and create jobs. And we agree with the President that support for small businesses, infrastructure investment and green jobs is essential. We also believe that as Members of Congress we must do more.

In order to do this, the Congressional Black Caucus has outlined four areas of focus laid out in our letter. They are: Direct job creation and training; infrastructure; small businesses; and State and local relief. These areas are essential to create real and meaningful economic opportunities to provide pathways out of poverty and opportunities for all.

The Congressional Black Caucus remains committed to working with President Obama and our congressional leadership—Speaker PELOSI and Chairman MILLER—to address the real economic crisis gripping our nation. We will not shy away from the fight for targeted relief for the chronically unemployed. In our letter, we suggested that there be a requirement that the amounts appropriated shall allocate no less than 10 percent for assistance in qualified areas of economic hardship, provided that for the purpose of these sections ''qualified areas of economic hardship'' means any census tract or block numbering area where 20 percent or more of the population is at or below the Federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget.

So let me be clear. What we propose is not based on race. It is based on need. We are asking for no more or no less than what Wall Street got. When there was a crisis on Wall Street, the Nation responded with a sense of urgency. We're asking for that same sense of urgency to the economic crisis that is gripping the hardest hit communities in America. There was no problem when that money was targeted to Wall Street. We're asking for the same targeted help for communities under the gun. It would be a tragedy if the economy recovers and we leave communities of color behind. We know money is going to be spent for jobs. The question is, where will the money be spent? And we want to make sure that we leave no community behind.

We will certainly become stronger as a nation if we ensure that a jobs bill recognizes these huge disparities. I believe strongly that it is our moral obligation to tackle poverty and unemployment and that in the richest country in the world, we simply have no excuse not to do so.

In conclusion, I would like to reiterate that the members of the Congressional Black Caucus are committed to continuing to work together with our President and our congressional leaders to fix our economy and to create jobs that address the true depth of this recession. There is no question that by our collective efforts, we can make a real difference in the lives of all Americans.

Thank you, Congresswoman FUDGE, for your leadership and for giving me a few minutes to speak tonight.

Ms. FUDGE. Thank you so much, Madam Chair. I want to thank you for your call to action.

GENERAL LEAVE

Ms. FUDGE. I would ask, Madam Speaker, that Members have 5 legislative days in which to revise and extend their remarks and include extraneous material for the RECORD.

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

There was no objection.

Ms. FUDGE. Madam Speaker, I would now like to yield to my friend and colleague from Wisconsin, Representative MOORE.

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Ms. MOORE of Wisconsin. Well, thank you, gentlelady from Ohio for yielding. And I can tell you that I found the remarks of our Chair very, very compelling, and I guess I would agree with her. But I want to add that while a couple of the categories of the Congressional Black Caucus include infrastructure jobs and providing funds for local programs, and while I believe that there is a general call for these types of spending to stimulate our economy, I've heard on both sides of the aisle calls for moneys to be used for infrastructure improvements.

I would say, with a qualification, that we need to make sure the funds for infrastructure projects go directly to cities and counties and allow those governments the flexibility to determine where the greatest infrastructure needs are for their communities. I think that while the Recovery Act saved between 600,000 and 1.6 million jobs, we ought to learn from some of the mistakes that were made there, and I think that the Congressional Black Caucus, in its wisdom, has pointed out that we need to target our initiatives more and not just give the moneys to those States that don't necessarily target those funds, and make sure that it gets to the cities and States to work on infrastructure programs that are needed.

The other qualification that I would give, and I think that the Chair raised it in her comments, is that we need to make sure that the infrastructure projects include those people that—that they target them to those communities that are in need. And with that, I would say that we need to target, we need to create programs for pre-apprenticeship programs so that all of the moneys don't go to those, all of it doesn't go to those laborers and those folks who are typically building within our communities, those people who already have some of the skill sets and education that can transition them into the new energy-related initiatives, but that we ought to look at pre-apprenticeship programs so that we can expose individuals with low skill sets to other workers with family-supporting jobs by working alongside with them nearby and on the same projects.

From those experienced workers, the pre-apprentice participants can learn a pathway on how to move forward and develop those skill sets that will move them up the career ladder, and at the same time, provide them with sustainable income. To help enforce this, lady from Ohio, I believe that contractors could be required to include a certain percentage of pre-apprenticeship participants in their so-called Federal

floor participation of women and minority workers that is already required by executive order.

The reality is that we cannot afford to wait while the unemployment rate for minorities continues to rise. Unemployment, reemployment is a lagging indicator, and we can't wait until we reduce these numbers. The unemployment rate among black males is currently 15.6 percent. And by April of 2009, the gap between black and white men grew to a 13-year high of 7 percent. The time is now. And I urge my colleagues to consider all proposals that present the American people with a jobs bill that not only creates jobs, but sets up training programs and education programs that will help dislocated workers gain new skills that will lead to sustainable employment.

Now, Madam Chairman, lady from Ohio, I have in fact, mentioned that we need to work toward helping women and minorities get into these infrastructure jobs and the new energy-related jobs. And there has been feedback that we ought not target this specifically toward a particular race, or perhaps toward a particular gender. But when you look at the framework that the Congressional Black Caucus has laid out, that we need to target it toward those census tracks where there is a dearth of persons who have these kinds of jobs, or who are unemployed, we will find, much to many people's amazement, that there's a great deal of poverty among minorities, and there certainly is a great deal of poverty among women who find themselves increasingly heading households and providing the greatest source of income.

I thought it was very interesting that Maria Shriver recently did a study that really elucidated the fact that women were providing a greater and greater amount of the family income. And so this is something that I think the Congressional Black Caucus is raising in a very timely manner. And with that I would yield back to the gentlelady from Ohio.

Ms. FUDGE. Thank you very, very much. At this time I want to—we've got obviously a lot of Members here tonight. I thank you all so much for being here. What I'd like to do just briefly is to have Representative JACKSON-LEE just introduce some points, and I'd like at that point for Representative ELLISON from Minnesota to join us in a brief discussion. Representative JACKSON-LEE from Texas.

Ms. JACKSON-LEE of Texas. Thank you very much to the distinguished convener, Congresswoman FUDGE from Ohio. I'm delighted to join the chairwoman of the Congressional Black Caucus, who has been just superb on gathering us together on what is an enormous crisis. I'm going to take the liberty of mixing a number of issues that I think are crucial to the topic that addresses this question of dealing with homelessness and hunger and joblessness. So I want to let the American people know that when the Congressional Black Caucus set out its multipoint plan, a letter that was sent to President Obama, interestingly enough, the broadness of our concepts dealt with the most deprived and devastated communities.

Those communities are American Indians, Native Americans. Those communities are Hispanics, Latinos, African Americans, women. And I evidence this by the article in The Washington Post on Saturday—it was referred to in our recent caucus by one of my colleagues, ''Missing More Than a Meal.'' And it cites the families, since they've been publicly noted, of Christina Koch, it cites the family of Anajyha Wright Mitchell, and it cites—these are children who are suffering because parents don't have work.

It cites the family, I guess Christina Koch is here noted. And the quote that I think is most potent says, ''This more nuanced picture is emerging as the problem has become more widespread. With the economy faltering, the number of youngsters living in homes without enough food soared in 2008 from 13 million to nearly 17 million'' children in America. If we can imagine—17 million children are going to bed or waking up or going to school hungry because these breadwinners, single parents, have no jobs.

And so my message today is that this is not a, if you will, an opportunity to do good legislative work. This is a crisis of insurmountable definition. This is at a pinnacle. This is the mountain top, and there must be nothing that stops us from focusing on the necessities of getting work. Let me lay out two or three points that I think are interwoven into this circumstance and the arguments that I think call for immediate action.

My focus has been in training, and I have, I think, a unique perspective to work with those who may be on unemployment. You say, well, they're on unemployment, leave them alone. Well, unemployment is at different levels. If you happen to have been a person who had a part-time job, you know the level of your unemployment. What I'd like to do is to get those people out of those cyclical jobs, one job after another, and put them in training, where they keep their unemployment and they get a stipend so that the electricity can be turned on, the food can be bought. And when they come out on the other end, one, they've been kept out of the unemployment lines for a year, and they come out as a nurses aid or a technician of some sort to get them eligible for these jobs. I think that is imperative.

This weekend, I met with a nonprofit that has about $22 million in weatherization dollars. I gathered small businesses who had never heard of the opportunities for weatherization, which would create jobs in our community. We also had the General Services Administration, and I think it's important to note that that is such a complexity of getting jobs to small businesses. What happens is they have what they call GSA lists. I believe the Federal Government should be the great job maker, and therefore, we should make easy the ability for small businesses to access opportunities. So I want to see legislation that demystifies the GSA list. I want to see legislation that tells the Federal Government that they cannot have one narrow way of presenting jobs to America, which is on the Web site.

If you have a job fair and you have the Federal Government there, they don't bring anybody to hire someone on the spot. They tell you to go to the Web site. Well, some people are homeless, are qualified, but they're in a predicament. Many people don't have access to the Web site. So these are simple administrative changes. Let me just add this on the Small Business Finance and Investment Act that the President has talked about.

One of the things in the meeting that I had over the weekend, my friends, on weatherization—and I know they meant well. They came to the meeting, and we had had a pre-meeting, and they came to the meeting, 30 or 40 or 50 people in the room, and they said, Here's the criteria: Your bank account must be secure, and must be, if you will, flourishing. They said that you must have Department of Energy experience, Congressman PAYNE. You must already have had that experience. Some of my people in Texas, no disrespect, DOE? They thought it was the Department of Education. Then they said that you must have, no disrespect to them, you must have past experience. Well, weatherization, these dollars are to build capacity. These dollars are to get small businesses so that they can build capacity, so they can become weatherizers in the future.

So we need to eliminate all these barriers of being able to work under Federal dollars. They're taxpayers dollars. Don't tell them to have Department of Energy experience. Tell them do they know how to put a window in? Do they have enough money to pay workers? And so this is, I think, a way of simplifying. I'm going to yield to the gentleman on these two points if I might. This idea of giving money to States is an abomination. Those of us who have diversity in state leadership, different from the majority party here, see that money going, and we never see it again in the hands of our constituents. That is a crisis.

And then I know that we are on jobs, but let me tell you that this issue is, as I yield to the gentleman, we now have a health care bill that is making its way through the Senate. In that bill, there is a provision about promoting jobs in the health profession, scholarships for doctors and nurses and physicians' assistants. I want to ask the question: How much longer do we have to wait for the distinguished Senator from Connecticut to block health care over and over again and block jobs? And so I'm calling today for reconciliation. If that is a procedure that can

get us moving so that people can have jobs and good health care, I believe they're intertwined together. And with that I would say, this is a time for a fight, a real fight.

And I'd be happy to engage the gentleman from Minnesota on some of the very points that he has raised. And I am delighted to be part of his legislation, which is a magnificent comprehensive jobs effort. And I hope he'll join me in the training aspect as well.

Ms. JACKSON-LEE of Texas. Madam Speaker, I salute my colleagues with the Congressional Black Caucus for tackling one of the most important issues of the day facing not just African Americans and Latino Americans, but all Americans. Let me share with you that in my District, which covers parts of the Nation's fourth largest city, Houston, TX, our unemployment rate stands at nearly 9 percent. While this rate is more than a full percentage point below the national average, we know at least anecdotally, the unemployment rates for African Americans and Latinos in Houston are much higher.

Yet, this "jobs disparity" is not limited to Houston, data from the Department of Labor indicates that African Americans throughout the Nation today, in the era of President Obama, are still the last hired and the first fired. Specifically, the Bureau of Labor Statistics reports that the unemployment rate for African American men, 20 and older, was 16.5 percent as of October of this year, and 12.4 percent for African American women at the same age level.

Historically, experts have suggested that the anecdote to unemployment is education. However, Labor Department statistics appear to indicate that education, alone, does not level the playing field. In fact, higher education amongst African Americans may strangely enough even make it more difficult to obtain a job. For the first 10 months of this year, as the recession has dragged on, unemployment for least educated workers was the same for African-Americans and the general population. However, in 2009, the unemployment rate for African American college graduates 25 and older has been nearly twice that of their Caucasian American male counterparts, 8.4 percent compared with 4.4 percent. According to a New York Times article published on December 1, even African American college graduates with degrees from Ivy League schools such as Yale, my alma mater, are finding themselves in the ranks of the unemployed.

In addition to the racial dimension of this "jobs disparity," the recent economic downturn has focused a spotlight on a widening gap between employment rates amongst men and women, particularly in the African American community. It has been reported that since the Nation's slowdown has been most pronounced in the manual labor sectors, men with the lowest levels of education have suffered the brunt of the unemployment crisis. CNN commentators recently described our current economic condition as a "man-cession."

According to a recent Bureau of Labor Statistics report, the unemployment rate for African American men aged 20 and older was 4.1 percent higher than the unemployment rate for African American women of the same age group, which was 12.4 percent. This gender unemployment gap among African Americans mirrors a similar gap between Caucasian and Latino Americans, thus demonstrating a nationwide trend.

Friends, we are in a battle for the hearts and souls of America, literally and figuratively. To win this battle, we must take bold action, like passing health care reform legislation in both chambers of Congress. Madam Speaker, I concur with the assessment that the health reform legislation voted out of this chamber last month in fact a "jobs bill."

As evidence of this, the Bureau of Labor Statistics reports that last month's slight dip in the unemployment rate was caused by the fact that for the third straight month, hospitals reported solid payroll additions, with 6,800 new jobs created. In the first 11 months of this year, the healthcare sector created 249,700 new jobs, an average of 22,700 new health care jobs each month, according to BLS' preliminary data. Since the start of the recession in December 2007, overall 7.9 million people in America have lost their jobs, while the healthcare sector has created 613,000 jobs.

In an article published in HealthLeaders Media, it was reported that the healthcare sector—from hospitals, to physicians' offices, to residential mental health homes, kidney dialysis centers, and blood and organ banks—grew by 21,000 payroll additions in November and 613,000 payroll additions since the start of the recession in December 2007. The home healthcare services sector reported 7,300 payroll additions in November, BLS preliminary data show.

Recognizing this Madam Speaker, I am working with health care and labor leaders to craft a jobs bill that create innovative new retraining programs in partnership with our Historically Black Colleges and Universities like Texas Southern University in my District or Howard University, here in Washington, DC. These training programs would focus on retooling workers for jobs in the growth sectors such as health, biotech, and information technology. In addition to funding for job training, I propose that we provide stipends to those who are unemployed and who participate in training programs to assist them in caring for their families. Along with this, my jobs bill would allow unemployed workers participating in job retraining to continue receiving unemployment benefits.

As a senior member of the Judiciary Committee, I am also working with the DOJ to incorporate into my jobs legislation a measure that would assist ex-offenders who are returning to the job market with strikes against them. In addition to eliminating any barriers for ex-offenders, I am also studying how we can encourage States to suspend criminal prosecution of fathers and other parents who are delinquent in child support so long as they are making good faith efforts to find jobs in this difficult employment market.

Madam Speaker, I also propose that we task the Department of Labor to expand its definition of the unemployed to cover not only those currently receiving unemployment compensation, but also those who have run out of unemployment insurance, known as the long term unemployed. I suspect that if we had accurate data that captured the entire unemployment picture, we would see jobless figures of upwards of 25–30 percent.

In addition, Madam Speaker, I also plan to propose we offer assistance to the underemployed, including thousands of lawyers and other professionals who work as part-timers or temp workers. Many of these professionals split their time between working for others and operating their own small firms. Furthermore, it has been noted that while larger firms are enjoying the benefit of government funded bailouts, our African American law firms, accounting firms, investment banking firms and media outlets are being left out of the funds directed at stimulating Wall Street. As Comcast and NBC Universal and other firms seek government permission to merge, I intend to work with these companies to ensure that our African American businesses are included, not left out of the deal flow.

Another jobs initiative would focus on creating apprentice and internship programs managed by cities and nonprofits like the Urban League. This is a take off of a Department of Labor that was very successful in the 1970s, which helped our Nation rebound from its last recession.

Madam Speaker, during the 1930s–40s, the FDR administration developed the Work Progress Administration, WPA. The WPA created thousands of jobs and helped lift our Nation from depression. I am drafting legislation that would create a WPA for the 21st century. This concept involves providing stimulus dollars to several Federal agencies such as Interior, Transportation, and HHS to fund large-scale projects.

Under my legislation, the new WPA would include modern-day infrastructure and other projects including making broadband wireless Internet service available for all Americans, not just in wealthier suburban and downtown districts. In addition, we should create high-speed rail and environmentally friendly highways and byways.

Finally, I plan that we work with HHS and the Energy Department to build new Green Hospitals across the country. This project would ensure that our Nation's healthcare facilities are themselves healthy.

Madam Speaker, many of our unemployed constituents in Houston and around the Nation are asking us a simple question: how long, how long before I can find a job? I say to them, not long . . . help is on the way. With the introduction and passage of jobs legislation offered by myself and the rest of the Congressional Black Caucus, help for the unemployed and underemployed, help for small businesses, is on the way.

I appreciate the leadership of the Congressional Black Caucus on this issue and dedicate to my constituents in the 18th Congressional District of Texas that it can count on me to work with my colleagues to deliver in this time of great need. How long, not long, with the help of the Almighty and hard work of my colleagues, help is on the way.

Mr. ELLISON. Let me just say that I just want to tell a story. You know, I was home this weekend, and I was walking along one of the trails that we have in Minneapolis. You know, we've got a lot of parks in Minneapolis. It was cold, and I wanted to get my legs stretched from working so hard last week, so I was walking a long one of our many trails. And I decided to sit down at a park bench, and it looked like a pretty old-looking park bench. You could tell the rust was there.

And when I sat down I noticed that it was sturdy. And we sat there talking to a few friends. But when I got up to

leave, I noticed that there was a little plaque about the size of this phone, and it said on it, WPA, 1934. For 75 years that park bench had been sitting there. For 75 years, that thing has been giving comfort to people who are just walking by. But 75 years ago we had a job crisis then. And our country, our Congress, responded to the needs of unemployed Americans.

□ 2130

We need to respond to the needs of Americans today as people are putting pressure on food shelves, as people don't have money for heat, for lights, as folks who had two and three jobs that were part time now have lost them; now they have no lifeline. We've got to respond to a generation of Americans looking for work today. And where there's extra hurt, there needs to be extra help.

And that means that the Congressional Black Caucus—and other caucuses as well—are focusing on a targeted-jobs bill calling for jobs now, calling attention to an appalling condition where people are unemployed at rates of 25, 30 percent in some communities.

I just want to ask the gentlelady—and I'll ask any of my colleagues. I like the dialogue. I'm not going to give a 20-minute speech.

I will ask the gentlelady, what have you heard as you were standing in the grocery store line? What have you heard when you were walking around your parks in places like Los Angeles, Milwaukee, Ohio, Cleveland? What have you heard? What have you gone through? And what are your folks telling you? Don't give me a bunch of stats. Tell me what your people are feeling. I'd like to know that.

I yield back to the gentlelady.

Ms. FUDGE. Thank you very much.

Does the gentlelady from Wisconsin or Texas or California wish to respond?

Ms. MOORE of Wisconsin. I just want to mention to the gentleman from Minnesota, we're neighbors in the Midwest, and of course you know there have been hundreds of thousands of manufacturing jobs that have been lost in the Midwest over the last 30 years. But since 2008, we have lost more jobs during 2008 than in any—for the last 70 years that these data and statistics have been collected. And so that, I think, is really telling about the attrition of jobs.

I hear people often talking about how horrific the 10.4 percent unemployment rate is. If there were a 10.4 percent unemployment rate within the confines of the city of Milwaukee, we would be dancing in the street with delight.

We have a researcher named Marc Levine from the University of Wisconsin, Milwaukee who has kept data of the discouraged workers—those people who are not officially unemployed because they're no longer standing there, discouraged workers. And among white men in my community, we have a 17 percent unemployment rate. And we have a 40 to 50 percent unemployment rate among white men, and of course a staggering statistic, about 30 percent among Hispanic men. But about 17 percent among white men in our community. So it's really a crisis of gargantuan proportions.

Mr. ELLISON. Will the gentlelady yield?

Ms. MOORE of Wisconsin. Yes.

Mr. ELLISON. Have you are ever talked to somebody who's been unemployed for 12 months, 18 months? What does that do to their psyche? What does that do to their spirit? What does that do to their level of joy?

Can anybody answer the question for me?

Ms. JACKSON-LEE of Texas. If the gentleman will yield.

Mr. ELLISON. I will yield.

Ms. JACKSON-LEE of Texas. You are right. And statistics, of course, help to lay the framework for how devastating it is for so many of us who are listening may not have the broadness of it because our constituency goes across all lines.

And what I'll tell you is that people are more and more going to places where there are mass feasts and feeding. And when you go among those people, you hear the stories of mothers and fathers who have lost work. There are now more families coming into these broad feasts or open feeding that we've had. I just participated in one yesterday in my district. And you see the families with little children who you know are dependent—and you made a very good point. I heard it on this floor. These people may have had two and three jobs. That's the kind of person we're looking at when we see these parents whose children are now going to bed hungry, 17 million across America. And what they're saying is that not only can they not make ends meet, but they can't find the ends for the means.

So we have to bypass State governments to get funds directly into the hands of these individuals by way of work. They want work. We've got to break down the attitudes about not building capacity and small businesses, because they could hire these very mothers to do minimum work on weatherization. They could be skilled. We have to pass the health care bill that gives us the kind of work that is available for these mothers.

And I will conclude on this. Do you know, Congresswoman FUDGE, because you're from this area, there is some, I want to call it silliness—and I ask deference for any disrespect that using the word ''silly'' on this floor might suggest. But we put a tax on steel that China is bringing in and, okay, that's by America. Then we have black businesses who are in the business of transporting pipe or giving pipe to various companies—and when I say ''pipe,'' giving steel to various companies, steel pipe known as oil company tubular goods, pipes. And can you believe that these small businesses that have workers and truck drivers, minority companies that transport this steel, cannot buy any steel from American companies.

So what I would say to the gentlemen, Yes, I hear the pain in our houses of worship. I hear the pain in grocery stores, and I hear the pain when we go to these mass feedings that more people are coming to now in more numbers than I have ever seen before. It just reemphasizes the fact: Are we going to answer the pain, the call that is being made upon us? And I would hope the Congressional Black Caucus will be front and center on doing that.

Ms. FUDGE. We have been joined by another one of our colleagues, LAURA RICHARDSON from California. I'd like to yield to the Congresslady.

Ms. RICHARDSON. I thank the gentlelady for yielding. I especially want to thank our chairwoman, Congresswoman BARBARA LEE, and Congresswoman FUDGE, who's been leading, really, this delegation on an hourly basis weeks on end whether the issues are popular or not.

Tonight I'd like to talk about small business and the impacts of unemployment and what it means to our country and really where the jobs are in this country and why we must address small business.

The unemployment crisis is hurting every region of our country—not just one State, east coast, west coast. It's everywhere. In the district that I represent, unemployment is ranging anywhere between 15 and 21 percent. That's well above the national unemployment rate, and clearly we can no longer stand by idly waiting for someone, even if it's in our other body, to act.

The American people need jobs now. They've already asked it, they've already helped to fund it, but unfortunately the jobs have not been seen on Main Street and on the side streets where many of our constituents live. So let's talk a little bit about small business and why they're so important in this equation.

There are 26.8 million small businesses in the United States accounting for more than 99.7 percent of all employer firms. Those are regular people like you and me who are trying to survive who didn't get a bailout 6 months ago.

Small businesses employ just over half of all of our private sector employees. And likewise, in the second largest district in this United States—which is California, where I'm from—small businesses are an integral part of our economy comprising 90 percent of all of the businesses in our State. More than 50 percent of the employees in California work for small businesses, and there's an estimated 3.7 million small businesses in California.

So why would you ask that I would even talk about that? Let's talk about women and how women are impacted with small business.

Privately held, women-owned businesses in California, where I'm from,

generate more than $406 billion in sales and employ over 2.8 million people. And when you look at those particular figures and then you break it down to minorities, minorities even further own 4.1 million firms and generate $694 billion and employ 4.8 million people.

So what is the problem and what is it that I brought to the CBC to contribute in terms of a proposal of what we could do to help? We could help small businesses, and we already have the current framework to do so. It's called the SBA. But unfortunately, as with many government agencies, just because something exists doesn't mean it should stay that way. We can always work to make it better.

So when we consider the SBA that was really established in 1953, there are changes that have to occur. And the one that I'd like to talk about tonight is not all of the wonderful training, not all of counseling—all of that we desperately need—but there's a program today that can change and it can be done now. That's our section 8 services.

Section 8 was established to include access to business development opportunities for businesses within that particular financial area, but there's a problem with it. As far back as 1992, magazines and other individuals have highlighted the problems with the section 8 program. The problem is, instead of creating multimillion-dollar business success stories, the section 8 program consistently graduates companies before they're ready to flourish. It gives them a short period of time—7 years, 9 years—to begin to utilize contracts, and then it throws them out without an umbrella or without a safety net.

I would say if we could do a safety net for some of these other Wall Street firms and financial industries, why aren't we holding our hands out to small business?

This has led to a surprising result that many of us have seen, that companies who were able and who were succeeding with the section 8 program, when they were then bumped out, of course, what were the results?

In 1991, SBA studied 645 former 8(a) companies that were doing fine, but prior to them being kicked off, after that point, 42 percent fell through. We can stop that, and we can change it today by four simple proposals that I have for you.

I propose that we reform and modernize the section 8 program to help more small disadvantaged business enterprises, DBEs, to remain in business and to hire more workers—we were talking about over 4 million workers—by doing the following:

One, extend at least 2 years the 9-year program in which section 8(a) certifies businesses to participate.

Number two, we can reinstate those who already did their 7 or 9 years, and they're kind of at the brink, and with a couple more years of help, they could be back on a level ground. We should extend their time as well.

And then thirdly, we should create a new program that's kind of in the middle ground, not of a major company that's bringing in billions of dollars, but clearly a small business that's hiring 10 people, 20 people in your neighborhood. We need for them to exist.

And finally, we should consider that under this program, eligible companies who are able to participate, we should really grow that revenue, because what was $100,000 yesterday that somebody made is not nearly enough in terms of keeping a viable company going.

So, in closing, what I'd like to say to our Chair, Ms. BARBARA LEE, and also Ms. FUDGE from Ohio, I applaud the efforts that we've taken. The American people want to know what we're doing. What we're doing is caucuses like the CBC are coming together. We're meeting. We're talking about direct jobs. We're talking about keeping teachers and police officers employed. We're talking about helping small business owners stay alive. That's what we're doing, and we're bringing those proposals to the Speaker, to the President of the United States, and we're asking them to act now.

We're ready to vote. We're ready to do our part. But we need to make sure that these dollars go to the American people, which is where they started from.

Ms. FUDGE. Madam Speaker, my good friend and colleague, Representative RICHARDSON from California, did bring up some interesting points, and I can assure you that the passion she showed today is the same passion that the rest of this caucus has, and that is why, in fact, our caucus did indeed send a letter to the Speaker of the House to talk about our jobs initiatives, what we believe should be in a jobs bill.

CONGRESSIONAL BLACK CAUCUS OF THE 111TH UNITED STATES CONGRESS,

Washington, DC, December 9, 2009.

Hon. BARACK OBAMA,
President of the United States,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: As you work with House and Senate Leadership to structure the jobs package, we respectfully request that you include and prioritize the following proposals in the legislation:

DIRECT JOB CREATION AND TRAINING

Utilize language that states that the $139.3 billion of unobligated funds authorized for expenditure by the Troubled Asset Relief Program should be reprogrammed to be used to create jobs for United States citizens.

Reauthorize language from the Humphrey Hawkins Act, Public Law 95–523, with a new provision establishing a ''Green Jobs and Training Trust Fund.'' The trust fund would be funded by a financial transaction tax similar to that proposed by Congressman DeFazio. If the targets established in the Economic Reports mandated in Title I are not met, funds would automatically be disbursed from two separate trust funds to a list of: (1) training programs enumerated in the bill; and (2) a direct public sector jobs program. The training programs would include, amongst other programs:

The Department of Labor's Green Construction Careers Demonstration Program (not yet authorized).

The Department of Energy's Labor's Efficiency and Renewable Energy Worker Training Program (EEREWTP) (authorized in the Green Jobs Act of 2007)—specifically, the Pathways Out of Poverty Demonstration Program.

The Department of Energy's Weatherization Program.

The Job Corps Program.

Grant programs that promote state and local hiring of police, firemen, and other public servants.

Additional programs identified by the Secretary of Labor that: (1) promote energy efficiency consistent with the EEREWTP Program or promote clean energy creation; and (2) provide sustainable employment in the public or private sector.

The government would provide grants to states and municipalities to set up ''Green Corps, ''Urban Corps,'' and/or a form of expanded Americorps. These jobs would be low human capital jobs where the ratio of government spending to job creation would be very low. Some activities these individuals would engage in include:

Home and public building weatherization;

Greening of public spaces;

Municipal waste and recycling;

Public building solar installation and maintenance;

Forestry; and

Tutoring or mentoring.

Utilize language throughout the bill that will provide a 10 percent for areas with high levels of poverty such as: Of the amounts appropriated in this [section] the following projects or programs, shall allocate at least 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget.

JOB CREATION AND TRAINING

Increase funding for Youthbuild and the 2010 Youth Summer Jobs Program, to allow for the employment of 5 million teens, with a requirement that of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget.

Creation of a federal assistance program through the Department of Labor to prepare economically disadvantaged unskilled adults or adults needing retraining for full-time jobs, for a period of 12 to 24 months in public agencies or not-for-profit organizations. The intent is to impart a marketable skill that will allow participants to move to an unsubsidized.

Fully fund the Green Jobs Act, the Energy Efficiency and Conservation Block Grant Program, as authorized by the Energy and Independence Security Act, of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the

official poverty line defined by the Office of Management and Budget.

Increase funding for the National Service Corps programs with an emphasis on current college students and recent college graduates.

Direct funding to career colleges, technical, and trade schools, community colleges, and universities to train Americans in high-growth industries and healthcare professions, particularly focused on entry-level training and nursing programs, which allow participants to be able to continue to collect unemployment benefits through the period of training and/or allow them to receive a livable wage stipend during the period of training, with a requirement that of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget.

Increase funding for High Growth Industries and/or grants for job creation in occupations identified by the Department of Labor as ''the ''fastest growing occupations and occupations projected to have the largest numerical increases in employment between 2006 and 2016,'' with a requirement that of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in quaffed areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget.

Increase funding for Employment and Training Administration, Training and Employment Services, with a requirement to that of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget.

Increase funding for Welfare to Work program.

Increase funding for the Second Chance Act (replaced and expanded Prisoner Reentry Initiative) and include language that eliminates or mitigates the bar on ex-offenders from receiving Federal financial aid programs, job-related training, public benefits, and public housing.

Increase funding for pre-apprenticeship programs and the National Apprenticeship programs through the Department of Labor, Employment and Training Administration, with a requirement to that of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget. Language modification to allow for Americans to continue to collect unemployment benefits and/or TANF benefits while in an authorized job training program for up to 12 months.

Expand the Title V Senior Community Service Employment Program (SCSEP) under the Older Americans Act to provide job training and employment for older job seekers by lowering it to age 50, eliminate requirement of unemployment—allowing participants to be underemployed, and changing the cap to 35 weekly hour cap employment allowing.

INFRASTRUCTURE

Provide for Hope VI, green projects through the Energy Efficiency and Conservation Block Grant.

Rehabilitation of housing through Neighborhood Stabilization Fund which provides for additional construction jobs.

Funding for the Department of Transportation-Federal Highway Administration to allow state and local agencies to move forward on infrastructure projects, of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined the Office of Management and Budget.

Discretionary funding for Clean Energy technology and manufacturing through the Department of Energy, with a requirement that of the amounts appropriated in this [section] the following projects or programs, shall allocate no less than 10 percent for assistance in qualified areas of economic hardship: Provided, that for the purposes of this [Title/Section], In general, the term ''qualified area of economic hardship'' means any census tract or block numbering area, where 20% or more of the population is at or below the federal poverty line. The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget.

SMALL BUSINESS

Language modification to allow the Community Development Financial Initiatives Fund to access capital markets via the Department of Treasury Guaranteed Bond Issuance program.

Expand and expedite the Small Business Administrations Community Express Loan program by reducing the interest rate to 1 percent, particularly focused on areas where local unemployment rates exceed the state and/or high rates of long-term unemployed.

Long-term extension of Build America Bonds, to result in liquidity and a lower interest rate.

Reform and modernize the Section (8) program to assist more small and disadvantaged business enterprises (DBE) remain in business and hire more workers by doing the following:

Extend by at least 2 years the 9-year period in which Section 8(a) certified businesses can participate in the program.

Reform the Section 8(a) program to permit reinstatement of companies who were graduated from the program after nine years.

Reform the Section 8 program to create a new program for small businesses that did not qualify for admission to the 8(a) program or were graduated from the program before the 9 year period expired because their financial resources exceeded maximum limits. Under this new program, an eligible company would be permitted to participate for a period of 7 years or until its financial resources exceeded 300 percent of the maximum amount allowable under Section 8(a).

Language modification to the Workforce Investment Act performance measures in entrepreneurial training to allow for microenterprises to receive Self Employment Training and Technical Assistance from Workforce Investment Boards with a ''successful/positive outcome'' in order to support and spur further growth of small businesses/microenterprises.

Language to support an appropriation to support payment of Black Farmers claims.

STATE/LOCAL FISCAL RELIEF

With each provision, we would urge you to direct funding through the federal agencies directly to localities: county/city/municipality/college/university or nonprofit organizations, rather than through the state, to be quickly disbursed and used by most economically depressed communities.

Our Nation has suffered substantial unemployment and underemployment over a prolonged period which has imposed significant economic and social costs, particularly in communities of color. We appreciate your attention to these prescriptive measures and look forward to working with you.

Sincerely,

REP. BARBARA LEE,
Chairwoman, Congressional Black Caucus.
REP. EMANUEL CLEAVER,
Chairman, CBC Taskforce on Economic Recovery.

Ms. FUDGE. At this time, I'd like to bring up a colleague, DONALD PAYNE from New Jersey. Representative PAYNE has joined us many evenings, and it's a pleasure to yield some time to him this evening.

Mr. PAYNE. Thank you very much.

Let me certainly begin by thanking the gentlelady from California, our distinguished Chair of the Congressional Black Caucus, Congresswoman BARBARA LEE, for anchoring this evening's Special Order on job creation. And Ms. LEE continues her diligence in addressing issues that confront our Nation in general, but in particular, the African American community, which has been a laudable effort, and let me again commend her for her diligence.

Let me also commend the gentlelady from Cleveland who comes to us, Representative FUDGE, as a former mayor, and I look at her as the mayor of the CBC.

□ 2045

Why would I call her the mayor of the CBC? Well, because a mayor has to have hands on. The mayor has to deal with all the issues. The mayor has to listen to see what's going on in education and jobs. The mayor is concerned about health care. And it's where the rubber meets the road. And you need someone who has the understanding and the perseverance. And so I would like to commend you again for the outstanding work that you do.

To the Chair of this important job creations committee, Congressman EMANUEL CLEAVER from Kansas City, he does an outstanding job in this.

Since the time is relatively late, we have several more Members, it's a good thing to do, when you have too many, therefore I will cut my remarks short. But let me just say in November we approved a historic bill to reform our

health insurance system to expand access to affordable quality health care for nearly every American. The Affordable Health Care for Americans Act offers security and stability to all Americans, reduces costs and improves our choice.

Let me say that you cannot hold a secure job if the fundamentals are not there for everyone to be able to benefit. And one of the great provisions in the health bill is that there will be an emphasis on job creation because of the expanded health care that will be provided.

After a White House jobs summit on December 3 and a trip to Pennsylvania to meet with citizens of this country who have been affected by this economy, on December 8, as you know, President Obama announced steps that he believed should be at the heart of our efforts to put Americans back to work, to get businesses hiring again. I commend the President's focus on small businesses, infrastructure, and clean energy to provide an influx of jobs in this economy, as well as his emphasis to not just create jobs in the short run, but to also shift America away from consumption-driven growth to a focus on enhancing the competitiveness of American businesses, encouraging investment and promoting exports.

I would, however, push further and urge the President and my colleagues in Congress to expand our focus to address the portion of our population who were already in vulnerable economic positions before the onset of this recession. Prior to December, 2007, the African American unemployment rate was 8.9 percent. In this economy, it has climbed to a disproportionate 15.6 percent.

Madam Speaker, in the great State of New Jersey, unemployment has reached 9.7 percent. However, the largest concentration of unemployed falls in the cities of Trenton and Newark, New Jersey, where I live, where a large portion of our State's minorities live, and the unemployment rate surpasses 14 percent. While New Jersey reached its highest level of unemployment in 34 years, Newark, a part of my district, has experienced the same rate of over 14 percent since 1994.

These startling facts call attention to the need to not simply restore our Nation to its pre-recession state, but to create a stronger, more inclusive plan to address the intersection of unemployment and poverty, and develop long-term strategies to confront this.

Madam Speaker, I believe that the key to our strategy is education. I urge the development of a multipronged approach not only aimed at creating new jobs but infused with education and job training. We must work diligently and deliberately to harness the skills of all people. The absence of this particular focus will cause severe and lasting damage to generations of Americans, particularly of color.

And so therefore, as I just shorten my remarks, I think that education, training, and expansion of current programs like the Job Corps, where we have an infrastructure, where we can have intensive training, where we can have health care, where we can go on to have GEDs, would be one way to create jobs and train people.

I have much more, and I would hope that we can have the remainder put in the RECORD. But I will yield back the balance of my time in deference to my colleagues.

Madam Speaker, let me begin by thanking the gentlelady from California, our distinguished Chair of the Congressional Black Caucus, Congresswoman BARBARA LEE, for anchoring this evening's Special Order on job creation. Her continued diligence in addressing issues that confront our nation, in general, but in particular the African Americans communities and she has been laudable, and let me commend you again for your diligence.

Let me congratulate the gentlelady from Cleveland, Representative FUDGE, who comes to the Congress as a former major and knows well of everyday problems, where the rubber meets the road. Let me also congratulate Representative EMANUEL CLEAVER from Kansas City for his leadership as Chairman of the CBC jobs task force.

Madam Speaker, I am pleased to join the other Members tonight to talk about job creation, specifically in the African American community.

In November, we approved a historic bill to reform the health insurance system to expand access to affordable, quality health care to nearly every American. The Affordable Health Care for America Act offers security and stability to all Americans, reduces costs, improves coverage and preserves our choice of doctors, hospitals and health plans, BUT holding a secure job is the foundation of many of the provisions decided upon in the bill. That being said, in addition to the nation's 10 percent unemployment rate, it is clear why the President has placed strong emphasis on job creation in the past few days. After a White House Job Summitt on December 3rd and a trip to Pennsylvania to meet with citizens of this country who have been affected by this economy, on December 8th, as you know, President Obama announced steps that he believes should be at the heart of our efforts to help put Americans back to work and get businesses hiring again. I commend the President's focus on small businesses, infrastructure, and clean energy to provide an influx of jobs in this economy, as well as his emphasis to not just create jobs in the short run, but to also shift America away from consumption-driven growth to a focus on enhancing the competitiveness of America's businesses, encouraging investment, and promoting exports.

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Madam Speaker, in the great state of New Jersey, unemployment has reached 9.7 percent; however, the largest concentration of unemployment falls in the cities of Trenton and Newark, where a large portion of the state's minorities live and unemployment has surpassed 14 percent. While NJ has reached its highest level of unemployment in 34 years, Newark—part of my district—has experienced the same rate of 14.3 percent as recent as 1994.

These startling facts call attention to the need, to not simply restore our nation to its state pre-recession, but to create a stronger, more inclusive plan to address the intersection of unemployment and poverty and develop long-term strategies.

Madam Speaker, I believe that the key to this strategy is education! I urge the development of a multipronged approach, not only aimed at creating new jobs but infused with education and job training. We must work diligently and deliberately to harness the skills of all people! The absence of this particular focus will cause severe and lasting damage to generations of Americans, particularly those of color, and the future of our workforce.

Madam Speaker, I look forward to working with my colleagues on both sides of the aisle to develop policies that will expand our focus to offer additional support for communities that have long been affected by high unemployment rates.

With that, thank you once again, Congresswoman LEE for the outstanding work that you are doing.

Ms. FUDGE. Thank you so much. And I want to commend Representative PAYNE, not just for his words, but the fact that he is indeed the historian of our caucus. And it's just always a pleasure to have him put things in perspective for us. Thank you so much.

At this time, I would like to yield to our friend and colleague from Georgia, DAVID SCOTT, Representative SCOTT.

Mr. SCOTT of Georgia. Thank you so much, Ms. FUDGE. I just want to say how proud we all are of you and your leadership that you are providing on the floor for this hour, that you have been going forward with all of this year. And I certainly want to single out for special praise our distinguished chairlady of the Congressional Black Caucus. The good Lord has surely brought us the right person at the right time to lead this caucus in a very serious sea of turbulent waters. And so, Ms. BARBARA LEE, I just want to personally thank you for that leadership as we go forward.

Let me start at the very beginning, because I think that we need to understand what we are referencing when we

use the words ''targeting'' and ''focus.'' Let me just say clearly, yes, we are the Congressional Black Caucus. But we are talking about targeting and focusing our efforts on the basis of need, no more, no less, than what they did for Wall Street. You all may remember, I serve on the Financial Services Committee, and it was Secretary Paulson, the Republican Secretary of the Treasury, who rushed over here to Capitol Hill with just two pieces of paper, two pieces of paper. And said that the sky is falling down on Wall Street, and we needed to target and focus $700 billion or $800 billion he said, on Wall Street.

And then he went on to say, not only targeted to Wall Street, but targeted to specifically 12 to 15 bank and financial houses. Targeted, because that was where the source of the problem he felt. And he analyzed that source of the problem by saying it's because the credit markets are frozen. There is no lending. And we have to move.

Well, we sent him back, and we said, well, we can't do that; we have to have something more moving. And he came back and said, Well, let's target it to troubled asset relief, or TARP, so that we can relieve these troubled assets with these financial institutions. Again, targeted. The point I'm trying to make is that we know the value of targeting where the problem is.

All we are simply saying here is we have troubled assets. What more troubled assets in our financial institution can we have than the job and our homes? And it is more troubled assets than the 12 or 15 houses to unfreeze the credit, which we did, and which we moved to. We must do the same here. We are advocating strongly that we take the remaining $200 billion of this TARP money and focus it on where these troubled assets are now, jobs, and to saving our homes. This is what the American people want and need.

Ladies and gentlemen, let me just say, we have a soaring economy. But we must understand that it, too, is targeted. We have roughly 300 million people in this country. Eighty percent of those are targeted at the bottom one-third of the economic wealth stream of our economy. That means roughly 80 percent of that 300 billion, that is 270 million people, are targeted there.

And I bring that point up because, simply, our economy runs on mass consumption. Stores require spending. And it means that you need as many people going in that store buying that carton of milk or going into that auto dealership buying that car as possible. That is why this effort now—we've taken $700 billion, we've targeted the top; we need to take this $200 billion and target it at the bottom, and target it for jobs, and target it related to housing because they are so interconnected.

The most immediate thing we can do is what, again, we in the Congressional Black Caucus, 10 of us stood firm on the Financial Services Committee and said, no, no. No more. You're going to have to respond to this. If we did no more than anchor our movement in terms of providing moneys and target it into those areas that have high foreclosure, high closed and abandoned buildings and homes, and target money into those communities to fix up those homes, get them back on the market, that will save the housing prices and stop them from falling but will also create jobs in the most meaningful way for the very people we are trying to target it for. We need to also target money to help people who are losing their jobs to stay in their homes.

And secondly, we've got to target jobs to those people who no matter what you say about a rising tide lifts all boats, it doesn't. Many people are left behind. And nowhere is that more specific than in the African American community of African American males.

I will just recall in my closing to you this evening, we realized this, and we put the Manpower Training Act, and we targeted that. We realized this point, and we put forth what was known as the opportunities and industrialization centers into these communities where we paid for the salaries and the training, and for the individuals to go on to the jobs so that they not only are trained for the jobs that are existing, but they are actually placed in those jobs. There are new jobs coming, and they've got to be trained for them.

Madam Chairwoman, I just want to thank you again. I appreciate this opportunity, and again, I'm very proud of my colleagues and what we are doing. Thank you.

Ms. FUDGE. Thank you very, very much, Representative SCOTT. We so much appreciate your thoughtfulness, quite frankly, and showing a real difference between what is happening on Wall Street and Main Street.

I would like to now, Madam Speaker, yield to our chair, our Chairman RANGEL, to give us some words of wisdom which I'm sure he is going to do this evening.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Once again, I want to thank Judge Congresswoman FUDGE for taking the time out as well as our leader, BARBARA LEE, for showing the depth of commitment that we in the Congressional Black Caucus have not only for our communities, which traditionally, historically have borne the blunt of historic economic setbacks, but for the entire country, because in my experience, it appears as though our great Nation's national security is at stake.

We can talk about the terrorists, we can talk about those that are out to destroy our way of life, but we can destroy our own way of life because what made America great is not the bankers. It is those people that thought in this great country that they could aspire, that they could work hard and there would be no limits on what they can achieve.

But unemployment is more than a statistic. Loss of a job means more than losing your house and losing your health care. It also means losing your dignity. And I cannot foresee how it's possible to have an economic recovery and have a jobless state of the economy. It seems to me that more important than the exchange of stock showing that America is willing to take risk is, what does America think about its hope, its future for its children? It seems to me that what makes America so great is what we think we can achieve. And whether you talk about current unemployment, you have to consider those people who had no hope before the setback. What happens to a person that is not included in the statistic? What happens to a person that knows there's no job at the unemployment office? What happens to a person that has given up hope?

Even if the so-called economy recovers, where will their will be to exercise the skill that perhaps has been lost? And how do you regain hope once that is lost.

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And so what I hope that we understand as a Nation is that it is not just those who are suffering out there, who are losing sometimes their family as well as their jobs, but it happens to be something that's going to affect the well-off, because the more we expand those people who have no money to spend, the more our small business people have no reason to be in existence.

And so we can talk about the stock market, but the world is not turning on our stock market; it's turning on the will of the American people. Internationally, if we begin to look, as we have in so many communities, as a developing nation, not having the will, not having the resources, not being able to feed our children, not being able to provide health care for our children, what is the difference in a mother or father's heart whether you are in a developing country, whether it's in the Middle East, whether it's in Africa; the love for your children has to be the same no matter what country you're in. If you can't feed your child, if you can't encourage your child, if you can't educate your child, if you can't point out how great your country is in terms of opportunity, then what makes us different as a great nation from those who are trying to achieve economic leverage?

And so, even though the hour is late, and I am late in getting here, make no mistake about it that you will be hearing from the Congressional Black Caucus every day, whether it's going to be on the floor, whether it's going to be in our districts, because there is something that brings us here more than just our conscience; it's that most of us know exactly what unemployment and the pain of unemployment is, the loss of dignity of unemployment. And then we have our families, and then we have our communities.

And so we really believe that for those people that believe that we don't

understand, before this Congress ends, the President and this Congress, we truly understand that this is a threat to our national security, and as Americans, as patriots, and as those who advocate a strong economy and a strong workforce, we will be glad to let you know that we will be doing all and everything that we can, and we've got to get the job done.

Thank you so much for yielding me this time.

Madam Speaker, the recent November jobs report offers encouraging signs that the Recovery Act is indeed working and that the economy has started to grow. Over the last three months, job losses have come down to the lowest level in two years. But the report is also a sobering reminder of the need to continue to advance policies that stimulate job creation and support the needs of American families and businesses that are struggling.

Nearly 16 million Americans are jobless, up 558,000 from last month. Unemployment is more than just a number—it's a measure of suffering. It's that many more children living in poverty. It's that many more families subsisting off of food stamps, which now feed 1 in every 8 Americans and nearly 1 in every 4 children.

An economic recovery plan focused on salvaging Wall Street, credit-frozen banks, and slumping American automakers—while all right and good—is not a meaningful recovery if it does not help struggling families.

That's why the Obama Administration, in addition to all of its great work in turning this economy around, hosted a jobs summit last week aimed at putting Americans back to work, and I am looking forward to working with the President to do just that. President Obama's Recovery Act has already resulted in as many as 1.6 million Americans gaining jobs.

But unemployment remains at crisis levels. In New York City, the jobless rate for people 16 and over has increased over the past year by 73.7 percent. Half of the city's residents who are near poverty report experiencing three or more hardships at once, including falling behind on rent, not filling a prescription, or being unable to purchase enough food. The President's efforts to stave off depression and economic collapse have helped, but millions of Americans are saying, "Tell that to my landlord." Rebounding economic statistics mean little when so many Americans are still struggling economically.

Over the course of the next few weeks, creating jobs will be my first and foremost priority. I look forward to working with the President and my colleagues in Congress, including members of the Congress Black Caucus.

African American and Latino families are among those that suffer the most from a recession because they are disproportionately impacted by a weak economy and do not have the safety net enjoyed by others. The unemployment rate for all African-Americans is about 50 percent higher than the nation as a whole, and more than 1 in 4 low-income Latinos in New York reported losing their jobs in the past year. We must offer fresh and bold solutions to cultivate an economy that works for us all. Not just the wealthy. Not just the politically connected. But all of us.

Not only is America hurting; so are our kids. New York City has 200,000 disconnected youth on its streets, kids ages 16 to 24 not in school and without employment. New York houses more kids in state prisons than it does on college campuses. Nowadays, it isn't just high school dropouts who are out of work. Americans from all economic groups are falling prey to a shrinking workforce, whether it's the hospital worker laid off after toiling at the same job for decades, or the college graduate having a tough time finding a job. In fact, Black college graduates are having a tougher time finding employment than their White counterparts, both those with and without a degree. We are all vulnerable, and we all deserve a helping hand in pulling through these difficult times.

There can be no excess of good ideas to combat this crisis sweeping our nation. One thing we can do, and do immediately, is extend unemployment insurance. It is urgent that we provide out-of-work Americans with instant relief. Additionally, the White House has committed itself to expanding green job opportunities through the Recovery through Retrofit program. These are good green jobs that can't be outsourced.

We must enact aggressive measures aimed at employing our young people at this critical time. The Administration is launching its "Educate to Innovate" campaign to improve participation and performance in the sciences through partnerships with foundations, nonprofits, and science and engineering societies. National service programs must be well funded, and we must develop an ambitious strategy to urge our youth to participate in them.

In the House, I am working with my Democratic colleagues on a jobs package that would include additional funding for infrastructure projects, like highway construction and renovation, bonds for building schools, and the expansion of the successful Build America Bonds program, already funding several infrastructure projects across the country. These projects are designed to put Americans immediately to work, all while making America safer and stronger.

In an effort to boost small business creation and tackle credit-freeze, we are anticipating expanding small business loans, providing fixes for community banks, and extending small business and bonus depreciation provisions from the stimulus package. Even the creation of green empowerment zones—those areas where at least 50 percent of the population has an unemployment rate higher than the state average—would provide tax incentives to businesses that hire individuals who live and work in those areas that are most suffering.

We are in the midst of a national emergency, but as a unified people, looking after each other, we will get through this stronger and far more prosperous.

Ms. FUDGE. Thank you very much, Mr. Chairman. We so much appreciate your being with us.

Now I would like to yield to the person who has really gotten me through most of this year, our representative from the Virgin Islands, DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congresswoman FUDGE. And thank you for the great job you're doing in pulling us together every week.

We had a press conference last week—and I agree with AL GREEN when he said we shouldn't even have to call it, not when unemployment in our communities is over 15 percent, even over 30 percent in some, and 50 percent when we look at young African American males, not when our CBC foundation can tell us about the lack of jobs for black males who have not completed high school or who have just completed high school compared to other people with similar educational levels.

The stark gaps in unemployment for African Americans, American Indians, Latinos, and Asians cry out for a remedy, one that responds to those who are most in need and at risk. If no one else will answer tonight, the Congressional Black Caucus is answering, and we will answer every day until we turn the unemployment rates and every other inequity in our communities around.

I've had the opportunity, on a small scale, to see what can happen with programs like these because we don't have to go through the State and the local distribution. We will soon graduate 26 formerly unemployed men and women who knew nothing about solar water heaters who can now build them from scratch and install them. They have an opportunity, through the ARRA, the program created by our government, our utility, and a not-for-profit to put their training to work in real jobs. And what these young men have told us is please continue these programs and expand them for us. That is what we are here to say on behalf of them and the millions of others who need work today.

I want to just say that the same thing applies to health care jobs; they are needed in all of our communities on every level. This is a job industry that is growing and will continue to grow as we pass health care reform. There is a great opportunity for our communities in health care to create jobs.

I want to take this opportunity to thank Rev. EMANUEL CLEAVER, Congressman, and our Chair, BARBARA LEE, for being so aggressive in working and moving the Congressional Black Caucus and using us to move our caucus towards the creation of these jobs, and to thank our President for making job creation a central part of his agenda. We are his strongest allies and supporters and advocates. And advocating, as we do for our community, we are working to ensure that the benefits of his Presidency reach everyone in this Nation.

Democrats don't plan to go home until we do something meaningful to create jobs. The Christmas, Hanukkah, and Kwanzaa season must be one of hope for everyone. That is our commitment as Democrats and as the Congressional Black Caucus; our commitment is to make sure that these benefits extend to everyone, especially those who are suffering most, especially those in the African American community and other communities of color, not just for a few, not just for some, but for everyone living in this country.

I yield back.

I am pleased to join our Chairwoman BARBARA LEE, Congresswoman FUDGE who does such a great job of organizing these special orders every week and my other CBC colleagues to speak to the critical importance of creating jobs for the American people, as we Democrats are poised to do, but particularly in the hardest hit African American communities who when America sneezes gets pneumonia, when a breeze blows elsewhere we get a hurricane, and when surf is high for everyone else we get a tsunami.

We had a press conference last week, that as Congressman AL GREEN said and I agree, we should not have had to call.

Not when the unemployment in African American communities is over 15 percent, even over 30 percent in some areas and higher in some age groups. Not when the projections are as they always have been that joblessness will continue longest for us—especially for African American males.

Not when the CBC foundation issued issues a very telling report that has clearly demonstrated the severe gaps in employment for black male high school graduates or who have not finished high school even in unskilled jobs compared to every other group with the same educational levels.

And not when universities and others across our country have reported studies that clearly demonstrate racial bias in hiring and all of this is only the tip of the iceberg.

The stark gaps in employment for African Americans and Latinos cry out for a remedy—one that responds to those who are most at need and at risk and, if no one else will answer, we the Congressional Black Caucus is answering today and every day until we turn around the unemployment rates and every other inequity in our communities.

There is just no way that we will stand by and let our community be left behind as the country recovers from the recession and the focus turns, as it must, to job creation. And, we are determined that our community will not be left behind as we turn the page to a new green economy and as we embark on a reform of our healthcare system. Both will require massive training programs and a major expansion of our workforce on every level. This is an opportunity that we cannot afford to let pass us by—we won't!

I have had the opportunity to see on a small scale what can happen with programs funded thru ARRA because in my district—the US Virgin Islands—state and local are treated as one entity, so I do not have to depend on the state to distribute funds at the local level.

We will soon graduate 26 formerly unemployed men and women who knew nothing about solar water heaters soon who can now build and install several models from scratch. They are now in their practicum installing them in government youth and senior facilities. I was so impressed as they explained things I will never understand. They have an opportunity now with a program created by government our utility and a not for profit to put their training to work in real jobs.

But what the student-trainees we met with Paul Larsen, Dean Doctrine and Kahlil Simone—begged us was that we continue this program and provide them with even greater opportunities.,

This is what we—on their behalf and on behalf of millions of others—are asking this Congress and our President to do now.

And the same applies to health care jobs. They are needed in all of our communities. Community health workers, allied health techs and nurse techs will be needed to meet the demand of the newly insured, they will be the key to eliminating health disparities in our communities, and open a door to even more opportunities. Right now the Department of labor has 200 million dollars available for training for healthcare jobs our of the ARRA, we need to continue and expand that going forward in the jobs bill this body will pass and we need to ensure that the communities that suffer the greatest disparities are targeted with these programs for job creation in this industry where the demand will only continue to grow.

Health care provides a great opportunity for the now un- or under-employed to lift themselves out of poverty, to improve the health of their communities and to raise our nation's standing for all of the health indicators for which—like infant and maternal mortality as well as general health status we lag behind everyone of our industrialized global partners.

I would like to thank the Jobs Taskforce led by our colleague, Reverend EMANUEL CLEAVER, and our Chair BARBARA LEE for aggressively moving to ensure that communities like ours which are distressed and the people who live there will not continue to be marginalized by post racial wannabees.

As was said at the press conference in response to those who would make this a racial issue—if it is, it is not because we made it so. It is made so by the fact that the communities with the highest unemployment and the highest rates of poverty are African American, American Indian and other communities of color.

And for those who want to make this a fight between the CBC and the President—nothing could be further from the truth!

The White House unfortunately has too many advisors to whom the distress and misery in our communities are if not invisible, are not clearly seen and definitely not felt!

It is our responsibility to be the advisors and the advocates on the other side, on the side of those who have felt and borne the brunt of every hard time, every recession or depression long before and a whole lot longer than anyone else in this country.

We are our President's allies, supporters and strongest advocates. In advocating, as we do for our community, we are working to ensure that the benefits of his presidency reaches every corner of this nation, and that his presidency surpasses every other through the prism, not just of history, but of what happens today to improve the lives of those most in need.

Ms. FUDGE. Mr. Speaker, we thank you for, once again, allowing the caucus to come and share with you our views. I want to thank all of the members of the caucus who came tonight. I think it was a very, very interesting and dynamic discussion.

Ms. FUDGE. Mr. Speaker, the Nation's unemployment rate is alarming—over 10 percent of our citizens are unemployed. However, African Americans have been hit harder by the recession. Nearly 15.6 percent of African Americans are unemployed. My congressional district has an even higher unemployment rate, of 17.1 percent, and is one of the poorest communities in the country. Many parts of the Greater Cleveland area suffer from abject poverty and unemployment. Nearly one in every four Cuyahoga County residents lives below the poverty line. These unemployment rates demonstrate that Americans need and deserve a more concerted federal effort to reduce poverty and create jobs. We must do more to help curb our Nation's problem and create jobs for our people.

One reason I came to Congress was to help struggling Americans in my district. My number one priority is to promote policies that create jobs and spur economic development. I have consistently advocated for such policies this year.

In the Student Aid and Fiscal Responsibility Act, Representative LOEBSACK and I introduced the sectors amendment, which helps individuals and businesses by bringing together multiple stakeholders with a common interest in developing and implementing workforce development strategies that contribute to local and regional growth. The purpose of Sectors is to prepare individuals for jobs that are available in their communities now. Sector approaches draw upon the expertise of many partners who improve worker training, retention, and advancement by developing cross-firm skill standards. It promotes career development, job redefinitions, and shared training, while supporting capacities that facilitate the advancement of workers at all skill levels, including the least skilled. An emerging body of research demonstrates that sector strategies can provide significant positive outcomes, including job attainment, increased wages, and greater job security.

As we work to ensure that all Americans have access to affordable health care, I authored an important provision in the Affordable Health Care Reform Act. This provision requires the Advisory Committee on Health Workforce Evaluation and Assessment, established by the bill, to monitor the adequacy of the health care workforce and report workforce shortages. This will ensure the creation of job opportunities, where necessary, for constituents of the Eleventh Congressional District of Ohio. My provision will guarantee a rapid response to shortages in the health care workforce, such as Health Information Technology, nursing, primary care physicians, pediatrics and other specialists.

The American Recovery and Reinvestment Act provides $19 billion for the U.S. to take the lead in health information technology. It establishes standards for a nationwide electronic exchange and health information to improve quality and coordination of care by 2010. Earlier this year, I introduced the Health Information Technology Public Utility Act. This bill will assist all health facilities transition to computerized health records. Ursuline College, an all-women's school in my district has created a curriculum responding to this need. Sister Diana Stano, President of Ursuline, has a health IT program that facilitates the expansion of my district's health information technology workforce. This program is more important at a school like Ursuline, because nearly 30 percent of the population is comprised of students from lower socio-economic groups or first generation college students. These students will now have an opportunity to move straight from training to sustainable employment.

Currently I am working with Chairman TOWNS and Representative PATRICK MURPHY on legislation that will not only assist students

with private education loans but also create jobs following college. The proposal allows college graduates to swap a portion of their private student loan debt for a federally subsidized loan with a lower interest rate. As a result of the conversion, the federal government would earn $9 billion for school construction, improvements for primary and secondary education facilities and institutions of higher education.

We must provide financial support for students to complete trade certifications or college degrees. Education is the only way to end the cycle of poverty.

We must encourage innovation in lending so small business and those in minority communities have access to capital.

We must aggressively advocate for loan modifications to reduce foreclosures and keep Americans in their homes.

In short, we need a concerted effort from the Federal government to expand access to the critical services and resources for minority communities. The exaggerated rate of Black unemployment is problematic for the entire Nation. These families, and those in disproportionately affected regions, need a solid pathway out of poverty.

By re-training workers in expanding industries, instead of those that are shrinking we can move people out of poverty.

Targeted assistance to Americans disproportionately suffering from the recession is crucial to reducing the unemployment rate for all.

PREVENTIVE SERVICES TASK FORCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 60 minutes as the designee of the minority leader.

Mrs. SCHMIDT. Mr. Speaker, I rise tonight to speak about a very important issue, it's about breast cancer and my expressed disappointment and disagreement with the recent set of recommendations issued by the United States Preventive Services Task Force, this simple little 12-page study that, quite frankly, has angered millions of women across the United States. I highly recommend people to take the 15 minutes that it will take to read this report and see just how flawed it really is.

As most Americans know, especially women, breast cancer represents a major health threat both in this country and across the world. Breast cancer is one of the most frequently diagnosed forms of cancer for women, and it ranks second only to lung cancer in terms of cancer-related deaths.

In 2008, an estimated 250,000 cases of breast cancer were diagnosed in the United States, and 40,000 women lost their lives to this terrible disease. These 40,000 deaths represent, however, a significant reduction in mortalities compared to 20 years ago. In fact, since 1990, the mortality rate for breast cancer has decreased approximately 30 percent. Medical experts attribute this dramatic decrease to both improved treatment methods and to the widespread and regular use of early detection techniques such as mammograms.

Despite these positive gains and despite the thousands of lives that breast cancer screening has saved during the past two decades, the United States Preventive Services Task Force recently issued new recommendations advocating, get this, against routine mammograms for women younger than 50, biannual mammograms for women 50 to 75, no mammograms at all for women older than 75, and actually recommended against teaching women the proper and important method of self breast examinations; they don't want medical experts to show them how to do a self breast exam.

In coming to these conclusions, the Task Force—which, by the way, did not include a single expert in mammography or oncology—reasoned that the physical and psychological harms associated with breast cancer screening outweigh the benefits for women younger than 50 years of age. The task force then explained that the harms it was concerned about included unnecessary tests and biopsies, and the general inconvenience, stress, and—get this—anxiety caused by potentially false positive screening results.

Personally, I was appalled and shocked to think that we might have a little bit of anxiety thinking that we might have felt something in a self breast cancer exam or that a mammography might have showed a shadow that was a little inconclusive and that we might need follow up, that we might have anxiety with that. And since for most of us it will be a false positive, we really don't need to have that anxiety. I was appalled because, yeah, you have a little anxiety, but think of the joy that you have realizing it was a false positive. And think about the relief that you have knowing that you now have the ability to fight a disease when you find it at its earliest and most preventable stage.

My concern is what these recommendations will do for women who should be receiving annual breast exams both now and in the future. Because what the government report is essentially telling women is that they should forgo proven methods of detecting breast cancer because in the aggregate screening methods don't save enough lives to outweigh the discomfort, inconvenience, and yes, the report talks about the cost.

Quite frankly, this is not just bad advice, this is awful advice. And I believe it will result in countless unnecessary and preventable deaths for women who do not avail themselves of screening techniques that could and would detect breast cancer at its earliest and most treatable stages and, yes, save lives.

For example, the task force downplayed the importance of self breast examinations. In doing so, the task force reasons that having a medical professional demonstrate the proper method of self-examination is insignificant to the cancer detection, and that too many women would suffer, again, anxiety from false positive results. But the report ignored a very important question; how many women have had their lives saved because of a simple self breast exam?

Perhaps the anxiety for those who don't understand what they have uncovered is less important than the one person who actually finds something and saves his or her own life because, yes, men also get breast cancer.

I also oppose the task force's recommendations because they represent an unfortunate and dangerous step back in the fight for health care equality for women. I was in the State legislature in Ohio for 4 years, and I uncovered this. It was through my insistence that insurance companies in Ohio pay the true cost for mammograms for women in Ohio. Recommendations like this task force's will serve to weaken State mandates like Ohio's, and they will ultimately lead to a rationing of preventative care across the country.

For example, according to language in the health care bill just passed by the House, the task force's recommendations could give the Secretary of Health and Human Services the power to exclude mammograms and other breast cancer screening techniques from any government-run health care plan or exchange. If you read pages 1317 and 1318 of the bill, you will see that the language in there suggests a slippery slope where this could occur.

Now, yes, it talks about testing and demonstration projects, but it says, the Secretary of Health and Human Services shall ensure that a subsidy or reward is provided only if a government task force recommendation is rated as A or B. Well, this task force only graded breast cancer screening for women 40 to 49, as a C, so this bill may not require the Federal Government to cover the cost of preventative care.

The Federal Government may not be required to cover annual screenings for women 50 and older. And the task force recommends that screening should be done biannually for this age group, and not for women over 75 at all. But the Senate bill is even more alarming. Comparable provisions were also included in the Senate proposed health care bill until an amendment was adopted last week.

For example, 2713 of the bill requires that private insurers cover only preventative services that receive a rating of A or B from the task force. Section 4105 of the bill granted the Secretary of Health and Human Services the ability to modify any government coverage of preventative services if consistent with recommendations of the task force. In fact, there were more than a dozen occasions in the Senate bill when recommendations from the task force would influence the availability of health care.

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Now, not surprisingly, the Obama administration and the Secretary of

Health and Human Services have attempted to deflect the public outroar about this task force's recommendations, stating that the task force does not set Federal policy, that it does not determine what services are covered by the Federal Government. They also have claimed that the Federal Government's policy concerning breast cancer screening coverage will not change as a result of the task force's recommendations. Insurance companies have made similar promises, assuring their customers that they will continue to pay for annual mammograms as well, but it begs the question:

For how long?

The language contained in the House and the Senate bill speaks for itself, and it speaks loud and clear. There is simply no guarantee that the administration, that the Secretary of Health and Human Services, and that the insurance companies won't change their positions in the future, and there is no guarantee that mammograms will continue to be covered.

Fortunately, the task force's recommendations have been strongly rejected by a litany of respected medical organizations, including, notably, the American Cancer Society and the American College of Radiology. The recommendations also run contrary to positions taken by the American Medical Association, the American College of Obstetrics and Gynecology, and the National Cancer Institute. I have some of these publications here, and in a little while, I will read from them.

Right now, I am really hopeful that women ignore this task force's recommendation. It is for their health and for their safety, and it is also for the health and the safety of their families. I would also hope that, as we debate this health care bill, that we ensure that we do not look at cost and then look at treatment and decide that cost outweighs treatment. Yes, there is a limited amount of money out there, but nobody's health should be put on the line because of the dollars that are involved.

So I hope that women tonight will listen to their doctors—not to the government, not to the insurance companies, and certainly not to this task force—and will make the right decisions for all of their health care. There simply is no room for a government bureaucrat in a woman's decision to screen for breast cancer.

Right now, I have my good friend from Pennsylvania's Fifth Congressional District, Congressman GLENN THOMPSON, who wants to weigh in on this.

Mr. THOMPSON of Pennsylvania. I thank the gentlelady from Ohio for yielding and for hosting this Special Order this evening on what is truly such an important topic. I don't think there is anyone here in this Chamber or anyone across the United States who, through family or friends, has not been touched by breast cancer in their families or within their networks of friends.

I came here in January. Prior to that, I had worked in health care for 28 years, in rehabilitation services. I was a rehabilitation professional, working, actually, as a rehab services manager for most of that time. During that time, I had my staff. They were wonderful, caring, compassionate individuals who were true professionals. I worked with just a tremendous number of women who were breast cancer survivors postmastectomy. I was developing innovative rehabilitation techniques and exercises, and I really tried to touch the lives of people who were facing this devastating disease.

You had talked about these recommendations that were put out, and I'm sure you're going to go into detail on this, but I pulled a document, and it was one of those that you referenced.

Truly, when I think of cancer, I think of an organization such as the American Cancer Society, which just offers their expertise. Their researchers do just a tremendous job on awareness and on prevention and on treatment all across the board. In their 2009 Cancer Prevention and Early Detection Facts and Figures, just go to page 35. It talks about what their recommendations are. It is very specifically that mammographies begin at age 40, and it's annually. Those are not dated recommendations. Those are not dated screening guidelines. Those are 2009.

You know, breast cancer, as the gentlelady mentioned, is the second leading cause of death in American women. In 2008, there were over 40,000 deaths in this country. Certainly, breast cancer also touches the lives of men in much smaller numbers, but it does have a presence. In the United States, women get breast cancer more than any other type of cancer except for skin cancer. Breast cancer is only second to lung cancer as the cause of death in women. Breast cancer does occur in men, but as I said before, the numbers of cases are certainly small.

Now, age and health history certainly can have an effect on the risk of developing breast cancer. Anything increases your chance of getting a disease. It's called a ''risk factor.'' Having a risk factor does not mean that you will get the cancer, but not having risk factors does not mean that you will not get the cancer.

People who think they may be at risk certainly need to talk to their doctors as the relationship between the patient and the physician is just so important. We've talked about that relationship so many times in this health care debate. One of my biggest fears isn't the cost of health care. Really, my biggest fear is when the government or a bureaucrat becomes a wedge between the decisionmaking relationship of the patient and the physician. Certainly, when it comes to risk factors, touching base and communicating with one's physician is so important. People who think they may be at risk should discuss this with their doctors, and they should discuss all of the risk factors that are present.

Cancer prevention is certainly very important. Cancer prevention is an action taken to lower the chance of getting cancer. By preventing cancer, the number of new cases of cancer in a group or in a population is lowered. Hopefully, this will lower the number of deaths caused by cancer. To prevent new cancers from starting, scientists look at risk factors and protective factors. That's where the value of these regular screenings comes in. Anything that increases your chance of developing cancer is called a ''cancer risk factor,'' and anything that decreases your chance of developing cancer is called a ''cancer protective factor.''

Now, some factors for cancer can be avoided, but many cannot. For example, smoking and inheriting certain genes are risk factors for certain types of cancer, but only smoking can be avoided. As for regular exercise and a healthy diet, neither of those really fit well into the lifestyle one has while working in Congress. I've found, since January, neither a healthy diet nor exercise, but both of those can be protective factors for some types of cancers. Avoiding risk factors and increasing protective factors may lower your risk, but it does not mean that you will not get cancer. Different ways to prevent cancer are being studied, including changing one's lifestyle, eating habits, avoiding things known to cause cancer, taking medication to treat a precancerous condition or to keep cancer from starting.

Certainly, breast cancer screenings have been shown to reduce breast cancer mortality. In the United States, death rates from breast cancer in women have been declining since 1990. I think that's a track record we can be very proud of, and it's a trend line that is just so important. Most of that has been due, in large part, to early detection by mammography screening and by improvements in treatment.

When you look at those trends, I find appalling the recommendations we've recently seen come out to not just move up the age of when mammographies would begin but the fact that they would go to every 2 years versus an annual basis. Currently, 61 percent of breast cancers are diagnosed at a localized stage for which the 5-year survival rate is 98 percent. Again, within the United States, I think that's a statistic we can be very proud of. Further reductions in breast cancer deaths are possible by not spreading out but, rather, increasing mammography screening rates and by providing timely access to high-quality follow-ups and treatment.

Despite the relatively high prevalence of mammography screenings in the United States and within the document I made reference to previously—this is from 2006—I think that we've seen actual improvements in terms of access to screenings. Nationwide, for women 40 years of age and older, 61.2 percent have had mammography and clinical breast exams. Ages 40 to 64 is

59.7 percent; 65 years of age and older is 64.6 percent. These are good numbers. They could be better. We could improve upon them. I don't think we can improve upon them by following those recommendations that were just recently put out.

Recent studies suggest that many women are initiating mammographies later than recommended or are not having mammographies at all or are not having them at the recommended intervals or are not receiving appropriate and timely follow-ups of positive screening results. These indicators of inadequate screenings are associated with a more advanced tumor size and stage at diagnosis.

In accordance with the American Cancer Society screening guidelines, it is important for women aged 40 and older to receive mammography screenings on an annual basis at an accredited mammography screening facility. For women with increased risks of breast cancer, the society recommends annual screenings using MRIs, or magnetic resonance imaging, in addition to the mammograms.

I am very appreciative of my good friend from Ohio for, once again, taking the leadership on this very important topic and for allowing me to join in with you tonight.

I yield back.

Mrs. SCHMIDT. I thank you very much. This whole report concerns me on a multitude of levels.

A few weeks ago, I and a group of women got together, and we held a press conference. At the press conference, when it was my turn to speak, I actually had a reporter who questioned what we were saying because we were not ''professionals'' in the field.

I held up the report, and I said, Have you read it?

Well, he hadn't read it. So I handed it to him and suggested that he read it; but you know, I'm not a professional. I don't have a medical background. I'm just a woman, and I'm a woman concerned about my friends who have had to undergo the fear of having breast cancer. With treatment and especially with early diagnosis, they are living very, very normal lives. I could go on and on.

I have a friend who was 41. She missed her first mammography at the age of 40. She went, and she had a very, very small tumor, and she had it out. That was 4 years ago. She has a little girl. She's going to live to be a ripe old age. Thank God she was able to have that mammography, because there is no breast cancer in her family. So, according to this report, she shouldn't have had it until age 50 because she's not at risk, but ah, indeed, 75 percent of people who get breast cancer do not have risk factors for cancer. Only 25 percent do.

I want to read right now the report from the American College of Radiology. It's dated November 24, 2009. I want to read it because they're the scientists; they're the professionals—I'm not. I think that what you will see in this is an unraveling of the inconsistencies of this report.

It says that several sections of the Senate health care reform legislation contain language stipulating that insurance entities, such as private insurers, Medicare and Medicaid, would only be required to cover services receiving a specific rate from the United States preventative service task force. Presently, this would exclude mammography services for the majority of women 40 to 49. It would only require coverage of biannual—that's every other year—coverage for women 50 to 74, and it would exclude coverage for those women 74 years of age and older. While the USPSTF recommendations may result in cost savings, a great many women will die unnecessarily from breast cancer as a result.

These are not my words. These are the words of the American College of Radiology.

It goes on to read that this is not a political argument. It is a matter of life and death. Congress needs to act to specifically protect annual mammography coverage for women ages 40 and older and for high-risk women under 40 as recommended by their physician, said James T. Thrall, M.D., FACR, Chair of the American College of Radiology Board of Chancellors.

If the cost-cutting USPSTF mammography recommendations are not excluded from health care reform legislation, the government or private insurers would be permitted to refuse women coverage for this lifesaving exam, turning back the clock on two decades of advances against the Nation's second leading cancer killer.

These aren't my words. This is the American College of Radiology. They go on.

The federally funded and staffed task force includes representatives from major health insurers, but it does not include a single radiologist, oncologist, breast surgeon or any other clinician with demonstrative expertise in breast cancer diagnosis or treatment.

□ 2130

Despite demonstrations by their own analysis that screening annually beginning at age 40 saves most lives and most years of life, the task force recommended against mammography screening for women 40 to 49 years of age, annual mammograms for women between 50 and 74—in favor of only every other year—and all breast cancer screening in women over 74. These recommendations run counter to even the task forces own data and are out of touch with the long-proven policies of the American Cancer Society, the ACR, and other experts in the field.

I have to digress for a moment because my very, very dear friend, her mother is 90. Her mother did a self-breast exam and noticed a lump, had a mammography. They did a lumpectomy. That was a few months ago.

My very dear friend lost her father a couple of years ago. All she has is her mother and her brothers and sisters. She is delighted to know that her mother has a long life ahead of her and at least isn't at risk for this disease. But, again, according to what these recommendations are, she wouldn't have gotten a mammography and wouldn't have gotten a lumpectomy.

I will go back to the American College of Radiology's report that strongly urges those in Congress to exclude the USPSTF guidelines from health care legislation and make changes to the task force membership, an operating process that will guard against such unacceptable recommendations moving forward without any input from experts in breast cancer diagnosis and treatment, said W. Phil Evans MD, FACR, president of the Society of Breast Imaging, SBI.

This states that since the onset of regular mammography screening in 1990, the mortality rate from breast cancer, which has been unchanged for the preceding 50 years, has decreased by 30 percent. Ignoring direct scientific evidence from large clinical trials, the task force based their recommendations to reduce breast cancer screening on conflicting computer models—conflicting computer models—and the unsupported and discredited idea that the parameters of mammography screening change abruptly at the age of 50.

In truth, there are no data to support this premise.

Let me continue, that allowing a small number of people with no demonstrative expertise in the subject matter to make recommendations regarding diagnosis of a disease which kills more than 40,000 women a year makes no scientific sense and is a mistake that many women will pay for with their lives—these are not my words. This is the American College of Radiology's words—and that lawmakers need to require that the task force includes experts from the field on which they are making recommendations and that its recommendations be submitted for comment and review to outside stakeholders in similar fashion to rules enacted by the Centers for Medicare and Medicaid Services, said Thrall.

Before I continue with this, I just want to say that if we are going to base health care on any task force's grading system of an ''A'' or a ''B,'' my fear is what kind of experts are going to be doing the grading and what kinds of outcomes are going to be there, because clearly, according to the American College of Radiology, this report is not true science.

Let me continue, that it is well known that mammography has reduced the breast cancer death rate in the United States by 30 percent since 1990, hardly a small benefit. Based on data on the performance of screening mammography as it is currently practiced in the United States, one invasive cancer is found for every 556 mammograms performed in women in their forties.

I want to repeat that, because, you know, this report says that for women under the age of 50 they are going to have anxiety and fear—''Oh, my gosh, I might have breast cancer''—so why put them through it. Well, for 556 people that's true, but that one in 556 does have breast cancer. That one in 556 has the right to know it, know it in its earliest stages and get treated appropriately.

Let me continue, that mammography only every other year in women 50 to 74 would miss 19 to 33 percent of cancers that could be detected by annual screening.

Let me digress, that's my age group. I am in my fifties. So I am not supposed to have this every year, this mammography? I am supposed to have it every other year? But that means my chances for finding early detection and living a long time would be decreased instead of helped.

Then it continues that starting at age 50 would sacrifice 3 years of life per 1,000 women screened that could have been saved had screening started at the age of 40.

Okay. I don't want to be that one life in 1,000 and neither does any other woman in America, but let me continue.

Eighty-five percent of all abnormal mammograms would require only additional images to clarify whether cancer may be present or not. Only 2 percent of women who receive screening mammograms eventually require a biopsy, but the task force data showed that the rate of biopsy is actually lower among younger women.

The issue of overdiagnosis is controversial. By the task force's own admission, it is difficult to quantify and is less of a factor among younger women who have had many years of life expectancy.

Weighing the significance, documented benefits of annual mammography screening against possible anxiety and the need for additional imaging or biopsy, it is difficult to understand how the task force reached its recommendations.

Again, these aren't my words. These are the American College of Radiology, that these new recommendations have created a great deal of confusion among women, a situation that might have been avoided by consulting those of us in the field who actually care for women who are seeking detection, diagnosis, and treatment of breast cancer. The unfortunate result may be decreased utilization of this lifesaving tool.

I urge insurers and Congress not to compound the problem by allowing the possibility of denying coverage to women who seek routine annual mammography starting at the age of 40 and continue for as long as they are in good health, said Carol H. Lee, MD, Chair of the ACR Breast Imaging Commission. The task force is a panel funded and staffed by the Health and Human Services Agency for Health Care Research and Quality.

The Medicare Improvement for Patients and Providers Act of 2008 gave the U.S. Department of Health and Human Services the authority to consider the USPSTF recommendations in Medicare coverage determinations. Private insurers may also incorporate the task force recommendations as a cost-saving measure.

I want to repeat that, because I think that's the most chilling revelation that I have uncovered in this whole breast cancer debate. The Medicare Improvement for Patients and Providers Act of 2008 gave the U.S. Department of Health and Human Services the authority to consider this task force's recommendation in Medicare coverage determinations. Private insurers may also incorporate the USPSTF recommendations as a cost-saving measure.

I am quite alarmed, and I think most Americans are as well.

I have been joined by my colleague from Wyoming, Ms. CYNTHIA LUMMIS.

Mrs. LUMMIS. I would like to thank the gentlewoman from Ohio for bringing this issue to our attention once again this evening. You know, many of us have anecdotal information about friends, relatives, colleagues who have experienced the diagnosis of breast cancer in their forties simply because they went in to receive a routine mammogram.

That was certainly the case with my sister-in-law who, in her forties, went in for a routine mammogram, had none of the genetic or typical markers that reveal the need to have mammograms, but, of course, since they were regularly recommended for women in their thirties and forties, she went in for her annual mammogram and was diagnosed with a very aggressive form of breast cancer. She was diagnosed, had her mastectomy, and began her chemotherapy all within the period of 30 days.

Without that routine mammogram, that aggressive breast cancer would have had an opportunity to spread in a way that would have caused or exacerbated the chance that that cancer would not have been treatable and would not have saved her life.

In fact, we learned during the health care debate in the House that in the United States both men and women have better rates of survivability for cancer in the United States than they do in Canada or in Europe. That is because cancer is routinely screened for and it is rapidly addressed following diagnosis. In fact, the opportunity in the United States to receive treatment quickly following diagnosis is directly related to the current health care system in the United States.

As the gentlewoman from Ohio indicated, there are opportunities, due to the findings of this panel, for insurers to use it as a basis to decide not to provide covered health care insurance for breast cancer mammography screening for women in their forties.

I believe that that is an indicator of how serious this issue is, and I want to particularly thank the gentlewoman from Ohio for calling it to our attention this evening.

Mrs. SCHMIDT. Thank you so much, and I hope that your sister is doing well.

Mrs. LUMMIS. She is doing very well. She is cancer free. And I would indicate, also, that it is, of course, just another example. But I am from Wyoming. One of our Senator's wives, Bobbi Barrasso, was also diagnosed with breast cancer in her forties as a result of a mammogram and is also doing well.

You look at our tiny little congressional delegation that consists of one Member of the House and two Senators, and of those three people, two have examples of breast cancer within their own families that was diagnosed in women in their forties due to a routine mammogram. That gives, even though anecdotal, a couple of examples that are repeated all over the country by people who may be tuning in tonight on C–SPAN. Many of you know women who have been diagnosed and successfully treated for breast cancer in the United States.

Part of the reason the prognosis has improved so dramatically in the United States for this very serious and, unfortunately, very common form of cancer is the fact that following routine screening, we have the opportunity to receive aggressive treatment in a health care system that, while in need of reform, is not in need of the kind of reform that would increase the period of time between when we are diagnosed and when we are treated.

We know, from around the world, from systems of government in Europe and in Canada that have the form of health care that was being advocated in this body by the majority party and a form which, in fact, passed this body and is now being debated in the Senate, that, indeed, when you add more government to the health care system, you do add time lags between diagnosis and treatment. And that is something that we should be trying to encourage our colleagues to prevent and prevent especially because of the United States' superior record when compared to other nations around the world with regard to breast cancer.

Mrs. SCHMIDT. Thank you so much.

I want to continue to show that while I am not a medical professional and my dear colleague from Wyoming is not a medical professional, we are not just speaking from the heart and from our soul. We are also speaking from an intelligent position.

The Washington Post had an article by Otis W. Brawley. Who is Otis W. Brawley? Well, he is the writer, is the chief medical officer of the American Cancer Society.

Now I am not going to read this whole article that was in The Washington Post on November 19, but let me read some of the things from it.

□ 2145

Studying cancer deaths among women in their forties reveals some

important trends. Death rates were dropping slightly in the 1970s, thanks to better awareness and better treatment. In 1983, the American Cancer Society began recommending that all women get screened beginning at the age of 40. By 1990, death rates began a steep decline that continues today. While some of that drop is due to improvements in treatment, conservative estimates are that about half is due to mammography. Without mammography, many women would not be candidates for breast-conserving therapy. You cannot treat a tumor until you find it, and we know that mammography has led to finding tumors when they're smaller and far more treatable.

We think the task force may underestimate mammography's lifesaving value.

It goes on.

In the end he wraps up by saying, In the meantime the American Cancer Society continues to recommend annual screening using mammography and clinical breast examination for all women beginning at the age of 40. The test is far from perfect, but it's the best way we have to find tumors early. How many lives are enough to make routine screening worth it? How many mothers, sisters, aunts, grandmothers, daughters and friends are we willing to lose to breast cancer while the debate goes on about the limitations of mammography? Turning back the clock will add up to too many lives lost, and too many women finding their tumors later, when treatment options are limited. Our medical staff and volunteers overwhelmingly believe the benefits of screening women ages 40 to 49 outweighs its limitations. Let's not behave as though we lack a tool with proven benefits to women.

Again, these are not my words; these are the words a medical professional has written in the Washington Post. I could go on, because the American Medical News, I pulled this off line. I just want to read some of the things that it says in here.

It says, Taking its concern a step further, the American College of Radiology asked that the recommendations be rescinded to prevent the possibility of the new guidelines influencing policymakers as they shape health system reform legislation.

This was printed on November 30. This article goes on to say:

Washington, D.C. radiologist Rachel Brem dismissed the potential harm when compared to the value of detecting cancer. ''Virtually all my patients would prefer the small anxiety of a false-positive with the possibility to diagnose an early breast cancer.''

Oh, yes, Mr. Speaker, we women would prefer to have a little anxiety and find it early, find it, treat it appropriately, and live to a ripe old age.

It goes on to say, Researchers of one study found that annual mammography screening for women ages 50 to 79 resulted in an 8 percent median increase in breast cancer mortality reduction. For screening every 2 years, it was 7 percent. So we lose a percent if we wait every 2 years. For screening that begins at age 40 and continues to age 69, researchers found a 3 percent median breast cancer mortality reduction with either annual or biennial screening. Researchers concluded that greater mortality reductions could be achieved by stopping screening at an older age than by initiating screening at an earlier age. No recommendations were made for women 75 and older because, the task force said, there is insufficient evidence to assess the additional benefits and harms. But early detection is partially credited for the steadily falling breast cancer rate among women younger than 50, according to the American Cancer Society.

It goes on to say that they, too, debunk the findings of this study.

I also went through and looked at some of what was being said in my own hometown. On the editorial page on November 18, Krista Ramsey, I want to read this because it really has the sentiment of my heart:

Tell us why we shouldn't feel betrayed.

After decades of memorizing breast cancer's warning signs, training ourselves to do monthly self-exams, and guilting ourselves into annual mammograms, we women are now being told the exams are useless and mammograms unreliable.

A Federal task force has reversed a decades-long campaign that trained women to make screenings a cornerstone of their self-care. It now recommends against routine mammograms for women in their forties, longer intervals between them for older women, and ditching the self-exams.

Intended or not, yanking away the tools we relied on to keep ourselves safe from this disease shakes the confidence that we can keep ourselves safe. And fear and confusion have always been breast cancer's best friend.

Now we are left to reconcile two utterly conflicting messages—the task force cautioning against the test the American Cancer Society still calls lifesaving.

As so often happens with debates over medical care, women can't help but feel like pawns. Experts told us to get smart about this disease and we did our homework. They told us to face it straight on—have the tests, entertain the thought it could happen to us—and we didn't flinch.

For decades, we have walked against breast cancer, run against it, shopped and marched against it. We devoted a whole month to raising our awareness, nagging other females we loved to schedule mammograms. We pinned on looped ribbons, we donned hot pink—and nobody looks good in hot pink.

Now it seems the message is sit back, don't worry and wait. The millions we raised for research on prevention went for this?

The dueling medical experts are going to be the ones to feel the pinch if they think they can, just like that, back women off of mammograms. And they should be very careful about warning against screenings because the results could make us worry our pretty little heads.

It's not that we shouldn't be disabused of reassuring but faulty medical advice. It's not that women have had a long history of being talked down to, and all around, when it comes to matters of their health. Still, our skepticism can kill us.

It's well known that we women take better care of others than ourselves. It doesn't take much for us to rationalize resetting our priorities—I'll get that tooth fixed after we pay off some bills, I'll schedule that test after we finish soccer season.

Leaving work for a mammogram has always been a hassle. Now we can justify waiting another year. And then, as our busy lives barrel on, that 1 year becomes 5. For many women, that 5-year gamble will do no harm. For some, it's a fatal bet. And nobody can say which one of us can afford to wait and which cannot.

How much less painful this would be if we all couldn't name women who needed a mammogram earlier than she got it. How many children wish their mom could have been diagnosed in time so she could see them graduate from high school? Do we suspect this whole debacle is more about saving on health care costs than sparing us anxiety? You bet we do.

Are we concerned that tightening the recommendations will, down the road, mean limiting our care? We're not stupid.

We're sophisticated enough to understand cancer is a wily opponent that doesn't follow anybody's rules. But we're savvy enough to know that when it comes to our health, we only get the care we demand.

Tell us the truth. Tell us what you don't know. Put our lives before cost savings. Bring us fully into this discussion. And imagine that women who will be undiagnosed or wrongly diagnosed by your miscalculations is your daughter, your mother or your wife.

I have now been joined by my very good friend, Dr. BURGESS from Texas, and yield you as much time as you need.

Mr. BURGESS. I thank the gentlelady for yielding. I thank you so much for taking the initiative to do this hour tonight. I think it is extremely important and extremely timely. Last month when the United States preventive service task force came out up with their guidelines, I went home from Congress to my desk and there was a copy of OB–GYN News that had just been delivered the week before these task force guidelines came out. This was the current state of the art, the current state of thinking just prior to these task force recommendations being made.

In the article, and I am quoting here, the most effective method for women

to avoid death from breast cancer is to have regular mammographic screening, said Dr. Blake Cady at a breast cancer symposium sponsored by the American Society of Clinical Oncology. Interestingly, in their article they cite some statistics, and I'll be honest, these are statistics that I knew but I had forgotten. The rates of cancer deaths in the current study, 25 percent of them occurred in women who had regular screenings. Seventy-five percent occurred in women who did not. That's a 3-to-1 risk ratio of dying from breast cancer between those who were screened and those who were unscreened. In fact, they go on to say that amongst women who were unscreened, the 56 percent mortality is the same overall mortality we used to see in breast cancer up until 1970 prior to the onset of widespread mammographic screening.

Another piece of information I wanted to share tonight is from the American College of Obstetrics and Gynecology from their president, Gerald F. Joseph, who wrote to me December 4 of this year:

As you know, the American College of OB–GYN expressed concern about the new breast cancer screening guidelines in a letter to the United States preventive service task force in May where we raised concerns that the C recommendation against routine screening mammography in women ages 40 to 49 would be misunderstood by clinicians, by patients, misunderstood by policymakers and insurers and ultimately this could prevent women in that age group from receiving important services. Immediately following the release of the new guidelines, the American College of OB–GYN instructed fellows of the college that it would continue to recommend routine screening for women in this age group.

Here is probably the most critical point of Dr. Joseph's letter. In his last paragraph, This is especially critical right now as we caution Congress against giving the United States preventive service task force authority over women's health in health care reform.

Today, these guidelines are simply that, they are just guidelines. Any doctor or patient is free to take them or disregard them, however it is their wish. Once this bill, as the gentlelady correctly pointed out, becomes law, no longer will that be an optional exercise. Those will be the mandated screening guidelines that will be established in law. And I will tell you as a physician, if an insurance company decides they're not going to cover something, the patient isn't going to get it done. It is just as simple as that. This is a step backward, as Dr. Cady pointed out. It is going back prior to 1970 when we had that 56 percent mortality prior to the institution of regular screenings. We don't need to do that. We don't need to do that as a country. We have the information, we need to act on the information, we need to keep patients involved in their own health care. I cannot tell you the number of people who came to me ultimately who had a diagnosis of breast cancer who found the cancer themselves. I didn't find it on a clinical exam. They found it on a breast self-exam. It wasn't detected on a mammogram. It may have occurred in that 2-year period between screens, but the patient found it herself. The earlier diagnosis was made possible by the patient's involvement in her own care. And to say that we are unnecessarily alarming patients by teaching them to be involved in their own care I think does women a great disservice.

So I thank the gentlelady for bringing this to the floor of the Congress tonight. I am going to submit the letter from the American College of OB–GYN president for the CONGRESSIONAL RECORD, and I thank you for providing this very valuable service for women tonight on the House floor.

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
Ponchatoula, LA, December 4, 2009.

Hon. MICHAEL BURGESS, M.D.FACOG,
Cannon House Office Building,
Washington, DC.

DEAR DR. BURGESS: On behalf of the American College of Obstetricians and Gynecologists (ACOG), representing over 53,000 physicians and partners in women's health, thank you for your remarks at the December 2nd Breast Cancer Screening Recommendations hearing held by the Energy and Commerce Subcommittee on Health. Your opening statement and questions to the United States Preventive Services Task Force (USPSTF) panel highlighted both the importance of the doctor-patient relationship in making medical decisions, and the flaws in the USPSTF recommendations process.

Once again, your medical knowledge and expertise are proving invaluable to Congress' development of good health policy.

As you know, ACOG expressed concern about the new breast cancer screening guidelines in a letter to the USPSTF in May, where we raised concerns that the C recommendation against routine screening mammography in women ages 40–49 would be misunderstood by clinicians, patients, policymakers, and insurers and that ultimately, this could prevent women in that age group from receiving important mammography services. Immediately following the release of the new guidelines, ACOG instructed its Fellows that the College would continue to recommend routine screening for women in this age group.

Your questions to the panel effectively highlighted the flaws in the process by which the USPSTF makes recommendations. Lack of transparency and public input are part of the problem; there is no formal mechanism for the public to comment on proposed guidelines, and comments that the Task Force receives from experts are not often taken seriously. We also appreciate your comment that the USPSTF is comprised mostly of primary care doctors and includes only a limited number of ob/gyns and other specialists. This point is especially critical right now, as we caution Congress against giving the USPSTF authority over women's health in health care reform.

Thank you again for your remarks and for always standing up for women's health.

Sincerely,

GERALD F. JOSEPH, M.D.,
President, ACOG.

Mrs. SCHMIDT. Thank you so much because you are the medical expert in the field and I'm so glad that you came here to share your testimony this evening, my good friend from Texas. Because as we continue with this health care debate, the one underlying theme that I think the American public has is, will this interfere with their health. And I think what we're seeing from this task force's recommendations is that when the government takes over the health care, it has the potential ability to do just that—interfere with our health. This task force had a flawed document, it was driven to say that the risks for women were anxiety, but it also said in the report that costs outweighed, were looked at in looking at when you should have the mammographies and when you shouldn't have the mammographies. This report clearly was driven by the fact that it costs money to have good health care, no matter where you are.

□ 2200

And so it showed if you eliminate mammography for women under the age of 50, you eliminate a whole lot of cost. And for 556 women, that is okay. But that unlucky one that's after 556, she's the one that is going to be missed.

And so as we debate health care in this country, we should never put a price on it, and we should never allow government to interfere with our lives, especially when it comes to the care of our health and our family.

So I hope that we take what's out there in the bills in the House, in the Senate, and we delete them and we start over with a commonsense approach to solving the problems with health care in this country because quite frankly, we have the best health care in the world. It needs tweaking, but what we're doing right now potentially would change it and change it in a fashion that I don't think any American wants.

My good friend from Texas, if you don't have anything more to say, I think we will yield back our time.

I yield back our time, Mr. Speaker.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Thank you, Mr. Speaker. It's my privilege to be recognized and address you here on the floor of the House and pick up—I think, transition from the discussion that has taken place in the previous hour by the gentlelady from Ohio—and I appreciate the presentation that's been made here—and to fit the breast cancer issue in with the larger health care debate is what I will seek to do, Mr. Speaker.

And that is this: that the question about how breast cancer is treated and how it's tested fits back into the broader question of what happens if we end

up with a national health care act. What happens if we end up with socialized medicine? Do we get more of this or less of this? Do we get more government agencies that are laying out guidelines that are, as I believe—and I agree with the gentlelady from Wyoming and with the doctor from Texas—that do we get more government guidelines that cut down on the costs of the tests but raise the costs in lives? And do we get that in breast cancer, and do we get that on nearly every other aspect of health care?

This debate has gone on and on here on health care, and it reached its crescendo during the month of August in the aftermath of the cap-and-trade bill, the bill that no one read, not one single person read, not one Member of Congress read. I know that no one read the bill—I don't have to ask everyone here—because the bill was not available. When the bill was passed, it was not available in a form that resembled final form.

And I remember Congressman LOUIE GOHMERT come to the floor, Mr. Speaker, and raising the question, parliamentary inquiry, Is there a bill in the well? Is there a copy of the final bill, the one that we're debating and the one that we're voting on? But it's not in the well. Not an integrated bill, not with the amendments that were included in that.

And so the final question he asked after a series of them, Can we message a bill that doesn't exist to the United States Senate? Apparently that is what we could do, and that is what happened. That bill, cap-and-trade, sits over there now before the United States Senate, as does a national health care bill. And they are, of course, taking it up and debating it and fitting it around some of these things that they're doing. And it looks like this is the week that the United States Senate turns the focus on their national health care act.

Now, we have taken this argument, policy-by-policy, ideology-by-ideology through this House, but it comes down to this just as a refresher, Mr. Speaker, what brought this all about: increasing costs in health care in the United States and, around the world, a growing focus on health care.

But I think that a lot of it emerged during the Democrat primary for President when Hillary Clinton looked at one point like she would win the nomination. She's the one that led the argument and led the meetings—both open and closed door—for what a lot of America still remembers as HillaryCare back in 1993, 1994, in that era. And since Hillary Clinton knew a lot about health care and that was the centerpiece of her campaign, she brought that to the debate and used that in the primary campaign.

And as the contest for the nomination on the Democrat side for the President shook down to one of two people, Barack Obama or Hillary Clinton, the pressure that Hillary brought into that campaign to raise the issue of health care made it a central issue in the Democrat primary. And it forced, in my opinion, Barack Obama—then-Senator Obama—to run a health care agenda of his own, something to match up to and counteract with and seek to win the debate on the Democrat side of the primary voting aisle. And I believe that the urgency that America has is not reflected exactly off of the data that's out there and the economics of it and the need.

But it's more reflected because there was a political gain to be had in the nomination process for President, especially on the Democrat side, and as that debate emerged, and Barack Obama was successful in winning the nomination and then ultimately the presidency, he carried that mantle of health care reform through the entire process—inspired by Hillary Clinton, I believe—and pushed to a high level of a priority, which I'm convinced, Mr. Speaker, that they believe that it is the highest priority in America. They have made it that. They must believe that, and I'm not challenging that approach. I'm just suggesting that because it was a primary issue in the nominating process for President on the Democrat side, it gained some momentum that it wouldn't have had if we were going to step back and look at the health care issue.

And so it became something that the President, when he was elected, saw as a mandate, a mandate to go in and pass some kind of a national health care act.

Well, you would think that you could go right down through the logic line and flip the toggle switches and get down to something that makes sense. And the principles that were laid out by Barack Obama as a candidate—and later as a President—came down to this. Health care costs too much money. The economy is in a mess, and it's in a downward spiral. We have to fix the economy—this is the President's philosophy, and we can't fix the economy unless we first fix health care that costs too much money. That's the rationale. It's threaded through a number of his speeches.

It never seemed rational to me. I couldn't follow the logic of ''the economy's in a mess; we have to fix health care to straighten out the economy; we spend too much on health care, therefore we're going to fix it.'' I can get maybe that far, but then the rationale on my side of the aisle, among Republicans, would be, Well, if we spend too much money on health care, where are we spending it that we don't need to?

The President concludes it's a half-trillion dollars in Medicare, which would inappropriately punish many of the senior citizens in America—some of whom are being led by AARP, who will apparently make more money selling insurance if a bill is passed than they will serving their membership if it's not passed. So they have come out to support this bill.

But the President said, We're spending too much money; let's spend more. And he wants to keep the bill down under $900,000 but the doc fix throws another $243 billion, is the original number, at this and it takes it over a trillion. And if you look at some of the other numbers, if you evaluate this as JUDD GREGG did, Senator JUDD GREGG from New Hampshire, that they're doing the math on this bill in this fashion: 5½ or so years of expenses, 10 years of tax increase and income. So it shows up to only be a number that at some place around or a little bit under a trillion dollars, Mr. Speaker, in extra costs.

JUDD GREGG says it's $2½ trillion once you take an objective look at the math and at the accounting. If you look at actually 10 years of expenses and 10 years of revenue, it is about a $2½ trillion dollar bill.

□ 2210

So if the President's statement is that we spend too much money on health care, about 14½, and some will even say 16 or more percent of our GDP on health care, we spend too much money on health care, therefore we have to solve the problem by spending a lot more. This diabolical, Orwellian logic is something that the American people are still breathlessly amazed that a President and leaders in this country can get by with such statements. Health care costs too much money, so we will spend 1 or 2 or maybe even approaching $3 trillion more, that will solve the problem, Mr. Speaker. If we spend too much money, let's spend a lot more.

Another one of the points is there are too many uninsured in America. Now, over the last 3 or so years, there has been an intentional effort to conflate the two words of ''health care'' and ''health insurance,'' and the effort has been on the part of the people on the left to blur the subject matter of the difference between health care and health insurance. They will say we have too many people that don't have health care in America. But they don't take into account that what health care really means is, do you get treated by doctors and nurses in clinics, hospitals and emergency rooms or don't you? If you get sick or get injured, can you get treatment? The answer to that is yes, everywhere. That's essentially what the law says.

So, according to statute and practice, the health care providers provide everyone access to health care. What we don't have are everybody in America that has their own personal insurance policy. And a lot of people on this side of the aisle have conflated the two terms and said, ''people don't have health care'' when they really mean, ''people don't own their own health insurance policy.'' And so it has been morphed and blended into this idea that somehow there is a right, and some would even argue that within the Constitution there is some kind of a

right that everyone would own their own health insurance policy.

And so they set about to grant or provide a health insurance policy to every American, legal or illegally, lawfully present or not, people that will take care of their own responsibilities and people even that have refused to take care of their own responsibilities, and impose a health insurance policy on them all. And if they are not willing to write a check and pay for the premium or go to work for somebody that will do that or sign up for Medicaid, or, of course, those that are eligible for Medicare, if they are not willing to do that, the IRS will come in and audit them and levy a fine for not having health insurance.

And if this gets bad enough, you can end up in jail for the first time in the history of this country. The Federal Government is putting together a product called a health insurance exchange and approved health insurance policies or the public option, government-run health insurance plan, and if you fail to buy a policy within the statutory guidelines, those that are approved by the Health Choices Administration Commissioner, the czar, the IRS can come in and levy a fee against you, and eventually one could go to jail for tax evasion technically, but not buying a government-imposed health insurance policy actually. It would be the first time in the history of America that the government has produced a product, compelled its citizens to buy the product, and if they refused or failed to, then levy a fine, eventually lock them up in jail. It is the equivalent of debtors' prison for not buying the government-approved version of health insurance. It will be the first time in America.

And the President has said, and this is out of the House version, Mr. Speaker, and I understand the Senate has tweaked that a little bit and maybe taken the jail time out, so now they just put a lien on your house and sell your house. Never fear, though. There is a special way you can get a cheap mortgage in America that has been set up to take care of those people. The government has their fingers in everything.

This has been the most giant leap into socialism that we've had ever since the preparations for the transition that began on the 20th of January of this year. And the President has said, we have too many uninsured. And when you go through the list, they use the number 47 million uninsured. So from that 47 million, I begin to subtract the numbers of people who are eligible under their own employer but just don't opt in, or opt out; and those who are eligible under a government program like Medicaid, and subtract from that number those who are unlawfully present in the United States, where if ICE or the Department of Homeland Security had to deliver them their health insurance policy, they would be compelled to deport them to a foreign country, or those who are lawfully present in the United States but by law are barred for 5 years from having public benefits, and we keep subtracting out of that list those who make over $75,000 a year and don't have their own health insurance. And now with that list, we take the 47 million and we subtract all those in that list that I talked about, those eligible under their employer without it, those eligible for the government, those that make over $75,000 a year, and those who are ineligible because they are illegal aliens or immigrants, and now that 47 million magically becomes 12.1 million, Mr. Speaker; and this 12.1 million Americans without affordable options for health insurance now isn't this massive number that tells us we have a national problem. What it really is, is less than 4 percent of the American population. And we are down to 4 percent of the American population, and the proposal is to change 100 percent of America's health insurance program and America's health care delivery, all of that to try to reduce this number of less than 4 percent down to something that may approach 2 percent after it takes over 100 percent of the program.

With the insurance competition that the President has called for, he said, well, the insurance companies are greedy. He always has to have a straw man to kick over. The insurance companies are greedy. Was it today or yesterday he said, the fat cat bankers, and then sat down and had a meeting with them today. Somebody has to be demonized before we can move forward here. We can't just simply have people with divergent interests that can be brought together that are altruistic and want to engage in the economy and help people. We have 1,300 health insurance companies in America and about 100,000 different policy varieties that can be purchased in the various 50 States, and that isn't exactly that many different companies and policies available to every American because we don't allow Americans, at this point, to buy health insurance across State lines.

It is an easy fix, we tweak that here, John Shadegg's bill that's been out here for about 4 or more years to allow people to buy health insurance across State lines, and magically all 1,300 companies compete against each other, unless they happen to be the same company that's operating in different States, and when that happens, and magically these 100,000 policy varieties become available to everybody in the United States.

And so the idea the President proposes of creating a government-run health insurance company and government-approved health insurance policies to produce more competition for the health insurance companies, if you want more competition, just let people buy insurance across State lines. Magically you've got 1,300 companies competing, 100,000 policies to choose from, and it is far more effective from a competition standpoint than it is to put the government involved and have the government limit, write, regulate and control every health insurance policy in America. And when the President says, Don't worry, if you like your health insurance policy you get to keep it, have you noticed that he hasn't said that in a long time? It has been weeks and weeks, at least by my recollection, that the President has reiterated, if you like your health insurance policy, you get to keep it. The truth is, get ready to lose it. If you have a policy today, under the House version of the bill or anything that I understand under the Senate version of the bill, that policy would have to be cancelled some time between 2011, by 2011 or 2013. It would be cancelled, and there would be a new policy that would have to be issued that met the Federal guidelines. There is no policy in America that the President of the United States with confidence can look at and point to and say, you, Joe the plumber, or you, Sally the doctor, are going to be able to keep the health insurance policy that you have, that you love, that you paid for, because the government may decide that it doesn't have the right benefits to it, it doesn't have the right mandates, and maybe it doesn't cover all the things that they think government should cover.

And so that is just some of the basis for this, Mr. Speaker. There is so much more. And as this debate ensues down on the Senate side of the aisle, right down through those doors, straight across through the Capitol, we are watching a dramatic, and I think a titanic, colossal clash taking place in the Senate right now, and I mean in this period this week. As this unfolds, we need the American people to rise up. We need the American people to speak up. We need the American people to pick up their telephones. We need them to come to this Capitol building. We need them to fill up the Senate. We need them to surround this place and stand here and call out for freedom, call out for liberty, call out for the rights that are in the Constitution and not somebody else's idea of transferring wealth across America and putting it into the pockets of others and taking away the benefits of the people that have been industrious and have been personally responsible.

We take care of everybody in America. Jimmy Carter once said that the people that work should live better than those that don't. I caught that. When he said that, it seemed a little odd to hear that from him. And I don't know that he really ever lived by it, but he said it, and I believe that as well.

□ 2220

This bill is another class level, or it's another take from the rich and give to the poor. It's a class-envy bill. It's born out of spite and born out of class envy and it's driven by ideology and it's driven by the idea of socialized medicine.

Today I was asked to answer a series of questions that were requested by a publication here on the Hill, and it was, What is the biggest problem Republicans have? Mr. Speaker, my answer is fighting off Marxists and socialists that masquerade as liberals and progressives. That's the biggest problem Republicans have now. This is a Marxist and socialist agenda, and that's one of the reasons why the Blue Dogs have gone underground and become groundhogs. The shadow of socialism has pushed them underground. And they're not out here fighting for truth, justice, the American way and a balanced budget and personal responsibility and constitutionalism. They seem to have disappeared from the scene. But 40 or so of them will get a pass from the Speaker of the House and be able to vote ''no'' on this bill if it comes back to this House because there are enough votes stacked up on the Democrat side that about that many will get a pass.

I see that my good friend, Dr. BURGESS, who took a small hiatus from the previous Special Order, is here with a brain full of information, Mr. Speaker, for you to absorb and pass along to our colleagues.

I would be very happy to yield as much time as he may consume to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

The gentleman has done an excellent job at delineating where we've been, what's been happening, and perhaps where we're going. You know, this summer was truly a remarkable time in this country when the beauty of participatory democracy was on display literally from sea to shining sea, from border to border. I certainly felt it in my district. I know it was felt in a number of congressional districts. We've seen the results of that.

The gentleman is quite correct, the Blue Dogs, who were so active during the summer months leading up to the August recess, have really been under enormous pressure by their leadership on their side. And now we've seen, in the past several days, I think by my count, four retirements from that group. I don't know whether we will be seeing more, but it certainly is something that you cannot fail to notice.

Now, the gentleman from Iowa has correctly identified this to be a fight about ideology. You will notice through the discussions going on in the other body right now, there is really very little that's going on about health care, per se. There is very little talked about as far as health care policy. It is all a question about, well, let's get the numbers right. Let's get the Congressional Budget Office. Let's get the actuaries over at the Center for Medicare and Medicaid Services. Let's get these numbers right so we can then present this to the American people and stay within the President's prescription of delivering health care for all for under $1 trillion.

Now, we know that to be a fantasy. The gentleman outlined the reasons why that is a fantasy. There are a number of things that have been taken out of this bill that will have to be added back at some point in the future, but this has become a fight about ideology just as the energy bill has been a fight about ideology. Cap-and-trade is no longer about the number of molecules of carbon dioxide in the atmosphere. This is about ideology. This is about holding the United States to $3 trillion in ransom to the rest of the world and, oh, by the way, you've got to give up your ability to be in charge of our own future. You've got to give up your sovereignty along the way to Copenhagen. This is a fight about ideology.

The Financial Services bill that we passed on the floor of this House last week had nothing to do to prevent future problems with meltdowns in the financial industry. If it had, we would have seen something that would actually have made a difference. Instead, we got big carve-outs for big companies. The smaller community banks are still going to have to pay into a fund to bail out the big guys if they get in trouble again in the future. In fact, we've institutionalized the failure of those institutions who are too big to fail by this bill that we passed last week.

But again, it's not about what you know about financial policy; it's about ideology. That is where we are today over in the other body with this health care debate. Nobody is really interested in whether or not there is the right vaccine policy involved. No one is really interested in what the United States Preventive Services Task Force does. It's all about control of every facet of your life. And if we can control your health care, we can control more about you than we've ever been able to control in the past.

That is why it is so important that this be stopped. It's not because we want to prevent anyone from having health insurance. It's not that we want to prevent anyone from having health care, but we want to prevent this type of power grab that is going on at the level of the Federal Government over the lives of honest American citizens.

If we lose, if we are not successful in stopping this, ultimately it's not a Democratic win or a Republican loss. Ultimately, it's the American people who will lose in this transaction. It is transactional politics at its worst, and we've all seen that on display.

One year ago, we were faced, on our side, with the very stark realization that we had lost the White House, lost 20 seats in the House, lost a number of seats in the Senate, and in fact, when the eventual Senator from Minnesota was seated, the Democrats had a proverbial unstoppable majority of 60 votes over on the Senate side. This all happened very early in the calendar year 2009.

I would have thought, facing that kind of harsh reality, that many of these things that we've talked about tonight—energy policy, health care policy, financial services policy—many of those things would have already been done; after all, what was to stop them? Were Republicans going to be able to stop much of anything? No. We didn't have the leadership, the money, or the ideas to put a stop to much of anything. In fact, I still believe to this day, had the President put health care ahead of the pork barrel spending that was present in the stimulus bill that they passed in February, if the President pushed health care to the front of that agenda, that would have been done in February. It would be the law of the land today, and there would have been nothing that anyone could have done to stop it. But they didn't. They didn't.

In fact, I still puzzle over why cap-and-trade was suddenly thrown into the mix at the end of June, sort of all at once. We passed it out of committee a month before and it sort of languished there. Everyone was uncomfortable about it, but it was never coming to the floor, after all, so we really didn't need to worry about it. Then suddenly, the last week of June, boom, here it is and it's going to pass, and Democrats' arms were twisted and hair was pulled and eyes were gouged in order to get this thing passed.

I don't know if the gentleman from Iowa recalls, but there was the instance where a Democratic Member from Florida sold his vote for $30 million here on the floor of this House. The Democrats were going to usher in a new era of transparency. That was about as transparently transactional as I have ever seen on the floor of the House, but they got the bill passed.

And then what happened? We went home for 4th of July recess, marched in that 4th of July parade right behind the American Legion, just in front of the Cub Scouts. And from both sides of the parade route, people were yelling at their Member of Congress, What in the world were you thinking? Next time, read the bill. On and on it went along the parade route. By the end of the 4th of July parades, Members of Congress, both sides, Republicans and Democrats, were saying, Oh, my God, what have we done? What are we up against?

So we came back in July and said, We're not so anxious to pass this health care bill. In fact, the Blue Dogs, to their credit, ground things to a halt, starting about the 15th of July, when we finally got the bill—and remember, we got this 1,000-page bill and we were supposed to pass it before the August recess and go home and deal with the consequences, but not so fast. The Blue Dogs did slow things down. We did not have a bill passed by the August recess.

And then, it was a beautiful thing to watch, the participatory democracy that we saw again across this country came to bear and brought pressure to every Member of Congress, whether

conservative, liberal, Republican, Democrat. Every Member of Congress heard from their constituents.

Now, to be sure, the Speaker of the House labeled these individuals as Astroturf or rent-a-mob, but I've got to tell you, I had 2,000 people show up for a town hall in Denton, Texas, on a hot Saturday morning in August, and these were my friends and neighbors, a town where I grew up. I know most of the people in the town. And it was not an imported crowd to give grief to the poor Member of Congress. These were people who were legitimately concerned.

Just as the gentleman from Iowa accurately points out, we're trying to fix a problem for less than 5 percent of the American population and disrupt what 65, 70, or 73 percent of the American population sees as something that is working relatively well for them. Sure, they're concerned about costs for the future. Sure, they're concerned about what happens if they lose their job to their employer-sponsored insurance. But by and large, those that have insurance do want to keep it. That's why we don't hear that brought up anymore.

□ 2230

I thought we'd come back in September and hit the reset button—the pause, the replay. No. We hit the fast-forward button, and we pushed this thing through. Don't check the weather. We're going to fly anyway. The Speaker pushed it through in the early part of November, again, purely on a party-line vote, and now it's over in the Senate.

The people are asking, Well, what are you going to do to fix this? Sixty percent of the people do not want this to happen. So, Mr. Member of Congress, what are you going to do to stop this?

I do have to say that I am, once again, going to ask, going to call on, going to cajole, going to plead with Americans across the country who are looking at this happening right now: It's not hard to figure out who your Senators are as every State has got two. Most of the time, if you go to a search engine of choice and type in ''Who is my United States Senator for the State of Iowa or Texas?'' it will come back, and it will tell you. You can go to Senate.gov and can put the name of your State in, and it will tell you who your Senators are. It will, in fact, tell you how to contact them. It will give you their Washington telephone numbers and their phone numbers back home in the State. Your Senators need to hear from you in these coming days that are immediately ahead of us.

You know, if you think back to the days in May of 2005, there were a couple of Senators who decided they were going to do something that fundamentally would have changed the way this country dealt with problems surrounding immigration. The American people rose up as one and said, Not so fast. Not so fast. We have a voice in this. We have a say in this. They stopped the Senate cold in its tracks.

The Senate, true to form, decided maybe that was a misnomer. Maybe they didn't really mean ''not so fast.'' So they tried again. Once again, they heard ''not so fast.'' Their switchboards shut down. Their servers crashed because of the volumes of information that were coming in, telling them ''not so fast.''

Well, I would submit to the gentleman from Iowa that he and I are going to be hard-pressed to stop this thing on the floor of the Senate in the days ahead. It is going to require participatory democracy on a level that we saw this summer, and then some, in order to bring this thing back to the realm of where, perhaps, we can actually deal with the problems that we're required to deal with.

Remember, it's all about ideology right now. It's about a hard left turn that has been taken by the administration and by the Democratic leadership in the House and in the Senate. That's where they want to go with this thing. If that's okay with you, stay silent. Have a nice Christmas. We'll see you next year. If that's not okay with you, if you feel like the gentleman from Iowa and I feel about this, your Senators do need to hear from you. Your Members in the other body need to hear from you. They need to hear from you straightaway.

I've got some other ideas which I'll be happy to share with the gentleman, but I've taken up enough of his time, and I'll yield back the time to the gentleman from Iowa.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas. He had me paying attention to those ideas.

From that standpoint on the immigration debate—and that's one that I've been engaged in for a long time—the effort that went out across this Nation to shut down the switchboard and to shut down the servers of the United States Senate sent a message. Yet, as the gentleman from Texas said, about 3 months later, they decided to try it again. They just didn't believe what the American people had told them, and they took another run at it.

On the immigration side of this, this was a bipartisan effort. It had the President of the United States—then President Bush—and significant numbers on the Republican and on the Democrat sides of the aisle. There were more Democrats than Republicans significantly, but this was a bipartisan effort, and it was something that was strategically driven by the White House. It still failed in the face of that effort because the American people rose up.

There isn't any reason, Mr. Speaker, for anybody to believe that the American people can't kill this socialized medicine bill. If they can kill comprehensive amnesty and do so twice in 1 year and do so in the United States Senate, as difficult as it may seem and as determined as the President seems to be, this scenario is doable.

They have learned a few things, too, over there, down that hallway in the United States Senate and off into their office buildings on the side. They've learned how to shut their phones off, and they've learned how to shut down their fax machines, and they've learned how to, essentially, plug their ears and wait for the noise of the American people to settle down, and then we'll try to pass something.

I'm suggesting this, that the Senators need to have a personal experience. They and their staffs need to have a personal experience—a respectful, polite and nonthreatening personal experience. Especially if you're a Senator, you probably have your finger on the political barometer, and have a real sense of what the public's mood is. You can run a poll, and you can hire a pollster to find out where the American people are or you can make a lot of phone calls and can send out emails and can send out letters. You can listen to people or you can put the data together, but you also have to measure the intensity. The intensity is the other part.

If we have an issue out here that I'm ambivalent about—and I really haven't found that issue yet, Mr. Speaker, on which I am. Hypothetically, if I'm ambivalent about an issue and if, on the one hand, I'm for it and if, on the other hand, I'm against it and if half of the public is for it and if half of them is against it, how would one decide then which side of the issue to come down on?

You have to pay attention to the people who have intensity. I pay attention to the people in this Congress who come in who have intensity—to people like Dr. BURGESS who have intensity and to the people who have been elected to this Congress who are vocal and aggressive and who know what they believe because they've lived it. I pay attention to that level of intensity.

As to the level of intensity that needs to come from the American people, this is the week. This is the week for that intensity. So, if you're ambivalent, fine. You can sit home and send an email. If you care, you can make a phone call. If you care more, you can go down to your Senators' district offices. If you care more yet, you can come to Washington, D.C. At 1:30 tomorrow, there will be a large gathering in the park just north of the Senate Chamber. From there, we are going to see how much the American people care.

They've been called to rally to defend their liberty a number of times this year. We saw it on April 15 in a big way. We saw it on September 12 in a big way. We saw it here on November 5 and on November 7. On November 5, there were 20,000 to 50,000 or more people here outside this Capitol building, who came here and said, Don't take my liberty. Let me own my own health insurance policy. Don't tell me the

standards by which I can buy it. Let me have my own freedom, my own liberty. I don't need government-run health care in America.

That was the message. Of that whole group of people who was there—tens of thousands—any one of them would have fit just perfectly at my own church picnic. They are salt-of-the-Earth, American, liberty-loving, constitutionalist, fiscally responsible, family people from across America. They are the people who are this American family who don't want to see a socialized America. They understand we are a unique people and that we are not social democracy Europe.

The socialists, for the most part, stayed in Europe. Freedom-loving people came here. There is a certain vitality in Americans which is unique to the rest of the world. It was hard to get here. You had to take a chance and maybe be an indentured servant; but earn your way across the Atlantic, and you could settle in and maybe drive a stake in Iowa and homestead 160 acres. One of my great-grandparents was an indentured servant who worked in a stable in Baltimore for 7 years before he got his passage worked off. These were people with a dream, who just wanted to have a start because we had economic opportunity. We had liberty, and they could shape their own lives.

So we got the vitality from every donor civilization in the world. As for everybody who sends people here—every country—whatever would be the particular characteristics of their cultures, there is always that skim off the top, the cream off the top, which is the vitality of a culture, the vitality of a civilization.

One of the reasons America has such vitality is that we skimmed the cream, and they came here. They arrived in America with almost unlimited natural resources, low-income or no taxation, no regulation, manifest destiny, a Protestant work ethic—and Catholics got with it pretty good—and with a foundation rooted in Christian morality and work ethic. That giant petri dish created this teeming America that settled the continent from sea to shining sea in the blink of a historical eye.

We are not anybody else in the world. We are a unique people. We live in the unchallenged greatest nation on Earth, that the Earth has ever seen. I'm watching it be torn apart by people who don't understand what I've just said, by people who get out of bed every day and look around. They see these beautiful marble pillars of American exceptionalism, and they can't wait to get out their jackhammers and chisel away at those pillars of American exceptionalism, which are the foundation that made this a great nation.

So now we've seen eight huge entities nationalized, most of it under this administration but not all of it. There are three large investment banks; Fannie Mae and Freddie Mac, General Motors, Chrysler, AIG, all of that was nationalized. According to a Wall Street Journal article, one-third of the private sector profits have been nationalized, mostly by this administration, without an exit strategy.

□ 2240

Right away they set up the payroll czar to go in and tell the banks and the other institutions that they are paying too much to their executives. Now we have BARNEY FRANK's Financial Services bill, which is about ideology, as the gentleman from Texas said, as much as socialized medicine is about ideology and not about a practical application. In that bill it looks like they are going to be able to regulate all the financial institutions they take an interest in—with a little carve-out there—and tell those institutions what they are going to pay their people probably right on down to the person that scrubs the floor at night.

This freedom in this country has been dramatically diminished by the Pelosi Congress and the Obama presidency. This liberty that America needs to maintain our vitality is being quashed by the socialization, the nationalization of our economy, and the intentional creation of a dependency class of people that are designed to be the political base that will support those who will continue to do class-envy politics, share the wealth, so to speak.

By the way, that ''share the wealth'' phrase that came out of President Obama's mouth as a candidate in speaking to Joe the Plumber is in the mission statement of ACORN.

I am happy yield to the gentleman from Texas.

Mr. BURGESS. Well, I think the gentleman has summed things up very well. I cannot be nearly as eloquent as he is, delineating the history and what created greatness in this country. All I know is the people who seem to be making the decisions today are the people who have never held a job in the private sector. For those of us who signed more paychecks on the front than on the back, it is a startling thing to watch as we see, once again, the administration is going to lurch forward with a jobs-creation strategy when a jobs-creation strategy exists right before our eyes.

It's the small businessmen and women in America who have the capabilities of creating those jobs that we desire. What's happened to them today? They are scared to death. They are scared to death of this 8 percent payroll tax that we are going to slap on them for health care. They don't know what we are going to do in energy.

This Financial Services bill, they are going to be another several weeks trying to figure out what we just did to them last Friday night, late. Is it any wonder why small businesses across this country are holding back. They know about taking risk. That's what brought them to where they are now.

But when so many things are in flux, tax policy, health care, energy, financial service regulation, when so many things were in flux, what's in it for them to go out on a limb and go out and hire that extra one or two people that they might hire.

The problem is, not those one or two jobs in that one business, it's the vast number of jobs across the greater and broader economy that that one or two job hold-back that small business is making right now—that's where the jobs are. That's why this has been a jobless recovery, and why it will remain a jobless recovery until Congress, until Congress and the administration, stop making the environment and the prospects for the future seem so threatening that small businesses again feel comfortable in taking on the role of being the leader of job creation.

We don't need another Federal program to stimulate jobs. We just need to get out of the way.

I just have to reference an exchange I had with the Secretary of the Treasury a few weeks ago on our Joint Economic Committee when I asked him that very question. Wouldn't it be better if we, instead of making it a more challenging economic environment, brought some stability for small businesses in America, allowed them the freedom to do what they have done every time in the past with every other recession, which is create the jobs which provided the prosperity which allowed us to get out of the recession? Wouldn't it be better to do that?

The Secretary of the Treasury looked at me and said, That is the same broad economic philosophy that brought this country to the brink of ruin. Mr. Secretary, I just described market capitalism to you, and I am just a simple country doctor. You are the Secretary of the Treasury, you are supposed to know this stuff.

I was dumbfounded by the Secretary's response, the Secretary not understanding what it is that made this country great in the first place, has no clue, then, about how to do, how to set the tone and set the environment so this country can, indeed, recover from this economic downturn.

Of course, very famously, in that exchange earlier the other gentleman from Texas (Mr. BRADY) had encouraged the Secretary to resign for the sake of our jobs. I said I didn't think he should resign; I didn't think he ever should have been hired in the first place. It was a mistake a year ago. It was apparently a mistake today. Not only does he not know how to fill out his tax form, he doesn't know what creates jobs and wealth in economy and what makes this country great.

I appreciate the gentleman from Iowa letting me be here. I appreciate him doing this hour. I think it is so important to set the tone. These next couple of days are going to be extremely important in this country and the American people do need to be engaged. They do need to be paying attention. They do need to be responding to the cues that are being given to them by the gentleman in the other body.

Mr. KING of Iowa. I thank the gentleman from Texas.

It strikes me that the Secretary of the Treasury, I believe, is a natural-born citizen, not a naturalized citizen. Had he been a naturalized citizen, he would have had to pass the test. There are flash cards that are made available by USCIS, United States Citizenship Immigration Services. It's a stack of these glossy flash cards to train with so you can learn to pass a naturalization test.

In these flash cards it will be, for example on one side, when was the Declaration of Independence signed? Flip it over to the other side, July 4, 1776.

Who is the Father of our country? Flip it over. George Washington.

What is the economic system of the United States? Flip it over. Free enterprise capitalism.

You can't even be naturalized as a citizen of the United States unless you can pass that test. Apparently the Secretary of the Treasury says that free enterprise capitalism is what brought us to the brink of ruin.

It's an astonishing, breathtaking thing. It's no wonder we can't get this economy sorted out. I sent a letter to the Secretary of the Treasury after a hearing that we had, a joint hearing between Financial Services and the Department of Agriculture to deal with derivatives and credit default swaps. His question was this, that President Obama has been elected at least in part because he criticized President Bush for not having an exit strategy in Iraq.

Now, here is a list of the companies that have been nationalized by this administration and initiated in the previous administration, to be fair. I would like to know with each of these companies, Mr. Secretary, what is your exit strategy? How do you go about divesting the taxpayers' investment in these companies that were formerly private and get them, they are now managed and controlled, with influence control, if not majority control, how do you get them back into the private sector so that they can be allowed to succeed and fail?

It was a long time getting the answer back, and it took a long time to analyze the answer, but it boiled down to well, there really isn't a plan, but the Secretary will know when the time is right and take those steps when it's appropriate. That, I think, Mr. Speaker, tells us what's going on here.

If the Secretary of the Treasury believes that free enterprise capitalism brought us to the brink of ruin, I can't believe that he would be willing then to divest the Federal Government from the private sector, of their shares of investment in these formerly private-sector companies. That is, it is the socialization of our economy.

The 33 and so percent, as The Wall Street Journal said of the private-sector profits, and if they take on this health care industry, that's going to be another, another one-sixth of our economy. If that, if that goes on, that's going to take us up to or greater than half of the private sector that we had in the past.

Mr. Speaker, I think it's important that we understand that there are a couple of different sectors to the economy. One of them is the private sector. It's the growth sector. It's where people produce goods and services that have value. There are about three different levels of the value that an economy needs to produce. First, the economy needs to produce things that people must have for survival. I mean, we have talked about it for more than 50 years and called it food, clothing, and shelter, the things that are necessary for the survival of mankind; you have to have food, clothing and shelter. They come from generally out of the Earth, one way or another. So that's the number one level of our economy, those necessities for survival.

The second level, and that's private sector. Government produces hardly anything that's necessary for survival. They regulate, and they slow down the actual efficient production of those things that we need for survival.

The second level, those things that improve our efficiency, technology, for example, information technology, industrial technology, that caused us to be more efficient. Those efficiencies help us produce more of the necessities of life. The second part of the economy that's gotten the most important value is the second level that produces the efficiencies in our economy.

The third level of the private-sector economy is the disposable income. That's the income that we use to go do the things that we enjoy, to give our life relaxation and travel on vacation, do those things, or we buy the things that we don't have to have, not necessities, but the extras in life.

Those three levels, all private sector, all rooted back in, if you chase them back, you cannot go on vacation, and you can pass up buying that fancy pair of shoes or that nice car or the cabin at the lake or the boat or whatever it might be, and then those are eliminating the things that are not necessities of life.

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□ 2250

And you can actually sacrifice some of the things out of the second level of our economy that help with our efficiency, but when get down to the necessities, it's life itself. All of this is rooted in the private sector. The other side of this economy, the public sector of the economy, is where government comes in and they decide that they're going to redistribute wealth and they're going to provide services that they think that people need, and for some degree people have decided they would like to have government provide some of those services. But government regulates, government slows down and intimidates private sector commerce, and once you get to a certain place over the things that are necessary for government. For example, we build roads with user fees and less so with general fund tax fees. So if you drive on the road, you pay the tax for your gallon of gas that goes in the tank and you help build the road. That's a user fee. But things that government provides that are necessary, military, for example, Department of Defense, that provides our safety and our security. Without it, we can't function. We can't have legitimate forms of government. Government provides other things that are legitimate; the judicial branch of government, for example, so that we can have law and order. And law enforcement, while I'm on the subject matter.

As we look down through government, the list becomes less and less of a necessity and more and more of a redistribution of wealth. At a certain point when your safety and security are there and they're secured and a line goes across to providing government services so we don't have to worry about them ourselves, every time we pay a tax dollar, we also give up a measure of our liberty, a measure of our freedom, because government makes the decision and the people that are producing in the private sector make less of a decision.

So I'll say these two sectors of the economy, the private sector, from which all new wealth emanates, and the public sector—when I'm in a crankier mood, I call it the parasitic sector—of government, the sector of government that sucks the lifeblood out of the private sector economy. The public sector—the parasitic sector—is growing and it's growing by leaps and bounds, by the trillions of dollars, and there are less and less decisions made by capital which always is rational and more and more decisions made by government. We had a car czar that had neither made a car nor sold one. I don't even know that he owned one. He's not with us anymore. But we have a government of people that haven't written out paychecks, that have not started a business, have not operated a business. If they've operated in the private sector, they started in up near the top of a department and never saw the inner workings of the bottom of what small business is like that we've got to have to grow us into the larger businesses.

We need to have the underpinnings of American exceptionalism put back underneath us again. We've got to refurbish those beautiful marble pillars of American exceptionalism. We've got to promote liberty and encourage the freedom that's necessary; and people have to be willing to take risks. Capital has got to be able to make a rational decision but capital also has to know—that's investors' money, Mr. Speaker—has to know that they will also, if they fail, they're going to lose their investment, and someone else will pick up a bargain and build it on what was left of the company that went under. I've stared that in the eye. I went through the eighties with my

construction company. We had our ups and downs. I know what it's like to live with a knot in my gut for 3½ years, to hold the company together. And we succeeded. Others around me did not. Some people got drug down and the load was heavy. And others succeeded significantly beyond a level where I did; and I'm glad that everybody had the opportunity to do that. And if the government comes in and then appoints an overseer, which is what the Barney Frank Financial Services bill does, and they go in and look at capital investments and business management and they decide who's going to make how much money with another regulator for our financial institutions, we have given up a big piece of our liberty, a big piece of our freedom.

But what we're focused on, Mr. Speaker, we're focused on this week, this national health care act, this socialized medicine act that barely passed out of the House of Representatives, that is down there now being debated in the United States Senate, and the issues as set before the Senate seem to be a couple of big ones:

One of them is the pro-life amendment. Here it was the Stupak amendment where 64 Democrats had the opportunity to vote, to put up a pro-life vote that they didn't believe that the taxpayers of America should be compelled to fund abortions through money that is extracted from them unwillingly. So, therefore, the Stupak amendment came up, and 64 Democrats voted for it. Sixty-four Democrats and, I believe, every Republican are on record saying I am pro-life and I don't believe, or at least we should not compel American taxpayers to fund abortion when they're funding a socialized medicine program. That was what the Stupak amendment actually was. Even though it made exceptions for rape and incest, even though it doesn't fit with the tenets of the Catholic Church, it was a subject that was raised and pushed through here.

Now with the Stupak amendment passing, now these 64 Democrats have cover. Now if a bill comes back down this hallway through the center of the Capitol, it's had that language, not necessarily stripped out. When Senator BEN NELSON offered similar and some said identical language to the Stupak pro-life amendment, it was defeated in the Senate. And so the Senate bill doesn't have a pro-life amendment in it. And if it comes back to this House, we will see, I think, a conference committee that is appointed and stacked by Speaker PELOSI and HARRY REID and I think they are likely to strip the Stupak amendment out and drop it back in here to the House; and what I think will happen will be some of those 64 Democrats that said, I'm pro-life, here's my vote for the Stupak amendment, I think they'll roll over and they'll say, I voted for the Stupak amendment, but on balance I think this bill is good, even though we're going to compel Americans to fund abortions in the United States. That's what they're set up to do and that's the dynamics; and we need people in the Senate to kill this bill, so that this scenario doesn't play out here in the House.

Another piece is this public option, the public option that seems to be, or the government option that seems to be rejected by the Senate, but the liberals in the House insist that there be a government health care option; so they're trying to configure a way that they can define something that isn't necessarily a government option that can come to conference and be merged together. And right now the staff in the House and the staff in the Senate are merging these two bills, trying to get ready to drop something on and give America a Christmas that will be the least merry of anything in my lifetime. It will be something that dramatically erodes the liberty in America.

But those are the two big issues: Is it going to be a pro-life bill? And is it going to have in it a government option? I suggest that they will put together and construct a scenario by which they will be trying to compel taxpayers to fund abortions and compel taxpayers to buy government insurance because, as the gentleman from Texas said, it is about ideology, it's not about policy, it's not about producing the best result because if they did that, if they were for that, they would be for reforming medical malpractice abuse in America, lawsuit abuse reform, they would be for selling insurance across State lines, providing full deductibility for everybody's health insurance, transparency in billing.

The list of things that we can do that are constructive, that don't cost money, is long indeed. But tomorrow, Mr. Speaker, and every day this week until somebody loses their nerve, the United States Senate needs to be jammed, it needs to be filled up with people that come here respectfully and politely and follow the rules and follow the law. But give the Senators and their staff in Washington, D.C., in their district offices at home and their offices here a personal experience. It needs to happen this way, Mr. Speaker—the American people need to let these Senators know that there will be a reckoning if their liberty is taken from them and this socialized medicine bill is imposed upon them. I don't want to see it, I don't want to see it for my children, I don't want to see it for my grandchildren. I don't want to see it for America's destiny. I don't want to see America's destiny, the vitality of America's destiny stripped away piece by piece as we leap off the abyss into socialism and embrace the European version of a social democracy and more, a managed economy, managed health care, very limited freedom. The only budget that they didn't grow was the Department of Defense budget. Everything else has to have a 10 percent or more up. The idea that you can borrow from your grandchildren that have not yet been born and compel them to pay debts today and spend money without any sense of responsibility, believing that that grows the economy, when we've established that even the Secretary of the Treasury believes that free enterprise capitalism is what brought this economy to the brink of ruin.

□ 2300

Mr. Speaker, we need new people with clear thought and a respect for America and the strength of America. We need the right people in charge in this country, because, as I have often said, you don't take a poodle to a coon hunt. You want to take a registered coonhound along. He's got it in his blood, he understands it. You can train a poodle to bark treed, but his heart's not in it. These people won't even bark treed, and we need the right people in charge. And tomorrow we're going to see the American people step up to this Capitol, and they're going to demand that we preserve their liberty.

With that, Mr. Speaker, I thank you for your attention, and I yield back the balance of my time.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3288. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 4165. An act to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 4217. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4218. An act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, and probation or parole violators.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and until 3 p.m. on December 15.

Mrs. BONO MACK (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. MACK (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. WOLF (at the request of Mr. BOEHNER) for today on account of a dental emergency.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALTMIRE) to revise and extend their remarks and include extraneous material:)

Mr. ALTMIRE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MASSA, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. INGLIS, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, December 21.

Mr. JONES, for 5 minutes, December 21.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and December 15.

Mr. FRANKS of Arizona, for 5 minutes, December 15, 16, 17 and 18.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. MOORE of Wisconsin, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 15, 2009, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5026. A letter from the Regulatory Liaison, Department of Agriculture, transmitting the Department's final rule — McGovern Dole International Food for Education and Child Nutrition Program and Food for Progress Program (RIN: 0551-AA78) received November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5027. A letter from the Managing Associate General Counsel, Government Accountability Office, transmitting a report entitled ''Farm Storage Facility Loan and Sugar Storage Facility Loan Programs''; to the Committee on Agriculture.

5028. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Race to the Top Fund Catalog of Federal Domestic Assistance (CFDA) Number: 84.395A [Docket ID: ED-2009-OESE-006] (RIN: 1810-AB07) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5029. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Implementation Plans; Tennessee; Clean Air Interstate Rule [EPA-R04-OAR-2009-0765; FRL-8984-6] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5030. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Revisions to State Implementation Plan [EPA-R04-OAR-2006-0649-200918; FRL-8984-7] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Chicago and Evansville Nonattainment Areas; Determination of Attainment of the Fine Particle Standards [EPA-R05-OAR-2009-0664; FRL-8985-2] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Clean Air Interstate Rule [EPA-R04-OAR-2009-0454; FRL-9086-2] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5033. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 Particulate Matter Less Than 2.5 Micrometer (PM2.5) National Ambient Air Quality Standards (NAAQS) [EPA-HQ-OAR-2009-0670; FRL-8985-6] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5034. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2009-0771; FRL-8980-4] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5035. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland, Ohio and West Virginia; Determinations of Attainment for the 1997 Fine Particulate Matter Standard [EPA-R03-OAR-2009-0199; EPA-R03-OAR-2009-0547; FRL-8982-6], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5036. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Transportation Conformity Regulations [EPA-R03-OAR-2009-0674; FRL-8983-1] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5037. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection [EPA-R01-OAR-2009-0031; A-1-FRL-8974-5] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5038. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fuel Economy Regulations for Automobiles; Technical Amendments and Corrections [EPA-HQ-OAR-2005-0169; FRL-8982-1] (RIN: 2060-A036) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5039. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources; Asphalt Processing and Asphalt Roofing Manufacturing [EPA-HQ-OAR-2009-0027 ; FRL-8983-6] (RIN: 2060-A094) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5040. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Area Source Standards for Paints and Allied Products Manufacturing [EPA-HQ-OAR-2008-0053; FRL-8983-5] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5041. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-60, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5042. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

5043. A letter from the Assistant Secretary, Department of State, transmitting the 2009 annual report on the Benjamin A. Gilman International Scholarship Program, pursuant to Public Law 106-309, section 304; to the Committee on Foreign Affairs.

5044. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

5045. A letter from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2009 Annual Report, pursuant to Public Law 89-448 Public Law 101-576; to the Committee on Oversight and Government Reform.

5046. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements

contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2008 to September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5047. A letter from the Chairman, Broadcasting Broad of Governors, transmitting in accordance with the requirements of the Accountability of Tax Dollars Act of 2002 (Pub. L. 107-289), the Board's FY 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5048. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Fiscal Year 2009 Performance and Accountability reports for the Department of Housing and Urban Development, the Federal Housing Administration, and the Government National Mortgage Association; to the Committee on Oversight and Government Reform.

5049. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's FY 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5050. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5051. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's fiscal year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5052. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a list of the four audit reports issued during fiscal year 2009 regarding the Agency and the Thrift Savings Plan, pursuant to 5 U.S.C. 8439(b); to the Committee on Oversight and Government Reform.

5053. A letter from the Chairman, Holocaust Memorial Museum, transmitting the Museums's FY 2009 Report on Audit and Investigative Activities, pursuant to the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

5054. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled ''Job Simulations: Trying Out for a Federal Job''; to the Committee on Oversight and Government Reform.

5055. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Federal Records Management; Revision [FDMS Docket NARA-08-0004] (RIN: 3095-AB16) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5056. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5057. A letter from the General Counsel and Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5058. A letter from the Director, Office of Personnel Management, transmitting the Office's FY 2009 Agency Financial Report; to the Committee on Oversight and Government Reform.

5059. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2009, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5060. A letter from the Acting Director, Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2009; to the Committee on Oversight and Government Reform.

5061. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5062. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD73) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5063. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD82) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5064. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decision of the district court in the case of the United States v. Lori Drew, No. CR 08-582-GW (C.D. Cal.), WL 2872855, pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

5065. A letter from the Attorney General, Department of Justice, transmitting advising of the proceedings in the case of United States v. Robert Solomon, No. 5:09-CR-04024-DEO (N.D. Iowa), pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

5066. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2009, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

5067. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10 and DC-10-10F Airplanes, Model DC-10-15 Airplanes, Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, Model MD-10-10F and MD-10-30F Airplanes, and Model MD-11 and MD-11F Airplanes [Docket No.: FAA-2009-1071; Directorate Identifier 2009-NM-160-AD; Amendment 39-16100; AD 2008-06-21 R1] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5068. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes [Docket No.: FAA-2009-1072; Directorate Identifier 2009-NM-169-AD; Amendment 39-16099; AD 2008-09-21 R1] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5069. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 3007A1/1, AE 3007A1/3, AE 3007A1, AE 3007A1E, AE 3007A1P, AE 3007A3, AE 3007C, and AE 3007C1 Turbofan Engines [Docket No.: FAA-2009-0246; Directorate Identifier 2009-NE-04-AD; Amendment 39-16091; AD 2009-24-04] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5070. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-8E Series Turbofan Engines [Docket No.: FAA-2009-0821; Directorate Identifier 2008-NE-20-AD; Amendment 39-16094; AD 2009-24-06] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5071. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 Airplanes [Docket No.: FAA-2009-1070; Directorate Identifier 2009-NM-180-AD; Amendment 39-16089; AD 2008-06-20 R1] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5072. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0557; Directorate Identifier 2009-CE-031-AD; Amendment 39-16086; AD 2009-23-12] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5073. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category [EPA-HQ-OW-2008-0465; FRL 9086-4] (RIN: 2040-AE91) received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5074. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employee Stock Purchase Plans under Internal Revenue Code Section 423 [TD 9471] (RIN: 1545-BH68) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5075. A letter from the Acting Chair, Social Security Advisory Board, transmitting a report entitled ''The Unsustainable Cost of Health Care''; jointly to the Committees on Education and Labor and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1517. A bill to allow certain U.S. customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service; with an amendment (Rept. 111–373 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1084. A bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; with an amendment (Rept. 111–374). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1147. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; with an amendment (Rept. 111–375). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Oversight and Government Reform discharged from further consideration. H.R. 1517 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MORAN of Virginia (for himself, Mr. INGLIS, and Mr. DELAHUNT):

H.R. 4301. A bill to support the democratic aspirations of the Iranian people by enhancing their ability to access the Internet and communications services; to the Committee on Foreign Affairs.

By Mr. ABERCROMBIE (for himself and Mrs. LOWEY):

H.R. 4302. A bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. ELLISON (for himself and Mr. DELAHUNT):

H.R. 4303. A bill to enhance United States sanctions against Iran by targeting Iranian governmental officials, prohibiting Federal procurement contracts with persons that provide censorship or surveillance technology to the Government of Iran, providing humanitarian and people-to-people assistance to the Iranian people, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 4304. A bill to designate certain Federal lands in San Diego County, California, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEK of Florida:

H.R. 4305. A bill to amend the Internal Revenue Code of 1986 to provide the energy tax credit for transformers designed to use soybean-based electrical transformer fluid; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. TIBERI, Ms. BERKLEY, Mr. CROWLEY, Mr. DAVIS of Alabama, and Mr. HERGER):

H.R. 4306. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property; to the Committee on Ways and Means.

By Mr. TEAGUE:

H.R. 4307. A bill to name the Department of Veterans Affairs community-based outpatient clinic in Artesia, New Mexico, as the ''Alejandro Renteria Ruiz Department of Veterans Affairs Clinic''; to the Committee on Veterans' Affairs.

By Mr. PRICE of Georgia:

H.J. Res. 63. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. DAVIS of Alabama, Mr. BACHUS, and Mr. DINGELL):

H. Res. 969. A resolution congratulating Flint native, University of Alabama Sophmore and running back Mark Ingram on winning the 2009 Heisman Trophy and honoring both his athletic and academic achievements; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GRIFFITH.
H.R. 442: Mr. HEINRICH and Mr. GALLEGLY.
H.R. 537: Mr. HIGGINS.
H.R. 558: Mr. VAN HOLLEN and Mr. GRIFFITH.
H.R. 571: Mr. KLEIN of Florida.
H.R. 600: Mr. JACKSON of Illinois.
H.R. 745: Mr. MCNERNEY.
H.R. 930: Mr. CALVERT.
H.R. 1020: Mr. FATTAH and Ms. TSONGAS.
H.R. 1067: Mr. CUMMINGS and Mr. BUCHANAN.
H.R. 1079: Ms. WOOLSEY, Mr. HOLT, and Mr. CUMMINGS.
H.R. 1177: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1203: Mr. BOUCHER, Mrs. EMERSON, and Mr. WALDEN.
H.R. 1210: Mr. COHEN.
H.R. 1521: Mr. KLINE of Minnesota, Mr. RYAN of Ohio, Mr. CALVERT, Mr. SHULER, and Ms. LORETTA SANCHEZ of California.
H.R. 1721: Ms. SLAUGHTER.
H.R. 1806: Ms. BERKLEY, Mr. FRANK of Massachusetts, and Mr. SHIMKUS.
H.R. 1826: Mr. WATT.
H.R. 1879: Mr. COURTNEY, Mr. MILLER of Florida, and Mr. LAMBORN.
H.R. 1964: Mr. JOHNSON of Georgia.
H.R. 2135: Mr. CHILDERS.
H.R. 2161: Mr. HEINRICH.
H.R. 2324: Mr. SIRES and Ms. SUTTON.
H.R. 2342: Mr. STUPAK.
H.R. 2387: Mr. SCHOCK, Mr. TERRY, Mrs. MYRICK, Mr. BURGESS, Mr. LINDER, Ms. FOXX, Mr. HOEKSTRA, Mr. COBLE, Mr. KINGSTON, and Mr. CARTER.
H.R. 2450: Mr. GRIJALVA and Ms. NORTON.
H.R. 2528: Mr. PLATTS.
H.R. 2546: Mr. RAHALL.
H.R. 2578: Mr. CARSON of Indiana.
H.R. 2866: Mr. HIMES.
H.R. 2906: Mr. PITTS.
H.R. 2923: Mr. CUMMINGS and Mr. BACA.
H.R. 3010: Ms. WOOLSEY and Mr. VAN HOLLEN.
H.R. 3050: Mr. PITTS.
H.R. 3078: Mr. HALL of Texas.
H.R. 3339: Mr. WU.
H.R. 3359: Ms. SPEIER and Mr. FILNER.
H.R. 3380: Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Ms. SUTTON Mr. ROTHMAN of New Jersey, Mr. PAYNE, and Mr. SIMPSON.
H.R. 3421: Mr. KENNEDY, Ms. JACKSON-LEE of Texas, and Mr. BOSWELL.
H.R. 3578: Mr. PETERSON.
H.R. 3592: Mr. BLUMENAUER.
H.R. 3662: Mr. SCHIFF.
H.R. 3691: Mr. CALVERT.
H.R. 3731: Ms. SUTTON and Mr. KLEIN of Florida.
H.R. 3746: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3758: Mr. TIM MURPHY of Pennsylvania and Mr. PAYNE.
H.R. 4034: Mr. PRICE of North Carolina.
H.R. 4140: Mr. KUCINICH, Mr. SABLAN, and Ms. SLAUGHTER.
H.R. 4179: Mr. GRIJALVA.
H.R. 4196: Mr. STARK, Mr. LUJÁN, Ms. CHU, and Ms. MATSUI.
H.R. 4202: Mr. BLUMENAUER and Mr. KUCINICH.
H.R. 4233: Mr. ALEXANDER, Mr. COBLE, Mr. BARTON of Texas, and Mr. REHBERG.
H.R. 4247: Mr. HARE, Mr. COURTNEY, Mr. ELLISON, and Mr. DAVIS of Illinois.
H.R. 4255: Mr. MCCAUL, Mr. GRAVES, Mr. ADLER of New Jersey, Mr. BARTLETT, Mr. MORAN of Kansas, Mr. ROONEY, Mr. BURTON of Indiana, and Mrs. BLACKBURN.
H.R. 4262: Mr. BURTON of Indiana, Mr. JOHNSON of Illinois, Mr. WOLF, and Mr. SCHOCK.
H.R. 4263: Ms. BERKLEY.
H. Con. Res. 22: Mr. SCHOCK, Mr. TERRY, Mr. BARTLETT, Mrs. MYRICK, Mr. GALLEGLY, Mr. BUYER, Mr. KINGSTON, Mr. CARTER, and Mr. PENCE.
H. Con. Res. 157: Mr. TIAHRT.
H. Con. Res. 200: Mrs. MYRICK and Mr. LINDER.
H. Con. Res. 220: Ms. BORDALLO, Mr. BURTON of Indiana, Mr. HEINRICH, Mr. KENNEDY, and Mr. TIERNEY.
H. Res. 252: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 713: Mr. FATTAH, Ms. WASSERMAN SCHULTZ, and Ms. CHU.
H. Res. 748: Mr. GOODLATTE.
H. Res. 857: Mr. HEINRICH.
H. Res. 874: Mr. PITTS.
H. Res. 898: Mr. SOUDER, Mr. SCHOCK, and Mr. ELLISON.
H. Res. 932: Ms. SCHAKOWSKY, Mr. ABERCROMBIE, and Ms. JACKSON-LEE of Texas.
H. Res. 951: Mr. WITTMAN, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. CULBERSON, Mr. MCCARTHY of California, and Mr. FORBES.
H. Res. 958: Mrs. LOWEY, Mr. GORDON of Tennessee, and Mr. PENCE.
H. Res. 959: Mr. SAM JOHNSON of Texas.
H. Res. 966: Mr. KING of Iowa.
H. Res. 967: Mr. AL GREEN of Texas, Mr. ELLISON, and Ms. SCHAKOWSKY.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, MONDAY, DECEMBER 14, 2009 No. 189

Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Loving God, You are just and compassionate. As we labor today, we need Your strength. Forgive us for becoming impatient, for being too busy, too distracted, and too quick to speak or act. Forgive us for not taking time to think or to pray. Bless our Senators in their work. May they labor with integrity and faithfulness, cheerfulness and kindness, optimism and civility. Lord, keep them ever mindful of life's brevity and of the importance of being faithful in life's little things. Help them to seek to serve rather than to be served, following Your example of humility and sacrifice.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

NOTICE

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

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

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

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

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

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

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes. We are still working on an agreement to line up votes that have been the subject of competing agreements with respect to the health care reform legislation. Pending is a Crapo motion, with a Baucus side-by-side on taxes; and a Dorgan amendment, with a Lautenberg alternative. So we have four amendments on which we need to try to work something out. That is not done yet, but as soon as it is worked out we will notify Senators of any scheduled votes.

HEALTH CARE REFORM

Mr. REID. Mr. President, every day we do not act, it gets more expensive to stay healthy in America.

If you are fortunate enough to have health insurance, this is not news to you. You have no doubt noticed your premiums have more than doubled in the last decade, even though the quality of your health care has not doubled—and that is an understatement.

If you are fortunate enough to have coverage, you might have noticed that you are paying at least an extra $1,000 a year to cover all of the other families who do not have health insurance.

Those with insurance know when premiums eat up a larger slice of their paychecks, they have less money to take home to their families. Those without insurance know the pain of skipping medicine or treatments or doctors visits because it simply costs too much to go to the doctor. Economists tell us if we do nothing, those costs will continue to climb and to climb. The economists tell us that without question, if we do not do something, the costs will continue to increase.

Very recently, the President's Council of Economic Advisers has crunched the numbers, and this respected group tells us the bill before the Senate will indeed keep health care costs down.

Lower costs are good for every American. It means more people who do not have insurance today will be able to afford it, and those who do have insurance will have more stability and security against losing it.

The White House's economists highlighted a number of other impressive effects of our bill. The amount our government spends on Medicare for our seniors and Medicaid for the underprivileged will be much less than if we do not act. Our Nation's deficit will be much lower than if we did not act. Health care costs in the private sector will be much lower than they would be if we did not act. And with this bill, American families' incomes will increase more than they would if we did not act. The same is true for job creation, small business growth, and our overall economy.

After all, health reform is economic reform. When you are not spending so much of your paycheck on premiums, you have more left to feed your family and to fuel our economy.

We also know a healthier workforce is a more productive workforce, and a more productive workforce means a healthier economy. Those are pretty good reasons to act and a pretty strong rebuttal against the strategy of doing nothing. This data proves once again what we have said from the start: this bill will save lives, save money, and save Medicare.

That is the reality, and that is why we are working to make it possible for every American to afford a shot at a healthy life. It is a goal that will make our economy stronger and make our citizens healthier. It is a goal with an eye to the future, to our children, one that appreciates the long-term effects of what we do.

The other side has a goal of its own—one that not only ignores the reality of the present but dismisses both the long-term benefits of acting and the long-term costs of doing nothing. Whereas we are working to slow the growth of health care costs, they are working to slow down the Senate. In fact, they would like to bring this body to a screeching halt.

But we will not let talking points meant to scare seniors and frighten families obscure the hard data that show just how unhealthy our health care system is. We will not be derailed by those who spend more time hoping for America's leaders to fail than they do helping the American people succeed. We will not be sidetracked by those who try to stop history in its tracks.

Mr. President, would the Chair now announce morning business.

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, there will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. CORKER. Mr. President, I ask unanimous consent that the Republicans be allowed to speak as a group over the next 30 minutes.

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

Mr. CORKER. Mr. President, I thank you.

HEALTH CARE REFORM

Mr. CORKER. Mr. President, I rise today to speak about the health care bill that is before us. One of the major points of contention over the last 2 weeks has been the fact that Medicare savings are being utilized to leverage an entirely different entitlement and not even taking care of the SGR issue that is so important to physicians around our country.

The other important stat is the fact that half of the expansion in health care benefits that is occurring under this bill is under Medicaid, probably the worst health care program in America. After a year of discussions among many folks on a bipartisan basis, and ending up with a very partisan bill, the fact that half of the expansion is occurring in one of the worst programs that exist in our country, locking people at 133 percent of poverty into Medicaid, with no other choice, does not seem to me to be true health care reform.

I know the Senator from New Hampshire, who has spoken eloquently on this issue, has something to say about that.

Mr. GREGG. I thank the Senator from Tennessee for opening this discussion on the issue of Medicaid. But I did want to ask a couple questions relative to what the Senate leader just said about the bill that is before us.

We have to remember the bill that is before us—all 2,074 pages, as I understand it—is not the bill we are going to actually consider. There is somewhere in this building a hidden bill, known as a managers' amendment, which is being drafted by one or two or three people on the other side of the aisle, and which is going to appear deus ex machina on our desks fairly soon. We do not know what is in it. A lot of the people on the other side do not know what is in it. The press does not know what is in it. The American people do not know what is in it.

Mr. CORKER. The President does not know what is in it.

Mr. GREGG. The President does not know what is in it. Nobody knows what is in it. But they are designing this bill, which is going to be represented to expand Medicaid even further and to also offer the ability to people age 55 and over to buy into Medicare, which is going to have a huge impact.

But what the Senator from Nevada said, which I want to ask the Senator

from Tennessee about, is, he said this bill before us—this 2,074-page bill, which we know is what we are working off of—is going to reduce health care costs.

Is it not true that the President's Actuary—the Actuary for CMS, who is the President's Actuary—sent us a letter last week which said that health care costs in the first 10 years would go up by $235 billion?

The majority leader also said people will be able to keep their insurance. Is it not true that the President's Actuary said millions of people will lose their own insurance under this bill?

Further, is it not true, in the area of Medicare, that the President's Actuary actually said that the expansion in Medicare and the Medicare cuts in this bill that are before us in the Democratic bill would actually lead to a massive reduction in the number of providers for Medicare; that up to 20 percent of the providers in Medicare would become unprofitable and therefore they would have to leave Medicare, making Medicare unavailable to people because there would be no recipient?

Didn't the Actuary also say, in the area of Medicaid—and I am quoting—''it is reasonable to expect that a significant portion of the increased demand for Medicaid would'' be difficult to meet, particularly in the first few years, and that is because providers would no longer be profitable and would have to leave the business of providing—doctors groups, hospitals, small clinics?

Are not all those three points true relative to what the President's Actuary has told us—not us, not the Republican side but what the President's Actuary said? And don't all three points contradict the representations of the majority leader?

Mr. CORKER. Not just his representations, but the representations of the President of the United States. As a matter of fact, it is hard to understand any goal that is being achieved other than making sure our country has a huge indebtedness.

But the senior Senator from Tennessee has talked about this very subject the Senator is talking about—about Medicaid, in essence, giving people a bus ticket, where there is no bus because of the fact that if we add these people to a system where 40 percent of physicians do not take it, 50 percent of specialists do not take it, in essence, you have people accessing a system where there are not providers to care for them.

I do not know if the senior Senator from Tennessee wants to expand on that.

Mr. ALEXANDER. I thank Senator CORKER from Tennessee.

We have our usual situation on the Republican side—a lot of Senators who wish to speak on the subject of Medicaid—so I am going to keep my remarks brief. But looking around I see one, two, three, four of us who have been Governors of a State. The Acting President pro tempore was the Governor of the State of Virginia. Senator CORKER, himself, was mayor of Chattanooga and the chief operating officer of the Tennessee State government.

Why do I bring that up? Because the Medicaid Program we are discussing—I know to many people listening to this debate, it gets confusing. Medicare is the program for seniors on which 40 million to 45 million people depend. We have talked about that a lot, and how the cuts to Medicare are going to be used to pay for this bill. But we have not talked as much about Medicaid, which is an even larger government program. Sixty million people depend on Medicaid, and they must be low-income people in order to qualify for the program. This bill would add 15 million more Americans to the Medicaid Program which, as Senator CORKER said, is like giving someone a bus ticket to a bus line that only operates half the time, because about 50 percent of the time, doctors will not see new Medicaid patients.

But there is another problem with the Medicaid proposal, which all of the Governors here—I know if they are like me, nothing made me any angrier than to see a bunch of Washington politicians come up with a big idea, announce it, take credit for it, and then send me the bill when I was Governor. Usually we would find them back at the Lincoln Day Dinner or the Jackson Day Dinner the next spring making a big speech about local control. Well, what happens here is a huge bill for this Medicaid expansion that is going to be sent to the States.

I would say to Senator CORKER, hasn't our Governor, a Democratic Governor, Governor Bredesen—who like all of us has struggled with paying for Medicaid—has he not said this will cause about $750 million in added expense? I would ask the Senator from Tennessee, wouldn't that require either big cuts to higher education or big tax increases to pay for it?

Mr. CORKER. As you pointed out, in California there was almost an insurrection among students there because of the high cost of tuition, because of the fact that other programs in the State were eating up money. It is the same kind of thing that is going to happen in States across this country. Our Governor, who is a Democrat and who probably knows as much about health care as anybody in the country, is very concerned about what this is going to do—hoping, by the way, that revenues in our State reach 2008 levels by the year 2013. So he is very concerned.

I know Senator JOHANNS from Nebraska has been a Governor. I am sure he has some things to add to this debate.

Mr. JOHANNS. I do have some things I wish to add to this debate. I have gone across the State. I have talked to hospital administrators and I always ask them the same question: If you had to keep your hospital open on Medicaid reimbursement, could you do that? With no exceptions whatsoever, from the largest to the smallest hospitals, they say, MIKE, we would go broke because the Medicaid reimbursement is so bad. No question about it, that is bad news for the hospitals.

But ask any Governor. It doesn't matter if they are a Democrat or a Republican—and the senior Senator from Tennessee is so right, nothing would irritate Governors more, nothing would get us in a more bipartisan furor than the politicians in Washington passing something, taking all the credit for it, and then sending the bill to the State taxpayers. I will give a speech on this to nail this down in the next couple of days.

The States have very limited options. They can raise taxes or they can cut very valuable programs such as education, K–12 education, higher education, and already States are struggling. In Nebraska we had a special session where our Governor and our legislature stood up and said, We have to cut spending, and they cut over $300 million. Can you imagine if I were to call up later on in a couple of weeks from now and say, I know you did your very best at that special session, but we sent you another bill for millions and millions of dollars over the next 10 years that you have to deal with?

The final point I wish to make is, do my colleagues realize what we are doing to the people we will be putting on Medicaid? Already 35 to 40 percent of the physicians won't take Medicaid. Why? Because the reimbursement rates are so incredibly pitiful. So if you are at 133 percent of poverty, we basically lock you into Medicaid. It is like giving somebody a driver's license but then saying, there is no way you can ever get a car to drive, because, look, here is the problem: They can't get medical care no matter if they have that Medicaid card. What it will do to our health care system is literally bring it to its knees, because we are going to have this massive rush of people who have the Medicaid card in hand and we don't have the capacity to deal with that. The doctors, the hospitals are all going to be in trouble because of this. It is the wrong policy for a whole host of reasons.

Mr. CORKER. Mr. President, I read a story this weekend in the New York Times where Medicaid recipients, especially young Medicaid recipients, have huge prescriptions taken out on them for antipsychotic drugs because basically the physicians don't want to take the time to deal with them, and so they are huge users of them.

When we speak about physicians, I think it is always important to talk to one. Fortunately, we have one on our side, Senator BARRASSO, who I know has treated many Medicaid recipients. I know he has a lot to say on this topic.

Mr. BARRASSO. I have a couple of points I wish to add because I think you made a point, as does Senator

JOHANNS. The concern is are there going to be enough doctors to take care of these patients. We are talking about 18 million more people placed on the Medicaid rolls, which is a huge unfunded mandate to the States. Having practiced in Wyoming for 25 years, in Casper, taking care of families, taking care of lots of patients on Medicaid, it becomes harder and harder for doctors to take new patients.

There is an article in this week's Wyoming Tribune Eagle: Doctor Shortage Will Worsen. As many as a third of today's practicing physicians will retire by the time all of these additional 18 million get on to Medicaid.

There is an article in the Wall Street Journal and it talks about a report from a research group, nonprofit, based in Washington, the Center for Studying Health System Change, and it says, as the Senator has previously stated:

> Nearly half of all the doctors polled said that they had stopped accepting or limited the number of new Medicaid patients. That is because many Medicaid programs, straining under surging costs, are balancing their budgets by freezing or reducing payments to doctors. That, in turn, is driving many doctors, particularly specialists, out of the program.

For people in Wyoming, whether in Cokeville or Kemmerer or Casper, in all of these communities we are looking to try to recruit physicians. It is making it much more difficult when we look at this health care proposal the Democrats have, which is going to raise taxes, cut Medicare, cause premiums to go up for people who have insurance, and one of the reasons is because it underpays so much for things such as Medicaid. Yet they are talking about putting another 18 million people on Medicaid.

This morning I called one of the offices of a physician group in Wyoming and said, What are the differences in terms of Medicaid versus regular insurance? For something like carpal tunnel, we know about overuse of the wrist and carpal tunnel surgery where the normal fee is about $2,000 for the surgery. Medicaid itself reimburses less than $500. Medicare—they are talking about putting a lot more people on Medicare—reimburses less than $400.

It is very difficult if you are trying to run an office and you pay all of the overhead expenses and see everybody who wants to see you to do it on the fees alone that you get from Medicare or Medicaid. That is why I have great concerns. If we have all these people on Medicaid, will it actually help them get care?

I think this Democratic proposal we are looking at fails. It fails in terms of getting costs under control. It fails in terms of increasing quality or increasing access, but those are the things we need in health care reform.

I see my colleague from Florida is here, who has experience, having run a Governor's office as Chief of Staff. He may want to add to this discussion as well. I can't see any way this would be sustainable. As a matter of fact, a report that came out recently from the CMS, the group that oversees all of this, said it is not sustainable, that one out of five hospitals by the year 2020 and one out of five doctor groups will basically have to go out of business and close their doors.

Mr. CORKER. Mr. President, it is pretty amazing when you think about it. We have a 2,074-page bill that includes the largest expansion of Medicaid in the history of the program. It would take about 1 page of that 2,074 pages to expand Medicaid and do no reform, and yet that is where 50 percent of the expansion is taking place. Yet, the 2,073 pages remaining don't meet many goals that many—any goals, really, other than access—any goals that Americans would stand behind.

I know the Senator from Florida, who has spent a lot of time on this issue, wants to speak on this topic.

Mr. LEMIEUX. I thank my colleague from Tennessee. I didn't have the honor to be a Governor but I got to sit in the office next door to be the Governor's Chief of Staff. We had these issues of trying to balance budgets because, unlike the Federal Government which is out of control, States actually have to balance their budgets. Receipts have to meet expenditures. When your Medicaid budget grows and grows and grows—and in Florida, $18 billion is what we pay in Medicaid. It is the largest expenditure in the Florida State budget. When it grows and grows and grows, what happens? You have to cut education. You have to cut public service programs that do things such as law enforcement, correctional facilities that hold prisoners. You hurt the other main functions of government if you keep adding in Medicaid.

I wish to highlight a point my colleague from Tennessee made. It occurred to me when I was going through the Chief Actuary's report we received last Friday from the Center for Medicaid and Medicare Services that this plan the Democrats have put forward is the expansion of Medicaid. Let's be honest. This is Medicaid for the masses. Thirty-three million people supposedly are going to be covered by this plan if it is implemented. How do those numbers add up? Eighteen million are Medicaid, 20 million go into this new exchange, and then we lose 5 million because their employer drops them because they can go into the exchange. So what are the majority of the people who are going to go under this new health care reform going to get? They are going to get the worst health care system in America, called Medicaid, a system where doctors won't participate. If the doctor is not in, it is not health care reform.

This is not all it is cracked up to be. I did a little back-of-the-envelope math: $2½ trillion to put 18 million people into Medicaid. We could give all of those people $166,000 each, put it into an account and say: Here, fund your health care for the next 10 years or we could create this huge government program that expands a program that most doctors won't accept.

My colleague Dr. BARRASSO has it right. Forty percent of the doctors won't take Medicaid, and 50 percent of the specialists. How is this health care reform?

I know my colleagues here have a lot of experience on this issue. I see my colleague from Mississippi and it looks as though he has a great chart and is going to talk about increased Medicaid spending, so I am sure he has something great to say to us.

Mr. WICKER. Yes, and I appreciate so many of our colleagues being here today because I am glad we are getting into the Medicaid aspect of this bill. There has sort of been a feeling around this building the last couple of days that if we could only take care of the Medicare buy-in and the government-run option this bill would be OK. So I think today we are bursting that myth and pointing out the huge unfunded mandate the Medicaid portion would put on almost all the States.

Every State in red as shown on this chart would be required under this bill to increase their Medicaid spending. Only Vermont and Massachusetts would not have to be mandated by us in Washington to do this additional spending. Of course, with the unfunded mandate, what the Federal Government is saying is, We think this is a great idea. We think people should be covered with additional Medicaid Programs and, by the way, you folks at the State level should come up with the funds to pay for it. That is the very nature of an unfunded mandate.

I am not a Governor nor have I been a Chief of Staff of a Governor, but I have a letter from my Governor, Gov. Haley Barbour, who says:

> If the current bill, which would expand Medicaid up to 133 percent, were enacted into law, the number of Mississippians on Medicaid would increase to 1,037,000, or one in three of our citizens. Over 10 years this bill would cost Mississippi's taxpayers $1.3 billion—
>
> The generosity of this Congress would be to tell the legislators and taxpayers of my State of Mississippi: Congratulations. We get more coverage and, by the way, you have to pay an additional $1.3 billion—
>
> necessarily requiring Mississippi to raise taxes in order to continue vital programs such as education and public safety.

As has been pointed out, our State governments don't have a printing press. They have to balance the budget and make the numbers come out at the end of every year. We are putting a new burden, if we pass this legislation unamended, a tremendous burden on our Governors.

One other comment. There has been mention of the Governor of Tennessee who is a two-term, respected Democrat who knows a little something about health care. I think the actual quote last summer from Gov. Phil Bredesen was that he feared ''Congress was about to bestow the mother of all unfunded mandates on the State of Tennessee.''

I have here in my hand—and we don't have time because we have so many

people who want to speak—I have 13 quotes, not from Republican Governors such as Gov. Haley Barbour of Mississippi, but Democratic Governors all across this Nation, including the newly elected Democratic Governor's Association chairman, Gov. Jack Markell, and 12 others saying, we cannot afford, we cannot accept, we cannot bear at the State level this unfunded mandate upon this number of States.

Mr. CORKER. I thank the Senator. That was very good. I am hearing some comments about there being a wink and a nod process taking place which is sort of what we have happening right now with the bill. We don't know what is in it, but I understand there may have been a tilt by leaders of the Democratic Party to say to Governors: If you won't raise much Cain here, we are going to take care of you down the road on this issue. I don't know if I would trust something like that to happen in this body but——

Mr. WICKER. Here is the problem there. If they take care of the Governors down the road by saying we are going to send the money from Washington to cover this, then all of this talk about the program cutting costs at the Federal level goes out the window. Something is going to have to pay for it. Either we are going to have to gin up the printing press here, borrow some more money from China and send it to the States, which I guess is what the Senator was referring to, or we are going to pass the unfunded mandate on to the taxpayers of 48 of our States.

Mr. CORKER. So many Senators, so much participation, so little time. I think there is about 6 minutes left. The distinguished Senator from Utah has not yet spoken. The distinguished Senator from Idaho—a former Governor—has not yet spoken. I wondered if the senior Senator from Utah might close us out in the remaining time, just to bring this all to a climactic conclusion.

Mr. HATCH. Mr. President, I appreciate the comments of my colleagues. They are right-on. They know what they are talking about regarding the Medicaid program.

If this bill becomes law, the CBO estimates that by the year 2019, 54 million nonelderly, nondisabled Americans will be locked into Medicaid. Think about that.

Americans with incomes below 133 percent of the Federal poverty level are not eligible for tax credits to purchase private coverage through the exchange.

I will take a few minutes to read part of a letter I received from our Governor in Utah, Gary Herbert—who worked at almost every job from local government right up to Governor of the State—about the Medicaid expansion included in the Reid bill. My Governor is deeply concerned about the impact the proposed Medicaid expansion would have on individual States. Here is what he said:

> In Utah, we have a good system of public medical programs that provide for our neediest population.
>
> The extension of Medicaid to additional populations, as discussed in proposed Federal healthcare legislation, will amount to an unfunded mandate that would create financial havoc for our state.
>
> While I understand the idea that everyone must ''share in the pain,'' and appreciate the Administration's commitment to reforming healthcare without increasing the size of the federal deficit, to force Medicaid cost increases onto states will simply shift massive cost increases to the states.
>
> As we prepare the state's fiscal year 2011 budget, we face continued cuts to agency budgets and reduced government service on top of painful reductions made last year. The unfunded mandate of a forced Medicaid expansion will only exacerbate an already dire situation.
>
> If required to increase our Medicaid program as envisioned in Washington, Utah and most every other state will be forced to fund the money to do so through other means. This will require states to either raise taxes or continue to cut budgets in areas currently suffering from a lack of funding, such as public and higher education. We must work together to ensure that no new requirements for states to fund healthcare for additional populations pass.

In summary, I ask my colleagues, if the Reid bill is signed into law and the Medicaid expansions go into effect, what will the States do to make their budgets work? According to Utah Governor Herbert, States will be looking at a variety of options, such as cutting education programs and raising taxes. It would devastate the State, as Governor Barbour has said and as almost every Governor would say. I thought that was an important point to make.

Mr. CORKER. Mr. President, I know the Senator has been a leader in making sure people throughout this country have appropriate health care. I thank the Senator for those comments.

There is no one better to respond than a former Governor, the Senator from Idaho, JIM RISCH.

Mr. RISCH. Mr. President, first of all, let me say this raid on the States is just that. This is going to be a tax increase, and it is not included anywhere, it is not talked about anywhere. There is no way the States can deal with this except with massive tax increases or massive cuts in education.

In most States, I am sure, like Idaho, about two-thirds of the budget is spent on education, about 10 percent of it is on public safety, and you have about 20 percent that is on social services. Unless you have been a Governor, you can't understand how difficult it is to control what has become an expanding black hole in Medicaid.

The first social program this Congress came along with was Social Security. They decided they would do it, and they funded it. The second was Medicare. They decided they would do it, and they funded it. Along came Medicaid, and some genius here decided the Feds will only pay 70 percent or so and we will make the States pay 30 percent. Well, everywhere across this country, Governors are saying: Don't do this to us.

The dozen of us here who are former Governors were asked to participate in a conference call a couple weeks ago. I listened, but I didn't talk. I didn't need to because there was great bipartisan support for killing this bill. The most vocal people were Democrats. The most vocal Governors were Democrats, who were saying we cannot tolerate this kind of an increase. That is what is going to happen under this bill.

I am sorry none of my friends from the other side of the aisle are here, with the exception of the Presiding Officer.

Could the Senator from Mississippi take the top chart off. If my friends were here, I would tell them to pay attention to the polls because that is what America is going to look like on CNN next November 2, in the evening, if you continue down this road.

I thank the Chair.

Mr. CORKER. I thank the Senator. I know of nobody who has spoken more eloquently on this topic than the Senator from New Hampshire. Before I hand it off to him, when I was in my 40-something-plus townhall meeting since this debate began, our citizens said to me they wanted the same choices I had as a U.S. Senator. This expansion for the American people is mostly being done in the area of Medicaid.

I don't know if the Senator has any comment to that effect or a comment as to whether we Senators ought to be in Medicaid, if this is our idea of health care reform. I certainly hope he will close us out, and I thank him for his tremendous contribution.

Mr. GREGG. Mr. President, I thank all of the Senators here for their comments. I say this—and I think the Senator from Tennessee was alluding to this at town meetings—this expansion of Medicaid isn't good for people. It is not good for people on private insurance. Their insurance will go up, and a lot of employers will have to drop insurance because it is too expensive. It is not good for people getting Medicaid because the number of providers willing to see them will go down. That is what the Actuary tells us, and that is what common sense also tells you. When you are only paying 60 percent of the cost of seeing somebody, people will stop seeing them. It is not good for everybody in all those red States up there on the chart because their taxes will go up because the States are going to get the bill for this. States can do nothing but raise their taxes. So it is not good for people and not good for health care in this country, in my opinion.

Mr. CORKER. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Thirty minutes has been consumed.

Mr. CORKER. I am sure the Senator from Tennessee—if there is time remaining and if nobody is here to claim it—would like to speak. He is always good at explaining the deficiencies of this bill.

Mr. ALEXANDER. Mr. President, I thank the Senator. I am impressed

with the number of Senators here this afternoon. One thought comes to mind, and I wonder if some of my colleagues may want to talk about it. I woke up one day and saw on television a sign that said ''32 percent tuition increase for the students of California.'' The University of California could be the best public institution of higher education in the world.

One of the great things the United States has—which keeps us competitive and gives us a chance to continue to grow and create new jobs—is a superior system of higher education. About half of the best universities—Harvard, Yale, and the private universities—half or more than half are public universities, where tuition is a few thousand dollars a year. Well, what is going to happen with this? All of us who have been Governors have gone through this. You have a pot of money left, and it either goes into higher education or Medicaid. For the last 30 years, we have been having to fight to fund Medicaid, and as a result States have not been funding public higher education properly and the quality has gone down and the tuition has gone up.

What is this bill saying? It says that, after 3 years, we are going to dump a huge new cost on the States. I don't believe I am overstating it when I say that in our State of Tennessee, given the terrible fiscal condition our States are in today—and our State is more conservatively run than most—I believe our State could only fund this through a new State income tax and/or serious damage to higher education or both. I wonder if that is not the case in all of the other States represented here.

Mr. CORKER. Listening to what the Senator just said, I looked on the other side of the aisle and realized there is no one there. This is one of those issues. I know that on Medicare, the other side has been able to argue they are extending the life of Medicare. Yet Senator GREGG so clearly pointed out yesterday on national television that is impossible because they are taking those savings to pay for a new entitlement program. At the end of the day, it really will not be extending the life in any way. We all wonder why those savings are not being utilized now to make Medicare more solvent.

I wonder what my friends on the other side of the aisle would argue in favor of the largest expansion of Medicaid. I think that would be a pretty hollow argument. I think everyone knows that it was all about money, that this was the cheapest way to try to meet some goals—by passing it off to States. I would love to hear somebody on the other side argue how health care reform, where 50 percent of the people being added are being thrown into the worst program that exists in America—I would love to hear somebody over there argue how that is good for our country.

I know Senator GREGG, myself, and others have signed on to legislation that would give low-income citizens choices among private companies and, with that, vouchers, nonrefundable tax credits, and then to be able to pay for that. That is health care reform. That is something that creates robust competition, and certainly we would not have these low-income individuals locked into the dungeon of the worst health care program that exists simply because it is cheap, making, in essence, the value of their health care less than the value of ours here in the Senate.

I would love to hear anybody on the other side of the aisle argue for expanding Medicaid—how that is a good thing for the citizens it covers.

I see we have someone from the other side of the aisle here. Mr. President, I don't know if we still have time to talk. I know Senator JOHANNS has comments to make.

The ACTING PRESIDENT pro tempore. The time for the minority has expired.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I rise to speak about the ways in which small businesses will be helped in this bill.

Before my colleagues leave the floor, had some of them stayed at the negotiating table, perhaps some of the provisions they talked about could have been considered. Since they pretty much packed up their bags months ago and left the debate and they just come to the floor to talk, it is very difficult to put any of their provisions in the legislation. There were some amendments that were accepted in the Finance Committee and in the HELP Committee.

The fact is, there is a lot of choice in this bill. There are a lot of choices for individuals and for small businesses. There is help for Americans and for businesses not only in the State of Louisiana, which I represent, but all the States in the Union.

As you can see on this chart, without reform, the cost for small businesses will rise from—or the jobs lost because of the lack of reform will rise from 39,000, to 70,000, to 103,000, to 137,000, and then to 178,000. These are jobs lost because small businesses are having a very difficult time affording premiums and because of a lack of reform in the private insurance market, which this bill also provides. This trendline will continue unless we do something. That is why many of us are here working early in the morning, through the middle of the day, and until late at night trying to figure out the way to reform this system.

I respect my colleagues. I know them all very well. They made their statements for the record this morning. But the fact is, we have been at this since Harry Truman was the President. We can't throw this bill away and start over again. There is choice and there is expansion of Medicaid and reform in the Medicaid system. There will be strengthening and reform of the Medicare system. In the middle, there is great strength and reform of the private insurance market.

I am a very strong supporter of choice and competition. I came to the floor to speak about a segment of our population—27 million, to be exact. That is the number of small businesses that are depending on us to do our very best work on the Patient Protection and Affordable Care Act pending before the Senate as we speak.

Our economic prosperity as a nation, as you know, Mr. President, as a former Governor of Virginia who helped bring millions of jobs to your State and now as a leader on small business yourself, the economic prosperity of our Nation relies, in large measure, on how we can help our small businesses become the economic engines we know they can be to help lift us out of this recession.

Entrepreneurs roll up their sleeves and go to work each and every day. They go early to work; they stay late. They create jobs. They push the envelope on technical advances, and they assume the risk necessary to succeed in the private marketplace. Small businesses created 64 percent of American jobs in the last 15 years, according to the Small Business Administration and others.

Yet as chair of the Senate Committee on Small Business and Entrepreneurship, I have heard time and time again from these same business owners that they cannot afford to operate in the current broken health care system, and they desperately need us to fix it. That is what this effort underway is.

Small businesses have been hard hit by premiums that are regularly increasing at 15 percent, 25 percent and, in many cases, 45 percent. This is the cumulative cost of health benefits: You will see, in 2009, $156 billion. Without reform, it is going to go to $717 billion. Then, in 2015, it will exceed the $1 trillion mark. This is what happens if we do what my colleagues are urging us to do and do nothing or to start again.

We have been, as I said, since Harry Truman was President, trying to figure out a way to provide each and every American with affordable health insurance, either through the public or the private sector or some combination of the above. That is why this bill is so important because, without reform, this is the price our small businesses will have to pay, and it is too steep, it is too high of a mountain for them to climb.

Without these reforms, as I said, costs are expected to more than double over the next 10 years. But this debate is not about numbers, it is about people—people such as Mike Brey, who owns Hobby Works in Laurel, MD, and who was here just last week in the Capitol to speak at a press conference. I have had hundreds of business owners from all over the country to come. Mike was one of the last ones to come and speak at a press conference last week. He said to us that his plan not too long ago cost only $100 a person,

most of which he was happy to cover as a company. Over the years, however, his premiums have tripled and his employees have seen their costs go five times higher as they pay more of their premiums, up to almost a $1,200 deductible.

Mike said—and his words are echoed by business owners in my State and business owners around the country:

> Those of us who do provide coverage are slowly being dragged down by these costs. Something that we once considered a benefit, a benefit I was proud to provide, has now come to be seen as a burden—a burden to be feared because you don't know what is coming next.

He went on to say:

> After years of astonishing rate hikes and declining competition among providers, many small businesses, like mine, may be only one or two years away from having to cut their health care programs entirely. I'm not going to let [these premiums] put me out of business. I'm just going to say we can't do it anymore.

This is what is happening all across America. Only 15 years ago, 65 percent of small businesses in our country offered affordable health insurance, something they were proud to provide—full and comprehensive coverage, many of them picking up a majority of the costs. Today that has dropped to 39 percent and dropping every week that we fail to act.

Small business owners, such as Mike from Maryland, hundreds in my State, need meaningful health care reform. The Senate health care bill contains measures that responsibly put in place both intermediate and long-term insurance reforms that are very important.

Let me start with the immediate benefits. I understand there are some, including myself, who would like to see more immediate benefits, but these are some that are important, substantial, and real.

Temporary reinsurance for early retirees will be available under this bill. This will help many in a very tough stage in their life.

States may establish exchanges to get a jump on, of course, the mandatory date that is in the bill.

No annual limits and restricted lifetime limits. This will be a very important benefit to small business.

Reporting medical loss ratios. For the first time, insurance companies will have to report information that will help keep the costs lower over time and bring more transparency and accountability to the system.

The bridge credit for small businesses will go into effect almost immediately. It will help businesses that have 10 employees or 25 employees provide health coverage for their workers.

Then, in the intermediate timeframe, there are some additional ones. The exchanges will be set up by 2014. When people on the other side talk about choice, there is going to be plenty of choice in this bill for uninsured individuals, for those who are in small businesses up to 100 employees. They will be able to access these exchanges and look for affordable options. That is going to be a major improvement over the current system.

There is a bridge credit—a credit I call a bridge credit—a bridge to the exchanges for small businesses. Once the exchanges are up and running, businesses with 10 and 25 employees or less will be able to get almost 35 percent credit for the insurance they provide. That is in addition to the deductibility they have in current law.

I ask unanimous consent to speak for another 5 minutes.

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

Ms. LANDRIEU. Mr. President, one of the major criticisms of this bill has been the costs. The bill does show fiscal responsibility, cutting budget deficits by $127 billion in the first decade and $650 billion in the second decade. Anything we do is going to cost money upfront to fix the system, but the way this bill is being designed is that for every dollar that is spent, there is a dollar raised to pay for that change. That is a refreshing change of method, considering the last 8 years, where bill after bill was put on this floor, whether for domestic or international priorities, and not paid for at all.

We can be criticized for trying to push major reform forward, but at least we are finding ways within the system to pay for these important changes that will hopefully drive down costs for everyone.

As Mike reminded me, the gentleman who spoke at our press conference:

> It is even more important not to let one problem prevent you from solving another problem.

While we do have budget deficit problems and we are very sensitive to it, we cannot allow that to stop us from doing anything else. What we can do, as we work on the other problems, is to do it in the most fiscally responsible way possible. That is why I and many Members of the Senate have said we are not prepared to vote on anything until we get a final CBO score, to make sure not only can we afford it and not only have we paid for it but that, over time, premium costs will go down, costs to the government will go down, both at the Federal and State level, as well as to small businesses.

The Business Roundtable reports that these exchanges, both in the near term and the intermediate term, could reduce administrative costs for business owners by as much as 22 percent. If business owners are making shoes, they can get back to making shoes, not running around looking for insurance they cannot find and, if they can, it is too expensive for them anyway. If they are building high-tech equipment or electronic equipment, they can get back to the business of doing that, instead of being in the business of figuring out insurance actuarial tables.

Reducing administrative costs for small businesses is important. Twenty-two million self-employed Americans have even more unpredictable costs. Their premiums have risen 74 percent since 2001. These exchanges will help them also reduce administrative costs.

I am proud that one of the amendments I have pending on the Senate floor would give the self-employed a 50-percent tax deduction so they can be on a similar playing field, if you will, for the small businesses and large businesses that enjoy favorable tax treatment under the current Tax Code.

It has been mentioned before, but insurance companies will no longer be allowed to arbitrarily raise rates or drop coverage. Instead, companies will be forced to compete on the price and quality of their plans, not by underwriting the least risk.

The bill also has no employer mandate. Instead, we have a shared responsibility for businesses with more than 50 employees. Ninety-six percent of small businesses in America are exempt from the provision of required coverage, but we have come to terms with a system that requires individuals to purchase insurance, as well as small businesses to provide insurance with proper tax credits and subsidies that help them make it possible.

To help small businesses more immediately bridge the affordability gap, these exchanges will not be up and running until 2014. Again, there is an amendment to push that up. I hope we will be able to do that.

In the bill, tax credits will help about 51,000 businesses in my State of Louisiana alone. There are hundreds of thousands of businesses that will benefit—51,000 in my home State of Louisiana alone—because of the credits that are in the bill, and through the amendment process, we are hoping to enrich and expand them.

While these provisions in the underlying bill are strong for small business, there is always room for improvement. That is why I, along with many of my colleagues, have submitted a series of amendments. Some have costs to them, such as the 50-percent deduction. It is a $12 billion cost. But if we can find it in the bill, if the mark allows us to find $12 billion, that would be a good place to spend it because these individuals, whether they are realtors, attorneys, accountants, sole contractors, or carpenters who are working out there creating a job for themselves and creating economic opportunity in their communities, could use a tax cut and a tax credit to help them.

There are a series of amendments that I have submitted that do not have any costs associated. They are just common sense and create more efficiency in the system. I trust the leadership will consider including those amendments.

In addition, Senator LINCOLN has an amendment to expand both the bridge credit and the tax credit. It is a $9 billion provision. We are hoping the mark will allow for that addition as well.

I wish to mention a few other points in my closing. I thank the small business owners, organizations, and advocates who remained at the negotiating table. They did not pack up their bags and run away. They stayed here in Washington, in State capitals, on telephones, on conference calls, in public meetings, in the debates taking place in the many committee rooms to argue for this kind of reform—for choice, for transparency, for insurance market reform, the tax credits, more favorable tax treatment to help them afford the insurance they know is the right thing for them to do and it is the smart thing for them to do. Most small business owners want to provide good health insurance for their employees so they can compete for the best employees out there, which helps them keep their businesses strong.

I thank the small business owners, particularly the small business majority, many of the women business owners, organizations that have stayed at the table to help negotiate this important bill.

In conclusion, as we move forward, I am prepared to work with my colleagues in the Senate to pass meaningful and responsible health care reform for small businesses. We have a historic opportunity in Washington to fix a system that is broken, that is in desperate need of repair. Let us not let this chance slip away.

In these final days of negotiation, let us come together to find a way forward, again, one that reforms the private insurance market, strengthens Medicare, and sustains its viability over a longer period of time, helps to improve the system of Medicaid, by hopefully providing poor, middle-class, and wealthy people with more choices of health care and by coming to terms that we are not going to have an all-public system and we are not going to have an all-private system. We are going to have to find a middle ground, where we take the best of both sides of the public and private system and put them together so every American can have insurance they can count on and, most important, that our small businesses can have insurance that help them create the jobs necessary to lead us out of this recession to start turning this deficit situation around and creating wealth and prosperity for all Americans.

Mr. President, I see my colleague here, the Senator from Vermont, and so I thank the Chair and I yield my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Mr. President, as an Independent, let me try to give an independent assessment of where we are—which ain't easy, because this is a 2,000-page bill and different people have expressed different thoughts about it. I know my Republican friends are down here on the floor every day telling us that the world as we know it will rapidly come to an end if this legislation is passed, and yet I want to say to them: Where were they for 8 years? Where were they during the 10 years of President Bush? Some 7 million Americans lost their health insurance, health premiums soared, and tens of thousands of people died every single year because they couldn't get to a doctor. Where were they? It is very easy to be critical, but it might have been a good idea if 5 or 6 or 8 years ago they were down here before the crisis erupted to the level it is right now.

This bill, in my view, is far from perfect, and I am going to talk about some of the problems I have with it, but I also want to very briefly outline some of the real assets, positive provisions that are in this legislation. It is not insignificant that this bill provides insurance for 31 million Americans who have no insurance. That is a huge step forward for our country. It is not insignificant that this legislation provides for major health insurance reform, finally outlawing some of the most outrageous behavior patterns of the private insurance companies—practices such as denying people coverage for preexisting conditions, behaviors such as not renewing health insurance because somebody committed the crime the preceding year of getting sick and running up a huge bill. It eliminates caps on the amount of money that people need. Well, you know what, if people need cancer surgery, it is expensive, and you can't tell them there is going to be a cap on what they receive. This bill, importantly, says to families with young people that young people will get coverage until they are 26 years of age. That is a very important provision. All of those are very important steps forward.

Having said that, let me also mention that this bill is strong on disease prevention. The Senator from Iowa, TOM HARKIN, has talked for years about the need to understand why we are seeing more and more people coming down with cancer or heart disease or diabetes or other chronic illnesses, which not only cause death and pain and suffering but huge expenditures for our health care system. It seems to me to make a lot more sense to get to the root of the causation of those problems, try to prevent them, and in the process keep people healthy, and save our system substantial sums of money. We have a lot of resources in there for disease prevention.

Those are a few of the positive elements that are in this bill, and I congratulate the people who have fought to make those provisions possible. But let me talk about some of the weaknesses in this bill and some of the areas where I have real concern.

Right now, today, we are spending almost twice as much per person on health care as any other major country on Earth, despite the fact our health care outcomes in many cases are not as good. Can I stand here with a straight face and say we have got strong cost-containment provisions in this legislation; that if you are an ordinary person who has employer-based health care your premiums are not going to go up in the next 8 years based on what is in this bill? I can't say that. It is not accurate. So we need to have in this bill, as we proceed on it, to make sure there are far stronger cost-containment provisions than currently exist.

To my mind, at the very least, we must have a strong public option to provide competition to the private insurance companies that are raising their rates outrageously every single year. What is to prevent them from continuing to do that under this legislation? Not a whole lot, frankly. So the fight must continue for strong public options, not just to give individuals a choice about whether they have a public plan or a private plan but to also provide competition to the private insurance companies.

Second, let me tell you another concern I have. Right now, our primary health care system in this country is on the verge of collapse. There are people all over this country who cannot get in to see a doctor. In fact, we have some 60 million people in medically underserved areas. Most of them can't get to a doctor. What they end up doing is going to an emergency room. They get sicker than they should be and end up going to a hospital, at great expense to our system, and adding a lot of human suffering. What I worry about, if we add 15 more million into Medicaid, if we add another 16 million people into private health insurance, where are those people going to get the primary health care they desperately need? The system is inadequate now. It certainly does not have the infrastructure to address 31 million more people who are getting health insurance.

The good news is that in the House there is language put in there—and fought for by Congressman JIM CLYBURN—that would add $14 billion over a 5-year period in order to see a significant expansion of community health centers and the National Health Service Corps. Community health centers today are providing primary health care, dental care, low-cost prescription drugs, mental health counseling to some 20 million people. What is in the House bill is language that greatly expands that program and also expands the National Health Service Corps, which provides debt forgiveness for medical students who are going to practice primary health care, dental care, or nursing in underserved areas.

We desperately need more primary health care physicians. Certainly we have to change reimbursement rates, but one way we can help is that when medical school students are graduating with $150,000 in debt, debt forgiveness will help them be involved in primary health care. So this is an absolutely essential provision we have got to adopt. We have to do what the House did and provide at least $14 billion more for primary health care, an expansion of community health centers and the National Health Service Corps.

There is another issue. I know there are not many people in this institution who agree with me—although there are millions of Americans who do—that at the end of the day we have to understand that one of the reasons our current health care system is so expensive, so wasteful, so bureaucratic, so inefficient is that it is heavily dominated by private health insurance companies whose only goal in life is to make as much money as they can. We have 1,300 private insurance companies administering thousands and thousands and thousands of separate plans, each one designed to make a profit. The result is we are wasting about $400 billion a year on administrative costs, profiteering, high CEO compensation packages, advertising, and all the other stuff that goes with the goal of private insurance companies to make as much money as they can. So I will be offering on the floor of the Senate, I believe for the first time in history, a national single-payer program, and I look forward to getting a vote on that.

I am not naive; I know we will lose that vote. But I will tell you, at the end of the day—not this year, not next year, but sometime in the future—this country will come to understand that if we are going to provide comprehensive quality care to all of our people, the only way we will do that is through a Medicare-for-all, single-payer system, and I am glad to be able to start that debate by offering that amendment.

But more importantly for the immediate moment, we have language in this legislation which must be improved which gives States—individual States—the right, if they so choose, to go forward with a great deal of flexibility in order to provide quality care to all of their people. Many States may look at a single payer, other States may look at other approaches. But I believe it is absolutely imperative—and I am working with Senator RON WYDEN on this issue—to give maximum flexibility to States to be able to take the money that otherwise would be coming in to their State to use for their own innovative health care programs designed to provide quality, universal, comprehensive health care in a cost-effective way. Some may choose to go single payer, some may choose to go in another direction. We have language in there which must be improved so that States can begin that process when the exchange comes into effect in 2014.

I want to touch on two other issues briefly. The House has very good language in determining how we are going to pay the $800 billion to $900 billion we are spending. What the House says is there should be a 5.4 percent surtax on adjusted gross income above $2.4 million for individuals and $4.8 million for couples. That means nobody in this country who is making less than $2.4 million or less than $4.8 million as a couple will pay one nickel.

What we have here in the Senate, unfortunately, is a tax on health insurance programs which, in fact, will result in the middle class paying, over a period of time, a not so insignificant amount of money as part of this process.

The ACTING PRESIDENT pro tempore. The Senator has used his time.

Mr. SANDERS. I ask unanimous consent for 5 more minutes.

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

Mr. SANDERS. Mr. President, in joining me, Senators BROWN and FRANKEN are supporting this amendment, as well as the AFL–CIO, the National Education Association, the International Brotherhood of Teamsters, the Communication Workers of America, the United Steelworkers of America, the American Postal Workers Union, and many other organizations representing millions of Americans.

The bottom line here is that at a time when we are in the worst economic crisis since the Great Depression, do we want to ask the middle class to pay more in taxes as part of health care reform or should we ask the wealthiest people in this country to start paying their fair share of taxes? I think the evidence is overwhelming that we should do that.

I would point out that, according to the consultant group Mercer, the Senate tax on health insurance plans—despite what we are hearing about a so-called Cadillac plan—would hit one in five health insurance plans in 2013. The CBO has estimated that this tax would affect 19 percent of workers with employer-provided health coverage in 2016. So what we have got to do is junk the tax on health insurance plans, move to the House provision, which says let us ask the wealthiest people in this country to pay a modest amount in order to make sure many more Americans have health insurance.

The last point I want to make is that in the current bill being debated now there is a provision which deals with the reimportation of prescription drugs. This is an issue I have been involved in almost since I have been in the Congress. I was the first Member of the Congress to take Americans into Canada, across the dividing line, in order to purchase low-cost prescription drugs. I will never forget the reality that women who were with me from Franklin County, VT, ended up paying one-tenth the price for Tamoxifen—a widely used breast cancer drug—than they had been paying in the United States. They pay one-tenth the price in Montreal, Canada, for the same exact medicine.

We have to be bold. I know and you know that the drug companies are very powerful. They are delighted that the American people are paying by far the highest prices in the world for prescription drugs. That is good for them. They are making a lot of money. But it is not good for the average American who cannot afford to buy the prescription that his or her doctor is writing. So we have to pass prescription drug reimportation. We have to lower the cost of prescription drugs in this country significantly.

The bottom line here is that this bill has a number of very important features which I think will make life easier for a lot of our fellow Americans. There are problems remaining, and I hope that in the coming weeks we will successfully address those problems.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that Senator NELSON from Florida be allowed to speak for 10 minutes; after that, that I be allowed to speak for 10 minutes; after that, that Senator MURKOWSKI speak for 10 minutes; and after that, Senator DODD. Following that—Senator MURKOWSKI for 20 minutes, I am sorry; and after that, Senator DODD.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, it is a wonder this health care bill has survived this far with so many people shooting at it. But survive it must and survive it will, because it is the right thing to do. With a country that has 46 million people who do not have health insurance, when they do get health care, it costs the rest of us a lot of money because they get it free in the most expensive place. That is not a system that is operating as it should and that is what this whole effort is about. This whole effort is about trying to help people who cannot get insurance get it—those who desperately want it, who cannot get it, to be able to get it—and those who have it to not have it canceled on them in the middle of their treatments.

It is all about people who desperately want insurance suddenly having an excuse from an insurance company: No, you can't get insurance because you have a preexisting condition. Some of those preexisting conditions are the flimsiest excuses. But what about those who have had a heart attack who definitely desperately need health insurance after that? This legislation is all about folks who desperately want insurance and they finally find an insurance company that will insure them and then they cannot afford it.

Why, in America, in the year 2009 and almost 2010, aren't we at the point of being able to give our people the confidence, the satisfaction, the loss of fright that they cannot take care of their families if they get sick? That is what this legislation is all about.

But everybody and his brother and sister are taking these potshots and every special interest that has their finger in the pie wants their share of the pie and to heck with anybody else. This is what we are trying to overcome. We are trying to overcome a system that has built up since World War II, over the last 60 years, that is inefficient and is not giving the health care

to the people who desperately need it, unless they can afford it.

So despite all these potshots, survive this bill, it must and survive it will. We are going to pass this bill, and somehow we are going to get 60 votes cobbled together to break this filibuster so we can get on to the final passage of this legislation.

I wish to give one example. You remember that story, that famous novel, ''A Tale of Two Cities,'' about London and Paris? I am going to give you a story, a tale of two industries and what they are doing in this bill. One industry is the insurance industry, the other industry is the pharmaceutical industry—two industries that have an enormous interest in the outcome and high stakes in how this legislation comes out. On the one hand is the insurance industry. They are running TV ads all over this country, trying to torpedo this. If you watch those 30-second and 60-second ads, you would think this is the worst thing that is going to bankrupt America, and we are not going to have anybody given any insurance. Why are they doing this? Because they know they are going to have to suddenly act responsibly. They are not going to be able to have the excuse of a preexisting condition, they are not going to be able to cancel your policy in the middle of your treatment. You thought they would come to the table, when suddenly we were going to insure an additional 46 million people, that they were going to get all those premiums. But because the subsidies were not enough for the poor people or, if they did not buy that insurance in the health insurance exchange that the penalty wasn't enough, the insurance industry said: Forget it.

Contrast that with the pharmaceutical industry. The pharmaceutical industry, to their credit, is still supporting this bill. That is very good. They are one of the few deep-pocketed industries that can go out and buy TV time and support this bill. But remember when I said everybody has their finger in the pie? The pharmaceutical industry—I want them to know how much I appreciate what they have done, but they can do more. Let me give a case in point. They say in their so-called $80 billion contribution that $20 billion of that is to have a 50-percent discount on their brand-named drugs in the doughnut hole. The doughnut hole is that vast amount—of about $3,000 that senior citizens, once Medicare helps them get up to it—it is about $2,300—above that all the way up to about $5,300 the Medicare recipient doesn't get any reimbursement. It is not until that higher level that catastrophic Medicare coverage kicks in.

What the pharmaceutical industry has said is they will come in and give a 50-percent discount. Of their $80 billion contribution, that is worth $20 billion. But here is what they didn't tell you. Again, I am speaking very favorably for them because they are supporting the legislation. But this is what they did not tell you. They did not tell you, with that 50-percent discount, that, No. 1, they are going to have increased sales of their brand-name drugs to the tune of $5 billion over this 10-year period in the doughnut hole because they are selling more drugs in the doughnut hole; and because that means more people get above that $5,300 level and get it into catastrophic coverage, that they are going to be able to sell, incremental sales, another $25 billion or a total of increased sales of $30 billion.

They are going to contribute $20 billion, but they are going to get $30 billion additional. So they come out a net $10 billion over 10 years to the good.

What I would ask the pharmaceutical industry—that we appreciate—to do is come in and give a 100-percent discount and, by their open numbers, they have come up with, in a study by Morgan Stanley—by their own numbers, a 100-percent discount would cost them $40 billion over 10 years, but they would reap back, by Morgan Stanley's numbers, $60 billion. They would be, the pharmaceutical industry would be $20 billion to the good.

It is a tale of two industries. One is the insurance industry, which grabbed its bag of marbles and said you are not making the penalties severe enough, we are taking our bag of marbles and we are going home and we are going to try to defeat your bill.

No. 2, the pharmaceutical industry, which has still hung in there but which can do a lot more. I hope, as we get into these negotiations, they will be willing to step up and set the example of health care reform in America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me talk for a moment about one aspect of the health care legislation that has been of great concern to our Nation's Governors. The Presiding Officer can certainly appreciate the problem since, among other Governors and former Governors, the Presiding Officer had the responsibility of balancing a State budget with one of the largest obligations, being the payment for the Medicaid patients.

My Governor, Jan Brewer, of Arizona, was in town last week. She talked to me about the problem. She sent me a letter which, in a moment, I will ask to be printed in the RECORD. But as a result of that conversation, I wish to point out some things to my colleagues and hope we can revisit the legislation that is on the floor.

Incidentally, before we do that, let me note the fact that my colleague from Florida referred a moment ago to a filibuster. I wish to be clear. I presume he was not referring to Republicans filibustering the bill, since we have been asking to have votes on the pending amendment, which is the Crapo amendment, since 6 days ago when that amendment was posited. As a matter of fact, the Republican leader on Sunday finally had to file cloture on the Crapo amendment, which will ripen tomorrow morning, to end the filibuster the majority has been conducting.

I understand members of the majority have not been able to decide how to proceed. But in the meantime, we have not been able to vote on any pending amendments. Republicans would like to do that, would like to get some more amendments up and continue on with our debate on the bill. For a bill this important, we should have been able to dispose of a lot more amendments than we have. So lest anybody believe there is a Republican filibuster going on, I hasten to add that, of course, is not true.

Let me talk about the Medicaid features of this bill. It is against the backdrop of unemployment because, as you get more people on unemployment, you are going to have more people on the Medicaid rolls. Arizona's unemployment rate has risen 6 points just since June of 2007 and more and more of our people are, therefore, eligible for our Medicaid Program, which is known in Arizona as the AHCCCS Program.

Currently, one in five Arizonans is covered through AHCCCS; over 200,000 Arizonans have enrolled in AHCCCS since December 31. That is nearly 20,000 new enrollees every month. So we are talking about a substantial burden as a result of the recession we are in on our State government.

As my State and many others have had to deal with the challenges of the recession, declining State revenues, increasing need for certain State services, the last thing Washington should do is make things even harder for the States. Yet that is exactly what the Reid bill would do. The Reid bill would require States to expand Medicaid eligibility to all children, parents, and childless adults up to 133 percent of Federal poverty, beginning January 1, 2014, and there is even talk now of raising that to 150 percent of poverty. Moreover, the Federal government would only foot the bill for 3 years. In 2017, and in subsequent years, the States would have to help finance this expansion. The Congressional Budget Office estimates that $25 billion in new State spending would result in the Reid bill.

The Arizona Governor's office estimates this bill would require the State of Arizona to increase its costs by almost $4 billion, between now and 2020. The State of Arizona does not have that kind of money.

Just the so-called woodwork effect alone, meaning the number of currently eligible individuals who might enroll, would itself entail significant costs. There are about 200,000 Arizonans currently eligible but not all are enrolled in Medicaid. If only half those individuals would enroll, it would cost the State $2 billion, from 2014 to 2019.

As I said, our State simply doesn't have the money to do that. Our Arizona Governor wrote to Chairman BAUCUS stating her strong opposition to the Medicaid expansion. I ask unanimous consent that her letter, dated October 6, to Chairman BAUCUS be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KYL. Let me read a few key excerpts.

First:

Arizona cannot afford our current Medicaid program, despite the fact that we have one of the lowest per member per year costs in the country. Arizona's General Fund spending on our Medicaid agency has increased by 230 percent over the past ten years, rising from 8 percent of total General Fund spending in fiscal year 1998–1999 to 16 percent ten years later. As part of the solutions for our current year's budget shortfall, we have had to reduce Medicaid provider reimbursement by over $300 million and freeze institutional reimbursement rates, resulting in an additional loss of more than $60 million.

Despite these reductions, we are sacrificing other state programs that impact the education, health and safety of our children and our seniors in order to cover the growing costs of Medicaid. Considering this, it is incomprehensible that Congress is contemplating an enormous unfunded entitlement mandate on the states. The disconnect between policymakers in Washington and the reality of State and local governments is disheartening.

Let me quote from some other colleagues of Governor Brewer's, Democratic and Republican Governors around the country who have made exactly the same point.

The newly elected chairman of the Democratic Governors Association chairman is Jack Markell of Delaware. He said:

We've got concerns . . . And we're doing our best to communicate them. We understand the need to get something done, and we're supportive of getting something done. But we want to make sure it is done in a way that state budgets are not negatively impacted. . . . But I believe all governors are certainly concerned about what the potential impact is of some of these bills.

Governor Rendell of Pennsylvania, who has been on television a lot and makes a lot of sense when he talks about this:

I don't think it's an accounting trick. I think it's an unfunded mandate. We just don't have the wherewithal to absorb that without some new revenue source.

Bill Richardson of New Mexico:

We can't afford that, and that's not acceptable.

Gov. Phil Bredesen of Tennessee said he feared Congress was about to bestow ''the mother of all underfunded mandates.''

He was referring to this Medicaid mandate.

Gov. Christine Gregoire of Washington State:

As a governor, my concern is that if we try to cost-shift to the states, we're not going be in a position to pick up the tab.

Bill Ritter, Democrat of Colorado:

Our only point was that a significant Medicaid expansion should not operate as an unfunded mandate for the states.

Gov. Brian Schweitzer, Democrat of Montana:

The governors are concerned about unfunded mandates, another situation where the federal government says you must do X and you must pay for it.

Let me quote two more.

Gov. Ted Strickland of Ohio:

The states, with our financial challenges right now, are not in a position to accept additional Medicaid responsibilities.

Governor Perdue of North Carolina:

The absolute deal breaker for me a governor is a federal plan that shifts costs to the States.

There are more and more I could quote. The point is, virtually all of the Nation's Governors have expressed a concern about this and have alluded in one way or another to the disconnect between Washington and the States. The point is, Washington seems to bark the orders but it is with no regard to the difficult financial challenge many of these States are in.

One final point. These new unfunded mandates generally mean higher taxes and significant payment cuts to safety net providers, just as Governor Brewer said, and ultimately the loss of jobs. This is the example I want to close with. Phoenix Children's Hospital was built to handle 20,000 emergency cases a year. It is a great hospital. It receives about 60,000 per year. Its capacity does not begin to match the need. To meet the demand—and by the way, more than half of these are Medicaid patients—the hospital built a new tower expected to open at the end of next year. Good news, right? Not exactly. The hospital has added up the State budget cuts Governor Brewer referred to, the payment cuts in the Reid bill I have referred to, and additional State cuts that will be needed to finance new Federal mandates, and concluded that the math doesn't add up. As a result, the Phoenix Children's Hospital informs me they will not be able to move into their new building. It would have generated 2,000 new jobs. What we do in Washington has real consequences. I submit the Reid bill spells disaster for States.

As we debate more and more features of this bill, each day we focus on something different in this legislation that creates a huge problem. Today's focus is on the problem that is focused on States because of the visit from our Governor. She is at her wit's end because they don't have the fiscal means of paying for this new unfunded mandate. She doesn't know what they will do if Congress ends up passing this. I urge colleagues, we have to find a way to not expand the Medicaid eligibility in a way that adds this new mandate on our States. Incidentally, if the Federal Government were to pick it all up, it simply transfers it to the citizens in the form of higher taxes they would have to pay in order to pay for the mandate that is laid off on to the States themselves. One way or another, this element of the bill has to be rethought.

I encourage my colleagues on the other side, figure out what you need to do to reach a vote so that we can actually vote on these amendments. Republicans are ready. We have been ready for a long time now. Whatever it is that is causing a problem within your conference, figure it out so you can reach agreement with the Republican leader and we can begin to take votes starting on the Crapo motion and then move on through other amendments we have, one of which is the amendment by Senators HUTCHISON and THUNE, then an amendment by Senator SNOWE, and then an amendment I hope we will be able to offer at some time to remove this unfunded mandate which the States cannot afford to pay for about which I have been talking.

I yield the floor.

EXHIBIT 1

EXECUTIVE OFFICE,
STATE OF ARIZONA,
Phoenix, AZ, Oct. 6, 2009.

Hon. MAX BAUCUS,
U.S. Senate, Chairman, Senate Finance Committee, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: I have been following the debate on federal healthcare reform with interest, and I have been working closely with members of Arizona's Congressional delegation to make sure they are well informed about the impact of the various proposals on our state. I am concerned that the proposals under consideration thus far do not consider the fiscal difficulties states are facing and are likely to continue to face over the next few years. Like many, I was particularly focused on the proposal that would emerge from the Senate Finance Committee, and I hoped that your plan would appropriately address state concerns. Given the continued lack of attention to state issues in the Chairman's Mark, I believe it is critical to provide you with my perspective on the state of my state, and how your proposal will impact Arizona.

By way of background, Arizona is wrestling with one of the most challenging economic downturns in state history. Arizona's economy is heavily focused on construction, real estate and the service sector, all of which have experienced declines that have combined to create a severe and lasting recession. While experts are expressing reserved optimism that the national economy may be turning the corner, it is likely that states—including Arizona—will not feel that turnaround for some time to come

For example, the revenue collections during the most recent fiscal year for Arizona declined by 18 percent. Through the first quarter of the latest fiscal period, revenues from our three major tax sources have decreased an additional 10 percent. Our budget declines are contrasted with our rising Medicaid enrollment, which has grown by 18 percent over the past 12 months. At this time, one in five Arizonans is covered through the Medicaid program and we expect Medicaid enrollment to remain at elevated and unsustainable levels through the near future.

Arizona cannot afford our current Medicaid program, despite the fact that we have one of the lowest per member per year costs in the country. Arizona's General Fund spending on our Medicaid agency has increased by 230 percent over the past ten years, rising from 8 percent of total General

Fund spending in fiscal year 1998–1999 to 16 percent ten years later. As part of the solutions for our current year's budget shortfall, we have had to reduce Medicaid provider reimbursement by over $300 million and freeze institutional reimbursement rates, resulting in an additional loss of more than $60 million. However, budgetary savings cannot be achieved solely through provider reductions. Arizona also recently made the difficult decision to eliminate coverage for 9,500 parents of children enrolled in our Children's Health Insurance Program. Looking forward to fiscal year 2010–2011, we know that further reductions will be necessary.

Despite these reductions, we are sacrificing other state programs that impact the education, health and safety of our children and our seniors in order to cover the growing costs of Medicaid. Considering this, it is incomprehensible that Congress is contemplating an enormous unfunded entitlement mandate on the states. The disconnect between policymakers in Washington and the reality of state and local governments is disheartening.

These are realities that many states across the country are facing. Arizona's situation, however, is compounded by the fact that we have already expanded our Medicaid program to all residents with incomes under 100 percent of the federal poverty level (FPL). This decision means that, under your proposal, our state will be unable to take advantage of the higher level of federal funding that will be provided to states that have not enacted similar expansions. In essence, the Chairman's Mark penalizes Arizona for its early coverage of non-traditional Medicaid populations, like childless adults.

I must also point out my concern that estimates developed at the federal level do not accurately reflect the costs that states will ultimately bear. While I have great respect for the Congressional Budget Office (CBO), in this instance, its estimates are substantially below Arizona's fiscal estimates and I believe they understate the cost of expansion. For instance, the CBO analysis estimates the State cost of the Medicaid expansion and ''woodwork'' to be $454 million. Arizona has an estimated 200,000 citizens below 100 percent of the FPL that are currently eligible for Medicaid, but not enrolled. If only half of those individuals enrolled, the cost of this ''woodwork'' effect alone would be over $2.0 billion for FY 2014 through FY 2019, using the traditional Medicaid match. That is a significant difference for just one small state.

I want to reiterate my opposition to these unfunded mandates on states. I implore you to bear in mind the fiscal realities states are facing as we attempt to maintain responsible balanced budgets while preserving services for our most vulnerable residents. I hope you find this information useful as you consider the various proposals before you, and please do not hesitate to contact my office should you require additional information.

Sincerely,

JANICE K. BREWER,
Governor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

CLIMATE CHANGE

Ms. MURKOWSKI. Mr. President, I know the Senate is focused on health care, but I have come to the floor to speak on another very important topic and that is climate change. I wish to discuss a recent action by the Environmental Protection Agency and the consequences that could entail for our economy and why Congress must prevent it from taking effect. I remind my colleagues that I have committed to a careful evaluation of all the options to address climate change in order to develop an approach that will benefit both our environment and our economy. Over time it has become increasingly apparent that some approaches are better than others. While we have not yet found that right approach, we have certainly identified the wrong approach: EPA regulation of greenhouse gases under the Clean Air Act. I believe this option should be taken off the table so we can focus our attention on more viable policies.

My concerns about this led me to file an amendment in September that would have limited EPA's ability to regulate certain greenhouse gas emissions for a period of 1 fiscal year. I offered my amendment for two reasons: first, to ensure that Congress had sufficient time to work on climate legislation and to ensure that the worst of our options, EPA regulation, did not take effect before that point. Even though Congress was and today remains nowhere close to completing legislation, the majority chose to block debate on my amendment. Since then the EPA has continued its steady march toward regulation. Last week the Administrator signed an endangerment finding for carbon dioxide and five other greenhouse gases. This finding is supposedly rooted in concerns about the public health and the public welfare. What it really endangers is jobs, economic recovery, and American competitiveness. Some have praised the endangerment finding as a step forward in our Nation's efforts to reduce emissions. They view it merely as an affirmation of the scientific assertion that human activities contribute to global climate change. Such a conclusion is within EPA's authority and appears to be appropriate given the years of research indicating that this is the case. Those same scientific findings underscore my desire to address this challenge in a proactive way.

Unfortunately, the endangerment finding is not just a finding. Despite what some in the administration have claimed, its effect is not limited to the science of global climate change. In reality, the finding opens the doors to a sweeping and convoluted process that will require the EPA to issue economywide command and control regulations. Once that finding is finalized, the EPA no longer has discretion over whether they can impose regulations.

As the Administrator noted last week, the agency is now obligated and compelled to take action. This is where it becomes evident that EPA regulation is an awful choice for climate policy. If a pollutant is regulated under one section of the Clean Air Act, it triggers identical treatment in other sections of that statute. So while the EPA initially intends to address only mobile source emissions, meaning vehicles, the agency will also be required to regulate stationary source emissions as well.

Think of it this way: If the EPA attempts to control any greenhouse gas emissions, the agency will be required to control all greenhouse gas emissions. Because EPA regulations will consist of command and control directives rather than market-based decisions, this approach will increase the price of energy, add greatly to administrative costs, and create many new layers of bureaucracy that must be cut through.

This is why you often see EPA regulations described as intrusive or Byzantine or maze like. They are all of the above. While the permitting process that will be created is unclear, the consequences of imposing these regulations are not. The bottom line is, our economy will suffer. Businesses will be forced to cut jobs, if not close their doors for good. Domestic energy production will be severely restricted, increasing our dependence on foreign suppliers as well as threatening our national security. Housing will become less affordable and consumer goods more expensive, as we see the impacts of the EPA's regulations ripple and break their way across our economy.

In the wake of the majority's decision to block my effort to establish a 1-year timeout for this process, we now find ourselves in a bit of a bind. Even though Congress is working on climate legislation, the EPA is proceeding with a tremendously expensive regulatory scheme. It appears increasingly likely that the EPA will finalize its regulations before Congress has an opportunity to complete debate on climate legislation. That outcome is simply unacceptable as our Nation struggles to regain its economic footing.

Today I have come to announce that I intend to file a disapproval resolution under the provisions of the Congressional Review Act related to the EPA's endangerment finding. I have this resolution drafted. I will introduce it as soon as the EPA formally submits its rule to Congress or publishes it in the Federal Register, as is required by law. My resolution would stop the endangerment finding. In general terms, I am proposing that Congress veto it. Like my previous amendment, this one is also rooted in a desire to see Congress pass climate legislation because the policy is sound on its own merits and not merely as a defense against the threat of harmful regulations.

While I know that passage of this resolution will be an uphill battle, I believe it is in our best interest. It is the best course of action available to us. This is a chance to ensure that Congress, not unelected bureaucrats, decides how our Nation will reduce its emissions.

To understand why my resolution is so critically important, we have to dig deeper into the economic consequences that will result from regulations based upon the endangerment finding. Because there are no regulations within

the finding itself, the agency has omitted any projection of what they might cost our Nation.

Even though the EPA has not prepared projections of what these regulations will cost, I expect the totals would be staggering. The price tags attached to the climate bills pending in the Senate, which a majority of Members have concluded are too high, would almost certainly pale in comparison.

There are a few figures that can help us put the potential costs in perspective. In one of its recent proposals, the EPA noted that some 6 million ''sources'' could be required to obtain new operating permits if greenhouse gases are regulated. The word ''sources'' refers to the businesses, schools, hospitals, and other fixtures found in every town in America that would suddenly face scrutiny due to their carbon footprints. Farms, landfills, and any other ''source'' that emits more than 250 tons of greenhouse gases per year would be caught in the same net.

Facing the heaviest regulation will be the facilities that are subject to the Clean Air Act's ''Prevention of Significant Deterioration'' permitting process. This is referred to as ''PSD.'' Today, 300 facilities are covered by that requirement. Under EPA regulation, that number would soar to 40,000. The PSD process prevents existing facilities from making certain modifications until the EPA has granted its approval. The same holds true for new construction as well. Any facility expected to emit more than 250 tons per year would not be allowed to break ground until their owners have secured the EPA's permission to proceed.

The PSD process is already hugely expensive and time-consuming for affected facilities. It can take years, and cost tens if not hundreds of thousands of dollars, to navigate the PSD process. And that is true today, well before the number of facilities it covers is increased by an order of magnitude.

Earlier this year, in sharing their reference for congressional action, the editors of the Washington Post provided a pretty good description of what EPA regulation would be like on a daily basis. They stated in their editorial:

> The EPA in theory . . . could go shopping mall by shopping mall, apartment building by apartment building . . . But even plant by plant, how can you ''limit'' greenhouse gas? The short answer is, you can't. Or, no one knows. Or, you can't, yet. Take, for example, a coal-fired power plant. EPA regulation would be triggered only when someone wanted to build one or update an old one. At that point, the agency could demand that the plant use the ''best available control technology'' (BACT) to limit emissions.

The editorial goes on to state:

> Right now, no such BACT exists for coal-fired plants beyond better efficiency measures. A lot of attention has been focused on carbon capture and sequestration, but it wouldn't be considered BACT until it was up and running successfully in a coal-fired power plant somewhere in the United States. Even then, its use would have to be weighed against a number of other factors, such as the amount of energy used, the environmental impact and the effect on the output of other regulated pollutants. If past practice applies, the issuance of the final permit would be followed by a series of lawsuits. The whole process could take a decade or more—and that would be multiplied hundreds or thousands of times across the country.

No one is more aware of how damaging these regulations could be than the EPA itself, so it is no surprise the agency has sought to dramatically increase the Clean Air Act's regulatory threshold—from 250 tons per year right now, to 25,000 tons per year for greenhouse gases. As the EPA admitted earlier this year, if the Clean Air Act's current threshold is not lifted, ''the administrative burdens would be immense, and they would immediately and completely overwhelm the permitting authorities''—meaning, of course, the EPA and its State and local counterparts.

Now, I do give some credit to the EPA for recognizing that the 250-ton per year threshold is ''not feasible'' for greenhouse gases. While most pollutants are measured in much smaller amounts, greenhouse gases are far more abundant.

After all, nearly every form of economic activity results in at least some level of emissions. But I am also deeply disturbed that instead of recognizing and accepting that the Clean Air Act is simply not suited for this task, the agency attempted to make it so by ignoring its explicit, statutory requirements.

As we all know, whenever an executive agency fails to adhere to the laws passed by Congress, it opens itself up to litigation. The EPA's so-called tailoring rule is no exception, and I fully expect that lawsuits will be filed if the agency issues it. Once the rule is challenged, I expect the courts will reject it, as it has no legal basis, and restore the regulatory threshold to 250 tons per year. At that point, the agency will be mired in the regulatory nightmare it hopes to avoid.

In the meantime, it is also worth noting that the EPA is proceeding with the regulation of greenhouse gases even though the tailoring proposal is not part of the existing statute. So for all of the agency's promises of regulatory relief, and a safety net to help minimize the pain associated with these regulations, there is nothing behind that yet. And given the larger conversation that needs to take place about amending the Clean Air Act, that relief may never materialize.

Given the tremendous economic, administrative, and bureaucratic drawbacks associated with EPA regulation, it should come as no surprise that Members of the majority, the administration, and environmental groups have expressed their preference for congressional legislation.

The Democratic chairman of the House Agriculture Committee declared that EPA regulation would result ''in one of the largest and most bureaucratic nightmares that the U.S. economy and Americans have ever seen.'' He went on to add, ''Let me be clear, this is not a responsibility we want to leave in the hands of EPA.''

The most senior Member of the House of Representatives, a Democrat, who has served our country for more than half a century, has concluded that EPA regulation would create a ''glorious mess.'' He has also said that, ''As a matter of national policy, it seems to me to be insane that we would be talking about leaving this kind of judgment, which everybody tells us has to be addressed with great immediacy, to a long and complex process of regulatory action.''

Shortly before I filed my amendment in September, the EPA Administrator herself insisted that ''new legislation is the best way to deal with climate change pollution.'' You wouldn't guess that by looking at the efforts of some in her agency as they helped to defeat my amendment, but just last week, she reiterated the claim by stating, ''I firmly believe . . . and the president has said all along that new legislation is the best way to deal with climate change.''

With such widespread, high-level, and bipartisan agreement that EPA regulation is such a bad idea, you would think it would be easy to suspend the EPA's regulatory efforts. Unfortunately, you would be mistaken. Many seem convinced that the threat of EPA regulation will force Congress to work more quickly than it otherwise would.

This is not a conspiracy theory. It is an open and well-established strategy on the part of the administration, confirmed just this week when a senior White House economic official was quoted as saying ''If you don't pass this legislation, then . . . the EPA is going to have to regulate in this area . . . And it is not going to be able to regulate on a market-based way, so it is going to have to regulate in a command-and-control way, which will probably generate even more uncertainty.''

An author of the House cap-and-trade bill has posed the question: ''Do you want the EPA to make the decision or would you like your Congressman or Senator to be in the room and drafting legislation?'' going on to say that, ''Industries across the country will just have to gauge for themselves how lucky they feel if regarding EPA regulation.'' The Wall Street Journal has referred to this as the '''Dirty Harry' theory of governance.''

This approach is often likened, rather starkly, to ''putting a gun to Congress's head.'' Personally, I believe that is a terrible way to pursue climate policy, and beyond that, a terrible way to govern this country. It is diffcult to grasp how or why Congress would feel compelled to enact economically damaging legislation in order to stave off economically damaging regulations.

We are being presented with a false choice that should be rejected outright. The majority and the administration are saying: Don't make us do this. My answer to this is, simply: You don't have to.

Before concluding, I want to spend a few minutes putting to rest some of the criticism that will surely follow my decision to offer a disapproval resolution. During the debate over my last amendment, several baseless arguments were made. So I would like like to challenge anyone who finds reason to oppose my resolution to keep their remarks, and thereby this debate, as substantive as possible.

First, I want to reiterate my desire to take meaningful action to reduce our Nation's greenhouse gas emissions. Such a policy can and should be drafted by Congress, and designed to both protect the environment and strengthen our economy. I was a cosponsor of a climate bill last Congress, and I am continuing to work on legislation that will lead to lower emissions. Senator BINGAMAN and I spent more than 6 months developing a comprehensive energy bill in committee, and have now held six hearings on our climate policy options.

Next, my resolution is not meant to run contrary to the Supreme Court's decision in Massachusetts v. EPA. Remember, I previously sought a 1-year delay of this process that would have allowed mobile source emissions to be regulated. That amendment was blocked by the majority from even being considered and, at this point, I am left with little choice but to raise the question of whether the Clean Air Act is capable of effectively regulating greenhouse gas emissions.

Finally, I am not interested in trying to embarrass the President, either here at home or on the international stage. I have stated publicly that I wish the President well in making progress on international issues. And I think it is safe to acknowledge that I didn't choose to release the endangerment finding on the opening day of the Copenhagen climate conference; that was the EPA's decision. As Administrator Jackson reportedly said, the EPA ''tried to make sure we had something to talk about'' in Copenhagen.

Mr. President, I understand I may have come to the end of my 20 minutes. I ask unanimous consent for a minute and a half to conclude my remarks.

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

Ms. MURKOWSKI. I thank the Chair.

If the administration truly wanted something to highlight in Copenhagen, it should have prioritized climate legislation over health care. The Senate majority could have devoted weeks spent on a tourism bill and other matters to working through a climate bill here on the floor. And even if climate legislation could not be agreed to, Congress has now had nearly 6 months to take up the comprehensive bill we reported from the Energy Committee. That bill would have allowed the President to highlight significant accomplishments on energy efficiency, clean energy financing, and renewable energy generation. Instead, he is left to tout regulations that his administration doesn't really want, that a wide range of stakeholders dread, and that many Members in both Chambers of Congress actively oppose.

We need to only look back to the development of the Clean Air Act itself for an example of how this process can, and should, work. The product of both Presidential leadership and congressional unity, the 1970 Clean Air Act was unanimously passed by the Senate. I hope the current administration will take note of that example. And should we ever reach a point where the President is able to sign climate legislation into law, I truly hope it will be the result of his administration having brought Congress together to complete this important task.

Right now, though, the administration and the majority in Congress continue to choose a different path. Threatening to disrupt the Nation's economy until Congress passes a bad bill by the slimmest of margins won't be much of an accomplishment, nor is that approach worthy of the institutions and people we serve. It isn't appropriate for a challenge of this magnitude. No policy that results from it will achieve our common goals or stand the test of time.

As I said earlier, I am submitting this resolution because it will help prevent our worst option for reducing emissions from moving forward. The threat of EPA regulations are not encouraging Congress to work faster, they are now driving us further off course and increasing the division over how to proceed.

I understand that some are comfortable with the threat of EPA regulations hanging over our heads. But, in closing, I would simply remind my colleagues of an observation once made by President Eisenhower:

> Leadership is the art of getting someone else to do something you want done because he wants to do it.

What we are dealing with right now isn't leadership—is an attempt at leverage. The EPA's endangerment finding may be intended to help protect our environment, but the regulations that inevitably follow will only endanger our economy. That lack of balance is unacceptable. We can cut emissions, but we can't cut jobs. We can move to cleaner energy, but we can't force our businesses to move overseas. It is past time to remove the EPA's thinly veiled and ill-advised threat, and we can do that by passing my resolution and giving ourselves time to develop a real solution.

With that, I yield the floor, and I thank my colleague from Connecticut for his courtesy.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Connecticut is recognized.

HEALTH CARE REFORM

Mr. DODD. Madam President, I wish to resume the conversation about the pending health care proposal.

We have had a lot of talk, going back for 60 years, I guess, about health care. But in the last year, if we tried to calculate the number of times there have been meetings and conversations, not including the ones that occur here on the floor of the Senate but throughout the Capitol, both in the other body as well as here, between Members and staffs, it has been voluminous, to put it mildly. We are coming down to what appears to be the remaining few hours before we will decide as a nation whether to move forward or to leave things as they are with the hope that one way or the other things may correct themselves in terms of the cost, affordability, and quality of health care. So the next few days of debates could largely determine whether, once again, the Congress of the United States, Democrats and Republicans, as well as the administration and all of the others who have grappled with this issue now for many months, will succumb to what has afflicted every other Congress and every other administration and every other group of people since the 1940s. That is our inability to answer the question of whether we can do what almost every other competitor nation of ours around the world did decades ago—provide decent, affordable health care for our fellow citizens.

If nothing else, this debate has proven how complex this issue is and it has demonstrated the wide variety of viewpoints that exist among those not only in this very Chamber but among people across the country. Certainly, that was evident during this summer's townhall meetings. I held four of them in my State earlier this year. I know most of my colleagues either did telemeetings or conducted them in their respective States. Because this issue affects one-sixth of our economy and 100 percent of our constituents, not only those here today but obviously the millions yet to come, our debates have been spirited and our disagreements at times emotionally charged, not only here in this Chamber but across the country.

So to my Democratic colleagues who still have concerns over aspects of the legislation, as all of us do; to any of my Republican colleagues who still desire to put people, as I know they do, ahead of partisanship; and to my fellow Americans who worry that politics will once again triumph over progress, which it has for six decades, let me offer some context for the debate that begins again this afternoon and will arrive at a closure in a matter of hours and days. The answer ultimately will be whether we move forward and do what I think the majority of our fellow citizens want us to do or fall back, once again, into the same paralysis that affected Congresses, administrations, and generations before us.

The consensus we have already reached as a Senate is that health care

reform would represent a significant victory for the American people—I think we all agree on that point—and it would be a significant moment in our Nation's history.

I think all of us can agree that insurance companies should not be allowed to deny coverage because of a preexisting condition, that these same companies shouldn't be able to ration the benefits a family receives, and that citizens of the United States should be guaranteed that the coverage they pay for will be there for them when they need it. I think all of us in this Chamber, regardless of party or ideology, agree that reform should make insurance more affordable; that it should protect Medicare and keep it solvent so that it will be there for future generations; and that it should improve the quality of health care for all Americans, focusing on preventing diseases, reducing medical errors, and eliminating waste from our system so that our health care dollars are used more effectively. I think all of us can agree as well, regardless of which side of this debate one is on, that reform should empower families to make good decisions about purchasing insurance; empower small businesses to create jobs; empower doctors to care for their patients instead of filling out paperwork; and empower the sick to focus on fighting their illnesses instead of fighting their insurance companies. These are the commonsense reforms that will make insurance a buyer's market, keep Americans healthier, and save families and the government an awful lot of money in the years ahead. I think all of us share these views—at least that is what I have heard in the last year I have been so intensely involved in this debate and formulating the policy that is now before us.

If we listen to the distinguished minority leader, our good friend from Kentucky, we might be surprised to learn that his conference has decided to not just oppose our legislation but, unfortunately, to obstruct even further progress. After all, he called for a reform bill that incentivizes workplace wellness, allows people to purchase insurance across State lines, and reduces costs. Our bill does all three things. Let me be specific. On page 80, our bill includes a bipartisan proposal allowing employers to offer larger incentives for workplace wellness programs. On page 219 of our bill, it includes a Republican proposal allowing health plans to be sold across State lines. On page 1 of the Congressional Budget Office analysis of this bill, the Congressional Budget Office concludes that our bill would cut the deficit of our Nation by $130 billion over the next 10 years—the single largest budget deficit reduction since 1997.

In a body of 100, as we are, in which both parties claim to agree on these principles, we should be able to achieve, one would think, a bipartisan consensus on a matter of this magnitude. But, sadly, it would seem our colleagues—many of them, again, on the other side of this divide—don't seem to care what is in this bill specifically.

I am reminded again, as others have been, of what is actually included in this bill—not that I would expect them or anyone on this side of the divide to agree with everything that is here. We don't. There is not a single Member of this body who would not write this bill differently if he or she could. There is no doubt in my mind whatsoever about that. But we serve in a collegial body of 100 where we have to come to consensus with each other even when we don't agree with every single aspect of this bill.

Yet, when I read the words of the chairman of the Republican National Committee—and again speaking on behalf of a party, this is why I find this so disheartening. At a time such as this, I expect there to be full debate and disagreement over various ideas. But read, if you will, the words of the national chairman of a major political party in this country. Here is what he is suggesting his party ought to be doing at this critical hour:

> I urge everyone to spend every bit of capital and energy you have to stop this health care reform. The Democrats have accused us of trying to delay, stall, slow down, and stop this bill. They are right.

Let's hear that again:

> The Democrats have accused us of trying to delay, stall, slow down, and stop this bill. They are right.

It is awfully difficult to hear my colleagues talk about wanting to get a bill done, wanting to come together, when the chairman of their national party is recommending they do everything in their power to stop a bill that, in fact, includes many of the very reforms they themselves embrace.

Make no mistake, if the status quo prevails, one thing I can say with absolute certainty—if we do what too many of our friends on the other side and clearly what the chairman of the Republican National Committee are recommending—I can predict with absolute certainty the outcome, and that is that premiums will go up dramatically, health costs will continue to wreak havoc on small businesses, our deficit will grow exponentially, and Americans will see premiums nearly double in the next 4 years. In my state of Connecticut, a family of four is paying $12,000 a year right now. It is predicted that those premiums will jump to $24,000 within 7 years if we do nothing. That much I can guarantee.

For those who argue for the so-called status quo or keeping things where they are, know that more and more people will lose their health insurance. More families will be forced into bankruptcy. Hundreds of thousands of Americans are going to die unnecessarily, in my view, in the name of that obstruction. I don't think we can let that happen. So it has fallen to the majority to do alone the job we are all sent here to do collectively—the hard and honest work of legislating, as difficult as it is.

The factors that make this work so hard are not new or unique to this debate, and, as history shows, they will not be what is remembered a generation from now. The words that have been spoken here in this Chamber, the charts, the graphs—all of these things are slowly forgotten by history.

Today, we hold Medicare up as an example of a program worth defending. How many speeches have been given in the last 2 or 3 weeks about the glories of Medicare? I only wish those Members who are here today had been present in 1965. We might have been able to pass that bill without the partisan debate that took place in those days.

Today, no one talks about the 50 years it took to bring Medicare to the floor of the Senate. No one talks about what the polls said in 1965 when it took a lengthy debate involving more than 500 amendments, by the way, to achieve consensus on Medicare. I might add, nobody attacks it as socialized medicine as they did in 1965.

It is always easier to envision the legislation we want than it is to pass legislation we need. Such is the case here this afternoon. We won't end up with a bill that I would have written if it were up to me, and it won't be the bill that any one of our colleagues would have written either.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Madam President, I ask unanimous consent for 2 more minutes.

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

Mr. DODD. But it will be a bill that improves the health care of all Americans. It will be a bill that makes insurance more affordable, improves the quality of care, and helps create jobs in our Nation. It will be a bill that saves money and saves lives. And it will be a bill that decades from now we will remember not for the differences we had in this Chamber but for the differences it made in our Nation and for the differences it made for our fellow citizens.

To get there, we must build on the consensus we have already reached, not tear it down with the petty weapons of political gamesmanship. We must answer not the call of today's poll or tomorrow's election but the call of history that we have been asked to meet, that other generations, other Congresses have failed to meet but we are on the brink of achieving.

My hope is that all of us will come together in these closing hours and do that which many predicted we could not do: pass legislation that we need.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

CLIMATE CHANGE

Mr. THUNE. Madam President, I wish to start by referring briefly to the remarks made earlier by the Senator from Alaska. She indicated earlier on the floor that she is going to be offering a motion of disapproval for a set of

regulations that are not final yet but have been announced by the EPA that they are coming forward with, the so-called endangerment finding. I wish to indicate that I intend to support her on that resolution.

I cosponsored the amendment she tried offering earlier this year to one of the appropriations bills that would have prevented the EPA from moving forward with the endangerment finding for a year, which would have allowed Congress an opportunity to examine this issue and perhaps approach it with a legislative solution as opposed to having the EPA move forward in a way even they acknowledge they don't have statutory authority to do.

I might say that the end result of what is being proposed at EPA—if they are successful—is they will implement a cap-and-trade program, only it will be a cap without the trade.

The reason they are moving forward, in my view, is because there isn't the political will in the Congress to pass a punishing cap-and-trade proposal this year. The House of Representatives passed it narrowly this year. There are a number of Members of the House who I think would like to have that vote over again. I know there aren't the votes in the Senate because many Senators on both sides realize the impact it would have on the economy—the number of jobs that would be lost in our economy and how it would punish certain parts of our country with crushing energy costs, at a time when we don't need to pile costs on small businesses and consumers who are trying to come out of a recession.

This is a wrongheaded move by the EPA. It is something they should not be acting on independently. This should be resolved by the Congress of the United States. Honestly, if the EPA moves forward, there are a number of industries in South Dakota that will be impacted and a number of businesses in my State. If the litigation is successful—and, inevitably, there will be lots of lawsuits filed—and if the 25,000-ton number is reduced to the 250-ton number that is used as a threshhold in the Clean Air Act, there will be literally millions of entities that will be covered—hospitals, churches, farmers, ranchers, and small businesses.

In South Dakota, we have a lot of farmers and ranchers who make their living in small businesses that would be adversely impacted were these regulations to be enacted and then move forward with regulating and putting the caps in place. If the litigation is successful, we know what will be subsequent to that.

I say that as a lead-in to talk about impacts on small businesses. There are so many things happening right now in Washington that have an adverse and detrimental impact on the ability of small businesses to create jobs. I have heard the President talk about creating jobs—that is his No. 1 priority—and we need to give incentives to small businesses to create jobs. I have heard my colleagues on the other side talk about how important job creation is. Yet everything coming out of Washington, whether it is in the form of heavyhanded regulation, such as this endangerment finding coming out of EPA, or in the form of a cap-and-trade proposal or whether it is this massive expansion of the Federal Government—the $2.5 trillion expansion to create a new health care entitlement—all these things are raising clouds over the small business sector of our economy, which creates about 70 percent of the jobs.

We are essentially telling small businesses that you may end up with these massive new energy taxes or with this employer mandate that will cost you up to $750 per employee if you don't offer the right kind of insurance; you are going to be faced with all these taxes imposed on health insurers and prescription drugs and medical device manufacturers that will be passed on to you.

Then we are saying go out and create jobs, in light of all this policy and uncertainty in Washington, all these proposals to tax and spend and borrow more money by the Federal Government. You cannot blame small businesses for acting with a little bit of hesitancy when it comes to making major capital investments and when it comes to hiring new people.

Those are the very things we want small businesses to do. We want to encourage that type of behavior. We want to encourage that kind of investment. We want to encourage job creation. Unemployment is at 10 percent. We have lost 3.3 million jobs since the beginning of the year. Who will put people back to work? It will be the small businesses in our economy. In South Dakota, they are about 96 percent of the game, when it comes to employment in South Dakota. Here we are debating a health care reform bill which, in addition to spending $2.5 trillion to create this new health care entitlement, raises taxes on small businesses, cuts Medicare, and at the end day, according to the experts—the CBO and the Chief Actuary at the CMS, which is the so-called referee in all this, who tells us what these things will cost and their impact—they have all said premiums will either stay the same or go up. So the best small business can hope for under this is the status quo.

I hear my colleagues on the other side coming down here, day after day, making statements, saying this is going to be good for small businesses, and this will help small businesses deal with the high cost of health care.

The problem with all their arguments is one thing: They are completely and utterly divorced from reality. You cannot look at this health care reform proposal and come away from it and say this is a good thing for small businesses, when small businesses are saying this will drive up their cost of doing business, it will raise health care costs, and these taxes you are going to hit us with will make it harder to create jobs.

Why do we proceed in the face of this and then deny what all these small businesses are saying, what the experts are saying, and what increasingly the American people are saying, which is that this is a bad idea. So why don't you reconsider this and start over again and do some things that will actually lower health care costs. That is what small businesses are saying.

We have people down here saying this is good for small business. What are small businesses saying—and large businesses, for that matter. The NFIB represents small businesses all over the country. They said:

> This bill will not deliver the widely promised help to the small business community.

They say:

> It will destroy job creation opportunities for employees, create a reality that is worse than the status quo for small businesses. It is the wrong reform at the wrong time, and it will increase health care costs and the cost of doing business.

That is the National Federation of Independent Businesses, as I said.

How about large businesses? The Chamber of Commerce expressed their disappointment with the Senate health care bill and has weighed in with strong opposition against it. That includes the National Association of Wholesaler Distributors, the Small Business Entrepreneurship Council, the Association of Builders and Contractors, the National Association of Manufacturers, the Independent Electrical Contractors, and the International Franchise Association. The list goes on and on. The Small Business Coalition for Affordable Health Care—50 organizations around the country that are members of the group—including many that have members in South Dakota, not the least of which is the American Farm Bureau Federation. That represents farmers and ranchers who are still businesspeople out there trying to make ends meet. They said this:

> Our small businesses and self-employed entrepreneurs have been clear about what they need and want: lower costs, more choices, and greater competition for private interests.

They say:

> These reforms fall short of long-term, meaningful relief for small business. Any potential savings from these reforms are more than outweighed by the new tax, new mandates, and expensive, new government programs included in this bill.

That is what small businesses across the country are saying. The reason they are saying that is because, as I mentioned, not only are they hit with these taxes every year, there is a tax on health plans that will amount to $60 billion over 10 years, which will be passed on to small businesses. There is a new payroll tax, Medicare tax, which incidentally, for the first time ever, instead of going to Medicare, will be used to create a new entitlement program. That will hit about one-third of small businesses in this country, we are told.

As I said earlier, they have the employer mandate, which is going to hit a whole lot of small businesses—another $28 billion that will hit small businesses across this country. So you have all these new taxes heaped upon our small business sector. The small businesses are saying: What do we get out of this? What is this going to do to affect our health care costs?

I will show you. This chart represents what the CBO has said health care costs would do if this bill is enacted. The blue line represents the cost of essentially, if you will, doing nothing. In other words, the blue line represents what will happen if Congress does nothing, the year over year increases we are already seeing. It represents the status quo. We have heard people from the other side say we have to do better than the status quo. The President and the Vice President say that and our Democratic colleagues say that. You cannot accept the status quo and then attack Republicans for being in favor of status quo. The blue line represents the status quo. The blue line is what will happen year over year, in terms of increases in health insurance premiums that small businesses and individuals will deal with.

It doesn't matter where you get your insurance—the small business group market or the large business employer group market or the individual market. If you get it in the individual market, your rates will be 10 to 13 percent higher. I ask unanimous consent to extend my remarks for another 5 minutes.

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

Mr. THUNE. It doesn't matter which market you get your insurance in, except if you are in the individual market, you will pay much higher insurance premiums than the status quo, which is locking in double the rate of inflation premiums for the foreseeable future.

The red line on the chart represents the spending under this bill. This is what the CBO says will happen. You will see the cost curve bent up, not down. You are going to have more money coming out of our economy to pay for health care than you do today. That is what small businesses are reacting to. That is why they are coming out strongly and adamantly opposed to this legislation. It bends the cost curve up, increases the cost of health care, rather than bending it down. We heard the same thing come out of the Actuary of the CMS just last week.

Again, the experts are saying—the referees, the people who don't have a political agenda—repeatedly, that this will increase the cost of health care. This will drive health insurance premiums higher.

The other point I wish to make, because after I have shown you how health care costs will go up under this legislation, the other amazing thing about it—this is, again, one of those phony accounting techniques or gimmicks that Washington uses, the same old business in Washington, the Washington smoke and mirrors, the ways of disguising what this really costs: In order to bring this thing in at about $1 trillion, which is what the majority wanted to do, they had to use budget gimmicks.

The Senator from New Hampshire knows all about this because he has followed this closely as chairman of the Budget Committee for many years. He can attest to the fact that one of the things they will do is start the tax increases immediately. So on January 1 of next year—which is now 18 short days away—all these businesses across the country are going to see their taxes go up—in 18 days. But the amazing thing about it is, many benefits don't get paid out for another 1,479 days. So they front-load all the tax increases; the tax increases will be passed on immediately. By 2013, every American family will be paying—starting next year—$600 a year. So every American family will feel the brunt of the additional costs for taxes and the premium increases that will follow from those.

The remarkable thing about it is, they structured a bill that would punish small businesses and people who will pay these taxes on January 1 of 2010—18 days away. They don't pay out benefits for another 1,479 days. What does that do? In the 10-year window they use to measure what this will cost, it dramatically understates the cost of the legislation. So we are faced with not a $1 trillion bill but a $2.5 trillion bill, when it is fully implemented and when all the budgetary gimmicks and phony accounting is actually taken into consideration. This is a bad deal for small businesses. That is why all the small business organizations have come out opposed to it.

You cannot get up, day after day, and defy reality, logic, reason, and facts. That is what those who are trying to push this huge government expansion and huge takeover of health care in this country are trying to have the people believe. They are dead wrong.

I believe the American people are tuning in to that, which is why, increasingly, in public opinion polls, they are turning a thumbs down on this by majorities of over 60 percent.

I see the Senator from New Hampshire. I appreciate him indulging me for an extra few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I ask unanimous consent to speak for 15 minutes.

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

Mr. GREGG. Madam President, I appreciate the explanation of the Senator from South Dakota of the effects of the bill on small business—especially the description of the gimmicks played in the bill in order to make it look fiscally responsible, which it is not—the fact they use 10 years of revenues in Medicare cuts to offset 5 to 6 years of spending and then they claim somehow it is in balance.

I wish to turn to another part of the bill. I think it is important to recognize it is not our side so much that is representing the failures of the bill. It is actually the administration itself. The administration's Actuary came forward with a letter analyzing the Reid bill. You have to remember the Reid bill isn't necessarily the bill. This is sort of like a ''where is Waldo'' exercise here. We have a bill called the Reid bill—it is 2,074 pages—which we got 10 days ago. It took 8 weeks to develop it, in camera, by Senator REID and a few of his people.

Now we are told there is going to be a new bill. Nobody has seen it. Nobody on our side has it. I understand most Members on the other side have not seen it, but it is supposed to be a massive rewrite of the Reid bill. We can only project what that is through news reports. News reports are not very good. They represent they are going to expand Medicaid which will be a massively unfunded mandate to States and lead to letting people into a system that is fundamentally broken, and you are going to let people buy into Medicare age 55 and over.

Medicare is insolvent today. It has $35 trillion of unfunded liabilities on the books, and they are going to let people buy into Medicare. What sort of sense does that make? It means that seniors who are on Medicare—and, by the way, Medicare gets cut significantly under this bill—will find Medicare under even more pressure when you put people into it.

Turning from those two obvious problems to the potential bill that we have not seen but will be asked to vote on before the week is out, it appears, I want to turn to this actuary report done by the CMS Actuary who works for the Department of HHS and whose job it is to evaluate this bill. He works for the President. He is a Federal employee. He is in the administration.

The CMS made a number of points. Remember, when we started down this road, the President said he wanted to do three things, all of which I agreed to: One, he wanted to expand coverage so uninsured would get covered. Two, he wanted to bend the outyears cost curve of Medicare and of health care generally in this country so we could afford it. And three, he wanted to make sure if you had insurance, you get to keep it. If you like your insurance, if you like the employer plan you have, you get to keep it.

What did the Medicare Actuary—this is not the Republican side, this is an independent, fair analysis of the Reid bill—what did they say on these three points the President held up as his test for what health care should be?

On the issue of whether this bill bends the outyears cost curve—which we have to do, by the way. If we do not get health care costs under control,

there is no way we are going to get our Federal budgets under control. What did the Actuary say:

Total national health care expenditures under this bill would increase by an estimated $233 billion during the calendar period 2010 to 2019.

Instead of going down, they go up. The chart that Senator THUNE showed is totally accurate. There is no bending down of the outyear health costs. There are a lot of reasons for that, and I will go into it in a second. Primarily they did not put provisions in the bill I would support and should have been in this bill, such as malpractice abusive lawsuit reform, such as expanding HIPAA so companies can pay people to live healthier lifestyles—if you stop smoking, your company could pay you; if you lose weight, your company could pay you—which is not in this bill, which would have bent the cost curve down. Those were taken out of the bill because the trial lawyers opposed the first one and the unions opposed the second one.

On the second point the President set out as his test, which was there would be coverage for everybody who is uninsured, what did the Actuary say after he looked at this bill? There are 47 million people uninsured. Some people say there are 50 million. The Actuary said after this bill is completely phased in, there will still be 24 million people uninsured. So for $2.5 trillion—that is what the cost of this bill is when it is totally phased in—for the creation of a brandnew entitlement, for cuts in Medicare which will be $1 trillion over the 10-year period when the bill is fully phased in, $½ trillion in the first 10 years, $1 trillion when phased in, $3 trillion of Medicare cuts in the first 20 years—for that price, $2.5 trillion, what do you get? You still get 24 million people uninsured. Why? Because they set the bar so high on the insurance level people still cannot afford to get into it and people will be pushed out of their private insurance. That is the third point.

The President said if you like your private plan, you get to keep it. That was his third test. I agree with that. I agree with all these tests. We should bend the outyear cost curve and get everybody covered. The third test is if you like your private insurance, you get to keep it.

What does the Actuary say? Once again, the Actuary works for the President through HHS. The Actuary says 17 million people will lose their existing employer-sponsored insurance; 17 million people will be pushed out of their private plans into this quasi-public plan. Why is that? Because the way this bill is structured, there is so much cost shifting that is going on as you put people in Medicaid, which only pays about 60 percent of the cost of health care of a person getting Medicaid, and you put more people into Medicare, which only pays about 80 percent of what it costs to take care of a Medicare recipient, that difference—that 40 percent in Medicaid, that 20 percent in Medicare—has to be picked up by somebody else. The hospitals have to charge the real rate of what it costs them. The doctors have to charge the real rate of what it costs them to see that patient. So they put that cost on to the private sector. They put it on to private insurance. So the private sector is subsidizing, the person who gets their insurance through their company is subsidizing the cost of the person who goes into Medicaid or the cost of the person who goes into Medicare.

In fact, today, the private sector is subsidizing the Medicare recipient and the Medicaid recipient through the cost of their insurance by almost $1,700 a year. Madam President, $1,700 a year of your private insurance, if you are insured by an employer plan, is to pay that gap in reimbursements, that underreimbursement for people who are under Medicaid and under Medicare.

When you put more people into Medicaid—and this bill assumes 15 million people are going to go into Medicaid—and you put more people into Medicare and this bill puts people age 55 and over into Medicare, you end up with even more people being subsidized. Who pays for it? Private insurance. So private employers, especially small businesses, see their insurance price going up. They cannot afford it. They figure it is cheaper to pay a penalty, a tax, essentially, under this bill than to keep their insurance for their employees. They have to say to their employees: Sorry, folks, you have to go over to the quasi-public plan. Seventeen million people, the President's Actuary has estimated.

There is another point that the President's Actuary makes here. It is critical because this Reid proposal is devastating to a program which is also under severe stress, and that is Medicare. We know today that because of the retirement of the baby boom generation, which doubles the number of retired people in this country from 35 million to 70 million, which generation will be fully retired by 2016, 2017, 2019, we know today that because of the demands of that generation for health care there is a $38 trillion—that is trillion with a ''t''—unfunded liability in Medicare. In other words, there are $38 trillion of costs we know we have to pay but have no idea how we are going to pay it. No idea. The insurance system does not support it.

That program is under a lot of stress right now as it stands. As it stands, it is under a lot of stress. But when you start cutting that plan even further, which is what is proposed in this bill—under this bill there is approximately a $500 billion cut in the first 10 years for Medicare, $1 trillion in the second 10-year period when it is fully phased in, and $3 trillion over the 20 years. When you cut Medicare beneficiaries by those amounts and you eliminate essentially Medicare Advantage for probably a quarter of the people who get it today, providers can no longer afford to provide the benefits to their recipients, to the Medicare patient. They cannot make a profit.

Again, you are going to say, oh, that is just a Republican throwing out some language here. No, it is not. That is the Chief Actuary of the President of the United States say saying that. Let me read to you: Because of the bill's severe cuts to Medicare, ''providers for whom Medicare constitutes a substantive portion of their business could find it difficult to remain profitable and might end their participation in the program (possibly jeopardizing access to care for beneficiaries).''

That is a quote from the President's Actuary. The Actuary suggests that approximately 20 percent of all Part A providers—that is doctors, hospitals, and nursing homes—would become unprofitable as a result of the Reid bill. What happens when you become unprofitable? You close. People will not be available to deliver the care to the senior citizens under this proposal.

The representation from the other side of the aisle is, oh, we don't cut any Medicare benefits. They cut Medicare benefits from Medicare Advantage, but what they do is cut provider groups. If you don't have somebody who is going to see you, you can have all the benefits in the world and it is not going to do you any good. That is clearly a very significant cut in benefits. It is not me saying this. It is the Actuary saying this.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. GREGG. So this is a critical point, that under this bill, the Medicare Actuary has said four major things: first, that it doesn't bend the cost curve down, it bends it up. Second, it leaves 24 million people uninsured when fully implemented. Third, 17 million people will lose their private insurance and be forced into quasi-public plans. And fourth, there are a lot of providers of Medicare who are going to go under and, therefore, will not be available to provide Medicare. That is not constructive to the health care debate.

How should we do this? I will tell you some things we should do that are not in this bill, things which are sort of a step-by-step approach, rather than this massive attempt written in the middle of the night, dropped on our desks for 8 days, 10 days, or for however long. Why don't we try to take a constructive, orderly approach? We know there are sections of insurance reform that can occur across State lines. We know we can do things if we set up the proper coverage scenario for preexisting conditions so people do not lose their insurance because of a preexisting condition. We know there is a lot of market insurance reform that can be done. We also know if we curtail or at least limit abusive lawsuits, we can save massive

amounts of money. We know there is $250 billion of defensive medicine practiced every year in this country. CBO scores it as a $54 billion immediate savings just like the plans they have in Texas and California, which work. Why isn't it in this bill? The trial lawyers didn't want it.

We know if we say to employers you can pay more to employees in the way of cash benefits if they stop smoking, get mammograms when they should, get colonoscopies when they should, reduce weight so they are not subject to obesity issues—if you do that, you get huge cost savings. Some employers, such as Safeway, have already proven that. Why don't we do that under this law? Because labor unions don't want that law, which was actually in the bill passed out of the HELP Committee, but it was out of this bill.

We know there are certain diseases that drive costs in this country—obesity, Alzheimer's. Why not target those diseases rather than this massive bill, $2.5 trillion bill which our kids cannot afford? Change the reimbursement system so we reimburse doctors for quality and value rather than quantity and repetition. Things such as that can be done.

If you want to insure everyone, which I do, you can follow the suggestion I and other people have made around here. Let people buy into a catastrophic plan, especially the young and healthy, people between the ages of 20 and 45. They don't need these gold-plated plans or bronze-plated plans which have excessive amounts of mandated coverage in them. They don't need them. What they need is a plan that says if they are severely injured or they contract a very difficult disease, they are going to have coverage so their responsibility of care does not fall on the rest of the country. That can be done.

There are a lot of specific things that can be done to improve our health care system without this quasi-nationalization effort which is going to expand the size of the government so dramatically by $2.5 trillion that there is no possible way our kids are going to be able to afford the debt that is going to come on to their backs as a result of this because this will not be fully paid for, in my opinion.

Certainly, we can at least look at the points made by the Actuary of the President who has disagreed with four of the core proposals in this bill, saying they do not meet the tests which were set out for good health care reform and say in those areas: Let's go back and take another look; let's start over again; let's do it right. That is our proposal. Let's do it right rather than rush this bill through.

Remember, most of the programs in this bill do not start until 2014. So why do we have to pass it before Christmas, especially when we have not even seen the final bill? It makes no sense at all.

Listen to the Actuary of the President and let's get this right.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I ask unanimous consent to engage in a colloquy with my colleagues from Vermont and Ohio.

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

Mr. FRANKEN. Madam President, I rise today to urge my colleagues in the Senate to support Senate amendment No. 3135 to replace the proposed excise tax with a surtax that would affect only those making literally millions of dollars a year. Senator BROWN and Senator SANDERS, with whom I will engage in this colloquy, have shown tremendous leadership on the issue, and I thank them and join them in their efforts.

Before I get into this, though, I want to answer a couple of things I have seen and heard on the Senate floor. I walked in and my colleague from South Dakota, Senator THUNE, had a chart up. He had a chart up that said when your taxes will kick in and when your benefits will kick in. So I didn't hear the whole speech, and I felt bad about that—not having heard his whole speech—and I went up to him and said: I didn't hear your whole speech.

And he said: Oh, man, that's too bad.

But I said: Did you actually happen to mention any of the benefits that do kick in right away?

And he said: No.

So I think we are entitled to our own opinions, but we are not entitled to our own facts. Benefits kick in right away. If you are going to hold up a chart that says when taxes kick in and when benefits kick in, and you say 1,800 days, you better include the benefits that do kick in right away.

Mr. THUNE. Madam President, will the Senator from Minnesota yield for a question?

Mr. FRANKEN. Absolutely.

Mr. THUNE. Did the Senator understand that what I was pointing out on the chart—the point I was making—was that the tax increases start 18 days from now, and the benefits—the spending benefits under the bill, which are the premium tax credits and the exchanges that are designed to provide the benefits delivered under this bill—don't start until 2014. Did the Senator miss that?

Mr. FRANKEN. Does the Senator understand that spending benefits start right away?

Mr. THUNE. If the Senator missed that point, I can get the chart out.

Mr. FRANKEN. I asked a question. I yielded to you for a question. I am asking you a question. Does the Senator——

The PRESIDING OFFICER. The Senator from Minnesota may only yield for a question, and the Senator from Minnesota has the floor.

Mr. FRANKEN. Has to what?

The PRESIDING OFFICER. Has the floor.

Mr. FRANKEN. I have the floor. The Senator from South Dakota said: Did I realize he was talking about the spending doesn't start for 1,800 days on health care—that the benefits don't start. Well, here is one: $5 billion in immediate Federal support starts immediately for a new program to provide affordable coverage to uninsured Americans with a preexisting condition.

I don't know about anyone else in this body——

Mr. THUNE. Will the Senator yield for an additional question?

Mr. BROWN. Will the Senator yield?

Mr. FRANKEN. I yield.

Mr. BROWN. That is exactly right, what Senator FRANKEN says. The $5 billion is for the high-risk pool—people who have the most trouble because of preexisting conditions, because of the behavior of insurance companies. And this debate is really all about the insurance companies. My friends on the other side of the aisle always come down with the insurance companies. The insurance companies really are the ones that are driving so much waste and so much bad behavior in the system.

Another thing in this bill that is very important now is the Medicare buy-in. The Medicare buy-in we have been discussing is for somebody who is 58 to 62 years old and who can't get insurance. Maybe they have been laid off or maybe they have a preexisting condition or maybe they are a part of small business that doesn't insure them. At 58 to 62 years old, they simply can't get insurance. This legislation will allow them, so far, to buy into Medicare.

I know my Republican friends can't make up their minds what they think about Medicare. They have opposed it, mostly, for 40 years. They opposed its creation; they tried to privatize it in the mid-1990s. They succeeded in partially privatizing it. They have cut it. Now, when we are—at AARP's request, in part—pushing legislation which will cut some of the waste out of Medicare, all of a sudden they are big fans of Medicare. But then they don't like Medicare again because we are trying to do the Medicare buy-ins. I guess I am confused.

Mr. THUNE. Would the Senator from Ohio yield for a question?

Mr. BROWN. We gave the other side 30 minutes.

Mr. FRANKEN. We have our time now.

Mr. BROWN. Senator THUNE wants to sort of monopolize our 30 minutes.

Mr. FRANKEN. We have our time, and the Senator from South Dakota just said, when he gave his presentation, nothing that we are paying for starts until 1,800 days from now. There is a whole list of things that start. The Patient Protection Affordable Care Act——

Mr. THUNE. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Minnesota has the floor. He may engage in a colloquy. He does not have to yield for any further questions.

Mr. FRANKEN. The Patient Protection and Affordable Care Act will prohibit insurance from imposing lifetime

limits on benefits starting on day one—starting on day one, Senator. He doesn't want to hear it.

We are entitled to our own opinions, but we are not entitled to our own facts. The fact is, benefits kick in on day one and the large majority of benefits kick in on day one, and we shouldn't be standing up here with charts that say the exact opposite.

Senator MCCAIN, a week ago, said: Facts are stubborn things. These are stubborn things. Small business tax credits will kick in immediately. The Senator from South Dakota just said that no payments, nothing that costs any money will kick in right away. That is not true. We are not entitled to our own facts.

I stand here day after day and hear my colleagues, my good friends from the other side, say things that are not based on fact.

We hear about this $78 trillion unfunded liability. You know, I remember during the Social Security debate that we used to hear about this $11 trillion unfunded mandate for Social Security. They asked the Actuary what that was about—Treasury Secretary Snowe—because the American Actuarial Society got mad about this. You know what it was? It was into the infinite horizon, was the liability. It was into infinity. That was a figure used by the President of the United States—George Bush at the time—that we have an $11 trillion unfunded mandate. What was the actuarial thinking behind it? Into infinity, and that people would live to be 150 years old.

Mr. SANDERS. Will the Senator from Minnesota yield?

Mr. FRANKEN. One second. I want to explain the end of this.

So this was the unfunded liability—assuming people lived to 150 and still retired at 67. That meant an 83-year retirement and that we would live to 150. I assume the first 50 years would be great, the next 50 years not so great, and the last 50 years horrible. Ridiculous stuff.

Let's have an honest debate, for goodness' sake. Let's not put up charts that contend one thing and that are just not true.

I yield to Senator SANDERS.

Mr. SANDERS. What I wanted to do is to get back to an issue that is of great importance to the American people, in addition to everything Senator FRANKEN appropriately pointed out; that is, as we proceed forward on this legislation, there is a provision in the Senate bill that I think needs to be changed. I have offered an amendment to do that. I am delighted Senator BROWN and Senator FRANKEN and Senator BEGICH, who is not here, and Senator BURRIS, who is also not on the Senate floor, are in support of that amendment, as I think the vast majority of the American people are.

Madam President, this bill is going to cost some $800 billion to $900 billion, and the American people want to know where that money is going to come from. Is it going to come from the middle class whose incomes in many ways are shrinking, who have lost their jobs, are having very serious financial problems, or is it going to come in a more progressive way?

The amendment that we are supporting would simply say we will get rid of the 40-percent excise tax on health care benefits above a certain limit and move toward a more progressive way of funding, which is close to what exists in the language in the House.

Essentially, what we would be doing is addressing the fact that the so-called Cadillac plan is not a Cadillac plan because in a relatively few years, millions of workers with ordinary health care benefits are going to be impacted by that. According to a major health care consultant, the Mercer Company, this tax would hit one in five health insurance plans by the year 2016—one in five. The Communications Workers of America have estimated that this would cost families with a Federal employees health benefit—Federal employees with a standard plan with dental and vision benefits—an average of $2,000 per year over the 10-year course of this bill.

So what this issue is about is do we sock it to the middle class again, with the heavy tax that over a period of years is going to impact more and more ordinary families, or do we say that at a time when we have the most unequal distribution of wealth and income, when President Bush gave huge tax breaks to the wealthiest people, that maybe we ask people who have a minimum income of $2 million a year to start picking up their fair share?

I yield to my friend from Ohio.

Mr. BROWN. Madam President, I thank my colleagues for kicking off this debate. My understanding is that this amendment would eliminate the tax on people's health insurance plans, even people who have pretty generous union-negotiated—obviously, not just union, but when a union negotiates a good plan, the white-collar workers in those same plants, those same companies often get decent plans too. It would take away the tax for them, and it would then tax 1 percent, ½ percent of wealthy people?

Mr. SANDERS. Interesting that the Senator asks that. What this amendment does is it imposes a 5.4-percent surtax on adjusted gross incomes above $2.4 million for individuals and $4.8 million for couples.

What that means, I would tell the Senator from Ohio, is that this impacts the top two one-hundredths of 1 percent, which means 99.98 percent of the American people would not pay one penny in additional taxes. It is the top two one-hundredths of 1 percent, and I think that is in fact the proper thing to do.

Mr. BROWN. So that would be 2 out of 10,000—1 out of every 5,000 families would pay that or 1 out of 5,000 of the wealthiest families would pay that; is that what the Senator is saying?

Mr. SANDERS. That is true. Of the approximately 134 million individual tax returns filed in 2005, which is the latest data we have available, only two one-hundredths of 1 percent or about 26,000 individuals reported adjusted gross incomes over $2.4 million.

Mr. BROWN. So 26,000 out of 134 million people would pay this.

Mr. SANDERS. That is right.

Mr. BROWN. As opposed to millions of families who have good health insurance that they have negotiated or been provided by their employer.

This brings me back to the discussion we had earlier this year; that when people talk about legacy costs, about pension and health care, which many people have, fortunately, almost always these health benefits and pensions people earn by giving up pay today. They say: I will take a little less pay today if I get a good pension and good health insurance. So that is why the Senator from Vermont is arguing that we shouldn't be taxing this insurance, I assume.

Senator FRANKEN.

Mr. FRANKEN. Let me go into this term ''Cadillac.'' You know, I never had a Cadillac, but that was the thing, right?—a Cadillac? That was an incredible extravagance—a gold-plated extravagance. But, in fact, this would be taxing plans that provide basic comprehensive coverage for thousands of middle-class workers and their families. One of the problems with the excise tax is that it categorizes plans based on their actuarial cost, not solely on the generosity of their benefits. Plan characteristics explain only a small percentage of the differential in cost. Some reports suggest only 6 percent of the difference in cost is explained by generosity of benefits.

Let me give an example: A small business that employs many older workers is going to face—actuarially, it is going to be considered higher than a business with a young workforce. So even if both of these employers provide the exact same benefits, their costs will be different. The employer with the older workforce faces a higher risk of falling under this tax—not due to the richness of the benefits but due to the age of its employees.

The same goes for small workforces. If a small business offers one set of health benefits and a large company offers the exact same set of benefits, the cost for the smaller employer is higher because its risk pool is smaller.

Do we really want to penalize small businesses or workplaces that retain older workers?

Senator SANDERS.

Mr. SANDERS. Let me pick up on the point the Senator from Minnesota made. When you use the term ''Cadillac,'' the implications are that maybe we will get some of those guys at Goldman Sachs who have this off-the-wall outlandish benefit package.

The reality is, the CWA—Communications Workers of America—has done a bit of work on this. What their

estimate is, as health care costs continue to rise—and we are seeing 6 percent, 7 percent, 8 percent increases every year—obviously, the way the language of this legislation is written, it will impact more and more health care plans. By the year 2019, it will burden one out of three health care plans in this country. Does that sound like a Cadillac plan, one out of three plans? And eventually, as health care costs continue to rise, it will impact virtually every plan in this country.

The bottom line we are talking about is, yes, we need to raise money. How do you do it? Do you do it by socking it to the middle-class and working families? And as the Senator from Ohio has indicated, many of these workers have given up wage increases in order to maintain a strong health care benefit. Are those the people we are going to tax or do you tax the top two one-hundredths of 1 percent, many of whom have received generous tax breaks in recent years?

Mr. BROWN. If the Senator will yield, I want to talk for a moment about the people who will be paying more taxes. The Senator said their income is over a couple of million a year, those who will pay these taxes.

During the last 10 years—during the 8 years President Bush was in the White House, the tax system changed pretty dramatically during that time. It is my understanding—maybe the Senator can shed some light on this, either colleague—my understanding for sure is that the tax system, as it changed, had much more of a tilt toward the wealthy; that is, President Bush's tax cuts always included a few middle-class people, so a family making $50,000 might get $100 in tax savings over a year but, on the other hand, if you made millions of dollars, you got huge tax cuts.

I remember Warren Buffett, one of the most successful businesspeople in America, who generally likes what we are doing here and wants a fairer tax system, Warren Buffett said he pays a lower tax rate than his secretary and he said he pays a lower tax rate than a soldier coming back from Iraq.

Talk, if you would, either Senator, Senator FRANKEN or Senator SANDERS, about what happened over the last decade to taxes for the group of people, the wealthiest, who we think should pay a little more under this plan.

Mr. SANDERS. I think the evidence is overwhelming that one of the reasons we have seen recordbreaking deficits and we have a $12 trillion national debt—it is not just the war in Iraq but also the huge tax breaks that have been given to the very wealthiest people in this country. As the Senator from Ohio indicated, the facts are very clear. Yes, the middle class may have gotten some benefit, but the lion's share of tax breaks went to the people on top.

What we are seeing in this country is a growing gap between the very wealthy and virtually everybody else. In many ways, the middle class is shrinking. Poverty is increasing. It makes zero sense to me that in the midst of all of that, we ask the middle class to pay more in taxes to provide health care to more Americans and we leave the top one-hundredth of 1 percent alone.

Let me also say this: There is a lot of support out there for the amendment Senator BROWN, Senator FRANKEN, Senator BEGICH, Senator BURRIS, and I are offering. Let me just read one. This is from the president of the Fraternal Order of Police. These are cops out on the street. Most people do not think the police are getting extravagant health care benefits.

This is what he said:

> I am writing to you on behalf of the membership of the Fraternal Order of Police to express our support for your amendment which would eliminate the excise tax on high cost insurance plans.

Et cetera, et cetera.

> This provision is intended to tax the health plans of the wealthiest Americans, but it will also tax the plans of many law enforcement officers who need high cost and high quality insurance due to the dangerous nature of their profession. The Fraternal Order of Police strongly supports your amendment, because health care reform legislation should not increase the tax burden for those who fearlessly risk their health, and even their lives, to keep our communities safe.

Mr. FRANKEN. Again, let's think about what these folks, these union folks who negotiated these health care policies and sacrificed in salary—what are they getting? They are getting affordable deductibles. They are getting affordable co-pays. Sometimes, they are getting vision and dental care. This is comprehensive health care we want Americans to get. That is who is going to get hit.

Over the last 20, 30 years, we have seen a squeeze on these people. We have seen a squeeze on the middle class, a shift in the risk to people. That is what this whole bill is about. We are trying to eliminate the risk of losing your health care if you have a preexisting condition; we are trying to lose the risk of going bankrupt. That is the whole point of this bill. Let's not shift more risk onto these folks who are doing these kinds of jobs and supporting their families with their salaries and their benefits.

Mr. BROWN. Exactly right. Think about that. We want to give incentives for people to do the right thing. We are glad when people have good health insurance because then they do not rely on Medicaid or they don't show up in the hospital or the emergency room and get the care for free, while other people have to pay for that care—others who use the emergency room and have insurance, others who use the hospital. So the hospitals don't get stuck with the costs. If they have dental care, they are getting the right kind of preventive care so they do not have more expensive care later.

Ideally, we want everybody to have one of these ''Cadillac'' plans. We want people to have insurance that includes vision, that includes eye care, that includes catastrophic coverage, that includes preventive care. If more people had this, there would be a lot less burden on taxpayers to take care of everybody else.

It is clear the arguments here are not just it is the right thing for police officers, as Senator SANDERS said. It is the right thing for the person Senator FRANKEN talked about who is getting dental and vision care, but it is good for society as a whole, that people are willing to give up some of their wages to get a good medical plan.

Mr. SANDERS. If I could jump in, a moment ago Senator BROWN asked me a question about the extent of the tax breaks given to the wealthiest people, and I do have that information. Since 2001, I say to Senator BROWN, the richest 1 percent of Americans received $565 billion in tax breaks. In 2010 alone, the most wealthy 1 percent of Americans are scheduled to receive an additional $108 billion in tax breaks. That is point No. 1.

Point No. 2—let me be a little political here. In the Presidential election of 2008, one of the candidates said that it was a good idea to tax health care benefits. That candidate—Senator MCCAIN—lost the election. The other candidate said it was a bad idea to tax health care benefits. That was Barack Obama; he won the election.

Let me quote from what then-Senator Obama said when he was running for President. On September 12, 2008, he said:

> I can make a firm pledge, under my plan no family making less than $250,000 will see their taxes increase, not your income taxes, not your payroll taxes, not your capital gains taxes, not any taxes. My opponent, Senator McCain, cannot make that pledge and here is why. For the first time in American history—

This is Senator Obama speaking about Senator MCCAIN's plan.

> For the first time in American history, he, Senator McCain, wants to tax your health benefits. Apparently, Senator McCain doesn't think it's enough that your health premiums have doubled. He thinks you should have to pay taxes on them, too. That's his idea of change.

I agree with what Senator Obama said in 2008. I disagree with what Senator MCCAIN said then. Right now, we are in a position to follow through on what Senator Obama said at that point and make sure the middle class of this country does not pay taxes on their health benefits.

Mr. BROWN. If the Senator will yield, I say thank you. I think that made it very clear.

Earlier, the Senator talked about what the tax cuts for the wealthiest citizens during the Bush years did to our national debt. He mentioned the war in Iraq, the trillion-dollar war in Iraq and Afghanistan, not to mention the huge cost it is going to be to continue to take care of the men and women who served us courageously with their physical and mental injuries from Iraq.

Senator FRANKEN is so familiar with this because of tours he made as a private citizen to battle zones, year after year, to talk to our troops and entertain our troops. He didn't get a lot of credit for that, but he didn't care about the credit for that. He was there, always doing that.

One of the things that is pretty interesting, listening to my Republican friends on the other side of the aisle talk about this bill now, which the Congressional Budget Office says is paid for and more, while they continue on their side to talk about the budget deficit, it was that group who passed—Senator SANDERS and I were both House Members at that time and voted against it—passed the Medicare Privatization Act, and the people who were on the floor talking to us voted for cloture for the Medical Modernization Act. That bill was not paid for. That bill was a giveaway to the drug industry and the insurance industry. It has added tens and tens of billions of dollars to our national debt.

On the one hand, they support these tax cuts that are not paid for, they support the Iraq war which was not paid for, and they now want us to go into Afghanistan and not pay for it, yet increase the number of troops. They continue down this road when we are on this bill doing the right thing. Even with our amendment here to eliminate the Cadillac—the taxing Cadillac plans, we are saying we are going to find another way to pay for it. We are not just going to eliminate that cut in taxes. We want to, but we are going to pay for it some other way.

I yield for Senator FRANKEN.

Mr. FRANKEN. We are actually addressing that doughnut hole that was in the Medicare Part D bill. We are closing it by half. Do you know when it starts? Next year.

Mr. BROWN. I thought Senator THUNE said none of the benefits started then.

Mr. FRANKEN. Senator THUNE did say none of the benefits started next year, but I guess he just hasn't read the bill. I have so many constituents come to me and say: Read the bill, read the bill. I ask——

Mr. BROWN. If the Senator will yield, perhaps if you are going to vote against it, you do not need to read it? Is that the way to think about it?

Mr. FRANKEN. I do find that many of my colleagues with whom I am very friendly have not read the bill and are not very familiar with it. I think if you are going to get on your feet and debate and make assertions, you should really be familiar with the content of the bill. That is what I thought. I have only been here a while, so maybe I am naive, but I think when you say none of the benefits are going to start next year, you should be right.

Mr. SANDERS. If I could just add to the point Senator BROWN and Senator FRANKEN have made regarding concern about the national debt, every day there is a Republican coming up here to say we have a $12 trillion national debt and we have to cut this and cut that—all that. Yet I think virtually every one of them is in support of the repeal of the asset tax, which would benefit solely the top three-tenths of 1 percent and would cost the Treasury $1 trillion over a 20-year period—$1 trillion over a 10-year period. I am sorry, $1 trillion over a 10-year period.

I am really concerned about the deficit, I am concerned about the national debt, but I am prepared to vote for repealing the entire estate tax which only impacts—gives $1 trillion in tax breaks over a 10-year period to the top three-tenths of 1 percent.

Some may question the sincerity about their concern about the national debt.

Mr. FRANKEN. In fairness, I am not sure they are all for that. I think I have heard some soundings from the other side to extend what we have this year because this runs out on January 1 and we do not want to see a lot of plugs pulled.

Mr. SANDERS. I am talking about what happens now. Overall, the vast majority of our Republican friends——

Mr. FRANKEN. Yes, in theory.

Mr. SANDERS. Want to abolish the estate tax, which is $1 trillion in tax breaks.

Mr. FRANKEN. I just want to bend over backward to be fair to my colleagues on the other side.

Mr. SANDERS. The Senator is so nice.

Mr. FRANKEN. Maybe I do that to a fault, and I apologize to our side.

Mr. SANDERS. Madam President, polls show there is overwhelming support among the American people for what we are discussing today. Organizationally, it has the support of the AFL–CIO, the National Education Association, the Fraternal Order of Police, the United Steelworkers of America, AFSCME, the American Postal Workers Union, and a number of other organizations representing millions of working people. This is not a complicated issue. Somebody will have to pay for this bill. Should it be the middle class and working families or should it be the people at the top two one-hundredths of 1 percent who, over the period of the last 8 or 9 years, have enjoyed huge tax breaks? This is kind of a no-brainer.

The good news here is that our friends in the House have moved correctly in this area. The bill before us in the Senate does not. What we are trying to do is to get an amendment to take out the tax on health care benefits and replace it with similar language, not exactly the same as exists in the House.

Mr. FRANKEN. Let's get back to the excise tax and what it is purportedly supposed to do. It is supposed to bring down costs and generate revenues. Those are both necessary objectives. I have been submitting stuff over and over again to bring down costs, including a 90-percent medical loss ratio, including uniform standardized insurance forms which will save billions of dollars. I don't think this excise tax is the best way to bring down costs and generate revenue. We should be focusing on actually bringing down the cost of services instead of trying to limit the availability of care.

One way to actually bring down the cost of services is the value index in the bill, which Senator CANTWELL introduced in the Finance Committee and which is still in this bill, and which Senator KLOBUCHAR fought for, and many of us from high-value States. That will change the Medicare reimbursement rates to incentivize value. Another unintended consequence of the excise tax is its effective penalty on comprehensive benefit packages secured for workers by their unions. Again, I come back to these unions who gave up salary benefits, who gave up earning benefits. As soon as this gets going, this is going to be returning year after year as we see medical inflation go up and up. This is the cost of living index plus 1; right?

Mr. SANDERS. Right.

Mr. FRANKEN. Plus 1 percent. That is not what we have seen from medical costs.

Mr. SANDERS. That is the point. The point is that medical costs are going up substantially more than inflation. In fact, general inflation is actually going down. There is no question but that as medical inflation continues to remain high, millions and millions more workers are going to be forced to pay this tax. One of the other side effects of this tax is that many employers, in order to avoid it, are going to start cutting the health care benefits that workers receive. Today it may be dental; tomorrow it will be vision. The next day it will be more copayments, more deductibles. This is grossly unfair to working families.

Mr. BROWN. Again, it is making the choices. Unlike the Medicare Modernization Act, which Republicans pushed through in 2003—I know Senator ENSIGN voted against that although he voted for cloture, but he actually opposed that, to his credit—that was legislation that wasn't paid for. It was a giveaway to the drug insurance industry. It wasn't paid for. Our legislation is, and our amendment is. We made a choice. Do you charge the middle class? Do you say to the middle class, you are going to pay a tax on your health care benefits, or do we have someone else pay who has gotten a lot of advantages in the last few years? Since 2001, the richest 1 percent of Americans, because of the Bush tax cuts, got $565 billion in tax breaks. This year that same wealthiest 1 percent of Americans are scheduled to receive an additional $108 billion in tax credits. It is clear we want to go to the right place in this. We want to keep it fiscally sound. We want to keep it balanced. We want to pay for it, something my friends on the other side of the aisle rarely do when it comes to

war, when it comes to tax breaks for the rich, when it comes to giveaways to the drug and insurance companies.

We are doing it that way. That is why the Sanders-Franken-Begich-Brown amendment makes so much sense.

Mr. FRANKEN. One last word on the deficit and the debt. May I remind everyone that when the Republicans were in the majority and President Bush came to Washington, we had a surplus, a record surplus. At the time the Chairman of the Fed, Alan Greenspan, testified to Congress that we had a new problem. The new problem was that because of the projected surpluses, we were, in a number of years, going to have too much money, that we were going to pay off the debt and the Federal Government would be forced to buy private equities and that this would not have a maximizing effect on our economy. That is what he said, after Bush became President. That was what he said. He said we were going to have too much money. That is what the Chairman of the Fed said. So we handed the ball off to President Bush, and we handed the ball off to these Republicans. The problem was, we were going to have too much money. That is not a problem anymore, is it? Now you hear them screaming about the deficit. Think about the deficit they left us. Think about the economic circumstances they left us in. We are talking about getting rid of this excise tax, but we are talking about paying for it. The CBO has scored this bill as cutting the debt in the next 10 years by $179 billion and then $500 billion in the next 10. That is responsible.

What we saw in the years that we had a Republican President and a Republican House and a Republican Senate was an explosion in the deficit. I don't want to hear lectures about the deficit. When I hear presentations from my colleagues, I want them to remember what Senator MCCAIN said when he said facts are stubborn things.

When we debate in this Hall on this floor, let's stick to the facts. So many of the benefits in this bill start immediately. It is simply not fact to say they don't.

Mr. SANDERS. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. There was no time limit on the colloquy.

Mr. SANDERS. I think we are coming to the end of it. I hope, focusing on the issue of the excise tax, the Senate is prepared to support our amendment. If that is not the case, certainly support what the House has done in the conference committee. Taxing middle-class workers is not the way we should fund health care reform.

Mr. FRANKEN. I thank the Senator. I thank both of my colleagues from Vermont and Ohio, and urge my colleagues to support amendment No. 3135.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that I be allowed to engage in a colloquy with the senior Senators from Connecticut and Montana.

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

Mr. REID. Madam President, when the American people demanded last November and throughout this year that we make it possible for every American to afford to live a healthy life, they did so because they know from personal experience how broken our country's health care system is. As the Senate has worked to answer that call this year, we have drafted a bill that will save lives, save money, and save Medicare. Many aspects of the current bill achieve that goal. But there is one more thing we could do, closing the notorious gap that arbitrarily charges seniors in Nevada and throughout the Nation thousands and thousands of dollars for prescription drugs.

As seniors know all too well, the prescription drug plan is called Medicare Part D, and the coverage gap is commonly known as the doughnut hole. Right now Medicare will help seniors afford their prescription drugs only up to a certain annual dollar limit, $2,700 a year, then stop, then help it again only once their bills reach another much higher level, $6,100. So from $2,700 to $6,100, that is the notorious, bad doughnut hole. Between these two points, seniors are stuck with the full bill. Imagine if you had car insurance that covered you until you drove 2,700 miles in a given year, then stopped, then started covering you again once you hit 6,100 miles. From 2,700 to 6,100 miles would be pretty scary. That wouldn't work for drivers, and the doughnut hole doesn't work for seniors. The effects of this broken system are painfully simple. More and more seniors have to skip or split the pills they need to stay healthy. It means that in January someone will pay $35 to fill a prescription, but by October he or she could be asked to pay thousands of dollars for the very same pills.

I was at CVS a day or two ago to pick up some stuff for my wife at the prescription counter. They had on the counter there where you were waiting a list of the cost of all drugs. I didn't fully understand it, but I looked at it. Some had values of thousands of dollars to fill a prescription. The only one I saw—I didn't want to flip through the pages—but the one page, $9,800 for one prescription. I don't know if that was 30 pills or what, but it was striking.

If someone will pay $35 to fill a prescription, that is fairly inexpensive. But by October, he or she would be asked to pay thousands of dollars. That is what it is. It is not an uncommon problem. Millions of seniors, a quarter of all in the Part D Program, reach that no man's land during the year, the doughnut hole. But only a small fraction get to the other side. Both numbers will only get worse if we don't act. Not surprisingly, those caught in the middle don't take the medicine they need at far greater rates than those who do have coverage. Like we see with uninsured Americans of all ages, those who can't afford the treatments they need to get healthy will get even sicker. Down the road that means more expensive doctor visits, more expensive hospital stays, and more expensive medicines. It means more sickness and more death.

We have already taken the first steps to fix this in the current bill, closing the gap by half and by an additional $500 for 2010. Because I am committed to saving lives, saving money and saving Medicare, I personally am committed to fully closing the doughnut hole once and for all. Once we pass this bill out of the Senate, we will do so in the conference committee with the House, whose bill already closes the gap. The House legislation closes the doughnut hole. The legislation we will send to President Obama for signature will make good on his promise and ours to forever end this indefensible injustice for America's seniors.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I agree with my friend the majority leader that we must close the doughnut hole. I think it is something all of us appreciate. I second his commitment to doing so with this bill that we will send to the President. As most seniors live on modest incomes, we all know it is imperative that they can afford the prescriptions they need. As the majority leader has noted, seniors who have trouble paying for prescription drugs are more likely to skip doses or stop taking their medications altogether which would lead to more serious health problems and higher long-term costs, both for them and our health care system as a whole. In my State of Connecticut, 25 percent, a quarter of all Part D enrollees fall into the doughnut hole. I understand the significance of delivering on the commitment to fixing this problem.

We have a responsibility, as all of us can appreciate, to protect and strengthen Medicare and to improve the lives of our seniors. If we fail to act, the doughnut hole, we are told, will continue to grow in size, doubling in less than 10 years. The size of the doughnut hole is directly tied to drug prices, prices that are rising at an alarming rate.

Seniors who have spent thousands and thousands of dollars—not including the cost of their premiums—before they get out of the doughnut hole and get the treatments they need cannot afford to wait any longer to close this costly gap.

Our historic reform effort must improve the quality and affordability of Medicare. Closing the doughnut hole is a very clear and concrete way to do that.

I understand we may not have the opportunity to fix this issue in the Senate bill before it leaves this Chamber,

but I want it to be known that I support the idea of closing the doughnut hole in the conference committee that will meet with the other body.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, closing the doughnut hole is clearly the right thing to do. Medicare beneficiaries face extremely high out-of-pocket costs for outpatient prescription drugs. In fact, they face costs that are six times higher than out-of-pocket costs for those of us fortunate enough to have employer-sponsored coverage.

The doughnut hole contributes to these high out-of-pocket costs. As a result, the doughnut hole often results in seniors skipping vital medications.

Eliminating the coverage gap in the Medicare prescription drug program will save people with Medicare thousands of dollars every year. Lowering the costs for seniors will also keep them healthier by ensuring they can afford their medications.

In my home State of Montana, 33 percent of seniors enrolled in the Medicare prescription drug program fall into the doughnut hole every year—one-third. We all know what the consequences are when people cannot afford the medicines they need to stay healthy, both for the affected individuals and for society at large.

Recognizing the scope of this problem, in his address to a joint session of Congress in September, President Obama promised to close the doughnut hole once and for all. It is our responsibility to make good on this promise and provide this needed relief to seniors. I join my colleagues in committing that we will send a bill to the President that closes the doughnut hole and fulfills his promise.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I wish to, if I could, ask my two colleagues, through the Chair, if it is their understanding that the President fully supports this action.

Mr. BAUCUS. Madam President, responding to the leader, that is my full understanding.

Mr. DODD. Madam President, I would add, that is my full understanding as well.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Nevada.

Mr. ENSIGN. Madam President, I want to address a few of the things that were mentioned on the floor just now. However, I want to start by talking about how this health care bill will affect small businesses.

Small businesses are the engine that drives our economy. We know they are struggling right now. The President met with some bankers today at the White House because many of the large banks are not loaning money to small businesses. We all know that. Many small businesses are struggling to keep their doors open.

One of the reasons small businesses are a little nervous right now is because they do not know if this bill goes into effect, what that massive effect is going to be on them. They are uncertain about the future.

Let me tell you a few things.

First of all, we all know that there is a $500 billion tax increase contained in this 2,074-page bill that is before us today. In that bill, there is also an employer mandate of $28 billion. This is what the nonpartisan Congressional Budget Office has said about that $28 billion: Not only does it fall heavily on small businesses, but the CBO goes further to say that ''workers in those firms would ultimately bear the burden of those fees'' in the form of reduced compensation. That is a direct quote.

This bill also discourages small businesses from hiring folks. CBO went on to say: '' . . . the employment loss would be concentrated among low-income workers.'' Do we want to do that to folks out there who are struggling right now? We have heard across this country that record numbers of people are signing up for food stamps, welfare, unemployment insurance, and all of the various government subsidies that are out there to try to help people through a tough time. Do we want to keep them from getting a job?

The Medicare payroll tax, that is $54 billion in this bill, will hit one-third of all small business owners. Those small business owners that it will hit about 30 million people in the United States. If you put a tax on somebody, especially during a recession, you are going to inhibit them from investing in their business and creating jobs.

I have heard many people from the other side of the aisle say that it is not a good time to raise taxes, and yet they are raising taxes in this bill. Sometimes they call them fees, penalties, assessments, or different things, but they are taxes.

This bill will also require small businesses to buy a government-approved insurance plan. So even for those small businesses that currently have a plan that they like, one that works for them and their employees, and one that is affordable and even though these small businesses have tried to do the right thing, the plan that they have selected may not quite meet the government criteria. This may be because the plan they chose was a little more of a barebones type of plan—in any event, this bill will require them to spend more money for a higher level of coverage than maybe they can afford.

What will that do? Well, if the small business is barely getting by now, barely keeping its doors open, and the government requires it to spend more money on health insurance, some employees may be laid off or in some cases, small businesses may close and all its employees may lose their jobs.

Most people in this body have never operated a small business. I built, owned, and operated two different small businesses—veterinary clinics. I understand how difficult it is for a small business owner, especially when you are just starting out and you are investing, you are putting everything you have into it, with all your hard work, and the few profits you make you plow right back into the business. You are trying to expand. You are trying to hire the next person, and you are trying to grow your business. When the government comes along and puts extra taxes and extra burdens on you, it makes it tough. That is not what we should be doing, especially during a time of recession.

This bill before us also caps what are called flexible spending accounts at $2,500. Flexible spending accounts are used by a lot of small businesses, but they are also used by a lot of Federal employees. They are used by a lot of people. They are especially used by a lot of people who have serious chronic diseases.

If you are a Federal employee, for instance, you can put $5,000 in a flexible spending account, and then you can pay, for instance, for approved out-of-pocket health care expenses. This bill caps that at $2,500 a year. So for somebody who has multiple sclerosis or somebody who has diabetes or somebody who has a chronic disease that requires a lot of medical attention, you are hurting those people who need that money the most. That is not something we should be doing, but that is exactly what this bill does.

Let me talk about some of the general provisions in this bill and not just how it affects small businesses. We have talked about the Medicare provisions in the bill a lot on the floor. We know there is a $500 billion cut in Medicare. Folks on the floor were just talking about the doughnut hole for senior citizens in the Part D prescription drug plan under Medicare. Under this bill, Medicare Advantage will be cut by $120 billion. Most Medicare Advantage plans have no doughnut hole, yet this bill would take $120 billion out of Medicare Advantage, cutting extra services. According to CBO, there will be a 64-percent reduction in extra benefits by the year 2016 for those seniors who have Medicare Advantage.

Ten million seniors in the United States today have Medicare Advantage. They have chosen it. They were not forced into it. As a matter of fact, Medicare Advantage is a relatively new program. Seniors do not like change that much, yet they saw an advantage in this program. They did not have pay to pay their Medigap insurance. They did not have a doughnut hole. Many of them get vision and dental services, yet their extra benefits are going to be cut by 64 percent because of this bill.

Overall, because of the smoke and mirrors that are used, it is said this bill only costs $849 billion. But, the costs are hidden. First of all, $849 billion is a huge number. But it is actually a $2.5 trillion spending bill. The reason is because when you look at it fully implemented—right now, a lot of the benefits do not start right away but the taxes start right away—when

you look at the full 10 years when taxes, benefits, and everything is implemented, it is a $2.5 trillion bill. This is a massive increase in the Federal Government.

As an example, within the 2,074 pages of this bill there are almost 1,700 new places where authority is provided to the Secretary of Health and Human Services to make health care decisions for the American people. Madam President, this bill gives the Secretary of Health and Human Services the authority to make health care decisions for the American people 1,700 times. If that is not a massive government expansion into our health care field, I do not know what is.

There is also about $500 billion in new taxes. I have this chart in the Chamber. This is a quote by President Obama on his health care promises. He said:

> Let me be perfectly clear. . . .if your family earns less than $250,000 a year, you will not see your taxes increased a single dime. I repeat: not one single dime.

He said:

> Nothing in this plan will require you or your employer to change the coverage or the doctor that you have. Let me repeat this: nothing in our plan requires you to change what you have.

And thirdly, he said:

> Under the plan, if you like your current health [care] insurance, nothing changes, except your costs will go down by as much as $2,500 per year.

Let me focus on the first quote about the new taxes that are in this bill. The bill includes a 40-percent insurance plan tax. There is a separate insurance tax on top of the 40-percent insurance plan tax. This is the one, by the way, that several of my colleagues were talking about that the unions are all up in arms about. It is the Cadillac plans they were talking about that are going to be taxed. Most union members have a Cadillac plan, and their plans are going to be taxed at 40 percent above a certain dollar figure. Because this tax is not indexed to inflation, by the end of a decade, most Americans' plans will be subject to this 40-percent tax.

There is also an employer mandate tax. But as the Congressional Budget Office said, this tax actually gets shifted down to the workers. There is a drug tax. Every time you purchase drugs, taxes are passed onto you by the drug companies, so all of us are going to be paying more for drugs. There is a laboratory tax. Every time you go in, there is a tax on lab work. All of these taxes end up raising health care premiums. There is a medical device tax. There is a failure to buy insurance tax. There is a cosmetic surgery tax. And, there is an increased employee Medicare tax.

At this point, let's remember that first quote I showed where President Obama said he would not raise taxes on families making $250,000 or less, and on individuals making $200,000 a year or less. Well, 84 percent of the taxes in this bill will be paid by people making less than $200,000 a year—84 percent of the taxes.

I would like to point out another problem with this bill. It contains a sense of the Senate on medical liability reform. In his September address on health care reform, the President talked about the need to do something about medical liability reform. The problem is that this bill before us today only includes a sense of the Senate on medical liability reform. Let me show you. As shown on this chart, this is how much money this health care bill saves with their sense of the Senate. Zero.

However, the Congressional Budget Office said that real medical liability reform would save $100 billion in this country—between what the government spends and what the private sector spends, that is $100 billion in total.

The problems with this bill are so numerous that we could go on and on discussing them, but we truly do need to start over. We need to start over and take more of a step by step approach. We need to develop an incremental approach, where both sides can agree on some of the reforms we need to do—without destroying our current health care system. We need to enact meaningful medical liability reform.

We need to agree on provisions about eliminating preexisting conditions. We need to agree on an incremental approach to reward people for engaging in healthy behaviors. It is cheaper to insure people who are nonsmokers and people who are not obese. It is about $1,400 less to insure a non-smoker versus a smoker; and it is about $1,400 less to cover someone who has the proper body weight versus somebody who is obese. Encouraging individuals to engage in healthy behaviors is a good thing. We can agree on that.

We also need to allow small businesses to join together to take advantage of purchasing power in the same manner that big businesses do. This is an incremental reform proposal that would not destroy the quality of our health care system and would not take the costs and put them on the backs of small businesses. This is something we should do. This is something we can do.

The only way to enact these incremental reforms is to stop the bill that is before us today. The only way for us to do that is to sit down together, not as Republicans or Democrats, but to sit down together and come up with ideas that we can all agree on that will actually help the health care system in America. That is what this body should do if we want to do what is right for the American people.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that Senator MCCAIN and I be permitted to engage in a discussion regarding the health care matter.

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

Mr. MCCONNELL. Madam President, last Friday, we heard from two entities. We heard from the Center for Medicare & Medicaid Services, indicating health care costs in this country would actually go up under the Reid bill. We also heard from CNN. We heard from CMS and from CNN. We heard from CNN about how the American people feel about this measure. At a time when all the polls indicate the American people do not favor this bill, do not want us to pass it, and when the government's Actuary indicates the bill will actually not cut health care costs, which we thought was what this debate was all about in the first place, we are being confronted with a procedure that is quite unusual: an effort to restructure one-sixth of the economy through a massive bill that it appears almost no one has seen.

At what point, I would ask my friend and colleague from Arizona, could we expect that the American people would have an opportunity to see this measure that has been off in the conference room here and being turned into sausage in an effort to get 60 votes?

Mr. MCCAIN. I would say to my friend, the Republican leader, that I have seen a lot of processes around here and a lot of negotiations and a lot of discussions, but I must admit I have not seen one quite like this one, nor do I believe my leader has.

I was on the floor in a colloquy with the assistant Democratic leader a couple days ago, and I said: What is in the bill? He said: None of us know. Talk about being kept in the dark.

I would say to my friend from Kentucky, we have to put this into the context of what the President of the United States said in his campaign because the whole campaign, as I well know better than anyone, was all based on change. On the issue specifically surrounding health care reform, I quote then-Candidate Obama on October 18, 2009:

> I am going to have all the negotiations around a big table televised on C–SPAN so that people can see who is making arguments on behalf of their constituents and who is making arguments on behalf of the drug companies or the insurance companies.

He went on to say that a couple more times.

I would ask my friend: Hasn't it been several days that we basically have been gridlocked over one amendment, which is the amendment by the Senator from North Dakota that would allow drug reimportation from Canada and other countries?

So then, guess what the reports are today:

> PhRMA renegotiating its deal? Inside Health Policy's Baker, Pecquet, Lotven and Coughlin report: 'The pharmaceutical industry is negotiating with the White House and lawmakers on a revised health care deal under which the industry would ante up cuts beyond the $80 billion it agreed to this summer, possibly by agreeing to policies that would further shrink the . . . doughnut hole. . . .'

I will not go into all the details of that.

Just a few minutes ago on the floor, guess what. They announced there would be some change made, an amendment that would be included in the managers' package.

I would ask my friend, is it maybe the case that the majority leader, who is having a meeting, as we speak, of all the Democratic Senators behind closed doors, without C–SPAN, has cut another deal along with the White House with—guess who—the pharmaceutical companies that have raised prices some 9 percent on prescription drugs this year?

This is a process the American people don't deserve, so I would ask my friend from Kentucky.

Mr. MCCONNELL. I would say to my friend from Arizona, that is a process that gives making sausage a bad name.

Mr. MCCAIN. So we were hung up—or should I say gridlocked—for 2 or 3 days, over the entire weekend. The Republican leader even agreed to a unanimous consent agreement that would allow a Democratic side-by-side amendment, and that was not agreed to—until over at the White House, according to this report, PhRMA renegotiated its deal and apparently they now have sufficient votes to defeat the Dorgan amendment which, as of last summer, according to the New York Times, said the last deal shortly after striking that agreement, the trade group—the Pharmaceutical Research Manufacturers of America, or PhRMA—also set aside $150 million for advertising to support the health care legislation.

I ask my friend, is this changing the climate in Washington or is it not only business as usual but, in my opinion, I haven't seen anything quite like this one.

Mr. MCCONNELL. I would say to my friend, it certainly is not changing business as usual in Washington. Even more important than that, it is not changing American health care for the better, which is what we all thought this whole thing was about when we started down this path of seeing what we could do to improve America's health care, which almost everyone correctly understands is already the best in the world.

Mr. MCCAIN. Hadn't there been charge after charge that Republicans are ''filibustering'' and Republicans have been blocking passage of this legislation? I would ask my friend, hasn't the Republican leader offered a series of amendments we could get locked into and have votes on?

Mr. MCCONNELL. We have been trying to get votes on the Crapo motion, for example, since last Tuesday. It will be a week tomorrow. Maybe at some point we will be able to have amendments again.

We started off on this bill with each side offering amendments, and we went along pretty well until, I think, the majority decided it was not only better to write the bill in secret, it was better to not have any amendments to the bill. So they began to filibuster our efforts for Senators to have an opportunity to vote on aspects of this bill, such as the $½ trillion worth of cuts in Medicare which we, fortunately, were able to get votes on; the $400 billion in new taxes, which we would like to be able to get votes on.

This is the core of the bill. The American people have every right, I would say to my friend from Arizona, to expect us to debate the core of the bill—the core of the bill, the essence of the bill—which is not, of course, going to be changed behind closed doors or during this meeting that is going on with Democrats only.

Mr. MCCAIN. As I understand it, there is a meeting going on behind closed doors, again, where there are no C–SPAN cameras.

According to the Washington Post this morning, it says:

> The Senate will resume debate Monday afternoon on a popular proposal to allow U.S. citizens to buy cheaper drugs from foreign countries which led to a last-minute lobbying push by drug makers last week and bogged down negotiations over a health care reform bill.

It goes on to say:

> The fight over the imported drugs proposal poses a particularly difficult political challenge for President Obama who cosponsored a similar bill when he was in Congress and who included funding for the idea in his first budget. But the pharmaceutical industry, which has been a key supporter of health care reform after reaching agreement with the White House earlier this year, has responded with a fierce lobbying campaign aimed at killing the proposal, focusing on Democratic Senators from States with large drug and research sectors.

So it will be interesting to watch the vote.

I would also point out to my friend, it is clear that if we allow drug reimportation, we will save $100 billion, according to CBO, and the deal that was cut—the first deal that was cut with the White House was they would reduce it by $80 billion, so they had a $20 billion cushion. Now it will be very interesting to see what the latest deal is and how the vote goes.

But, again, I wish to ask my Republican leader, we get a little cynical around here from time to time and we see sometimes deals cut and things done behind closed doors. I am past the point of frustration; I am getting a little bit sad about this. Because I think we know we are now bumping up against Christmas. Sometime we are going to break for Christmas. So the pressures now are going to be even more intense because I think it is well known and reported that if they don't get a deal before we go out for Christmas, then it will be very much like a fish sitting out in the sun. After awhile, it doesn't smell very good, when people see a 2,000-page bill which has all kinds of provisions in it.

So I understand, without C–SPAN cameras, that all the 60 Democratic Members of this body are going to go down to the White House for another meeting tomorrow, and we will see what happens then.

Mr. MCCONNELL. I would say to my friend from Arizona, talk about an example of manufactured urgency. Is it not the case, I ask my friend from Arizona, that the benefits under this bill don't kick in until 2014?

Mr. MCCAIN. Well, my understanding is, if you go out and buy a car today from any car dealer, you don't have to make payments for a year. You can get that kind of a deal if you want it. This deal is exactly upside down. You get to make the payments early, and then you get to drive the car after 4 years.

Mr. MCCONNELL. So the urgency, it strikes me, I would say to my friend from Arizona, is to get this thing out of the Congress before the American people storm the Capitol.

We know from the survey data, do we not, that the American people are overwhelmingly opposed to this bill? So what is the argument I keep hearing on the other side? I was going to ask my friend from Arizona: I hear the President and others say: Let's make history. Well, there has been much history made but much of it has actually been bad, right?

Mr. MCCAIN. I would also like to say, there is a history we should not ignore; that is, that every major reform ever enacted in the modern history of this country has been bipartisan, whether it be Medicare, whether it be Social Security, whether it be welfare reform, as we remember under President Clinton. Every major reform has been accomplished by Democrats and Republicans sitting down together and saying: OK, what is it we have to do? What kind of an agreement do we have to make?

Some of us have been around here long enough to remember that in 1983, Ronald Reagan and Tip O'Neill, a liberal Democrat from Massachusetts and the conservative Republican from California, sat down with their aides across the table and key Members of Congress when Social Security was about to go broke.

Why can't we, since there must be areas we agree on, now say to our Democratic friends and the President, rather than trying to ram 60 votes through the Senate, why can't we now sit down and proceed in a fashion—we will give things up. We are willing to make concessions to save a system of Medicare that is about to go broke in 6 years. We will make some concessions but get us in on the takeoff and don't expect us to be in on the landing when already the bill is written and the fix is in, as the fix apparently is in on the Dorgan amendment.

Mr. MCCONNELL. Could I say to my friend from Arizona, no one has done more in the Senate, in the time I have been here, to express opposition to and warn us about the perils of excessive spending.

As I recall, one of the things the Senator from Arizona told us after he came back following his campaign was, what the American people are concerned about is the cost of health care—the cost. Of course, we are also

concerned about government spending—the cost to consumers of health care and the cost to government spending. Dr. Christina Romer, a part of the White House's economic team, said on one of the shows yesterday:

We are going to be expanding coverage to some 30 million Americans and, of course, that's going to up the level of health care spending. You can't do that and not spend more.

Maybe she didn't get the talking points for yesterday's appearances. But we have conflicting messages out of the White House on this very measure.

In short, it is safe to say this is a confused mess, a 2,100-page monstrosity of confusion and unintended consequences. Yet they are in this rush to enact a bill—the benefits of which don't kick in until 2014—before Christmas Day this year. I am astonished at the irresponsibility of it.

Mr. McCAIN. Madam President, it is a remarkable process we are going through. I see that my friend from Tennessee is here. I know he, being the head of our policy committee and a major contributor to keeping us all informed and up to date, would also like to say something.

First, I will say something I had not planned on saying; that is, this has been a vigorous debate. I think we have been able to act in an effective way, which has been reflected in the polls of the American people who are largely opposed to this measure and greatly supportive of a process where we can all sit down together—with the American people in the room, to be honest—when we are talking about one-sixth of the GDP. The Republican leader's job has been compared by one of his predecessors to herding cats—I agree with that—or keeping frogs in a wheelbarrow. I have not seen the Republican Members on this side of the aisle as much together and as cohesive and working in the most cooperative and supportive fashion of each other since I have been in the Senate. For that, I congratulate the Republican leader.

Mr. McCONNELL. I thank my friend.

Mr. ALEXANDER. I congratulate the Senator from Arizona for his comments and his own leadership on this issue. I want to add my commendations to the Republican leader.

My thought is that the reason we are working so well together is because we are afraid our country is about to make a historic mistake. There is a lot of talk about making history. There are a lot of ways to make history. Put aside all of the laws about race—don't talk about them. When we talk about race, that is often misunderstood. We didn't fail to make a historic mistake on laws about race until the 1960s, when we began to correct those laws. Let's put aside all the historic mistakes we might have made in failing to stop aggression before World War II. We know about those mistakes. We can remember historic mistakes.

I ask the Republican leader if the Smoot-Hawley tariff sounded like a good idea when President Hoover pushed it in the late 1920s. We were going to raise tariffs on 20,000 imported goods, create more American jobs, and it created the Great Depression. The Alien and Sedition Act sounded like a great idea. That made a little history. Shortly after our country was founded, we made it a crime to publish false and scandalous comments about the government. It has never been repealed. Our Supreme Court said it was a historic mistake. Then there was the Medicare Catastrophic Coverage Act of 1988. I wonder if the Senators might have been here then.

So we are capable of making historic mistakes. As the Senator from Arizona has said very well, most Americans, if presented with a problem, would not try to turn the whole world upside down to solve it. They would say: What is the issue? The issue is reducing costs. We can all talk to family members and others—we know what they are paying monthly for premiums, and we would like that to be less, and we would like for the government's costs to be less.

Why don't we, as we have proposed day after day, and as the Senator from Arizona has said—why don't we go step by step in the direction of reducing costs.

I will not go into a long litany of proposals we have made. We can take five or six steps on small business health plans, reducing junk lawsuits against doctors, or buying health insurance across State lines. We should be able to agree on that instead of a 2,000-page bill that raises premiums, raises taxes, and seems to have a new problem every day.

I think the cohesion on the Republican side is not so partisan. I like to work across party lines to get results. That is why I am here. I am just afraid that our country is about to make a historic mistake, and we are trying to help and let the American people know what this bill does—what it does to them and their health care.

Mr. McCONNELL. The fear is palpable. In addition to the public opinion polls we have all seen, we are each having experiences with individuals. I will cite three.

I ran into a police officer—a long-term police officer, an African American. He came up to me and said: Senator, you have to stop this health care bill.

Then there are the health care providers. I see Dr. BARRASSO from Wyoming. Within the last week, I spoke to one of the Nation's fine cardiovascular surgeons. He said: Please stop the health care bill. This is going to destroy the quality of our profession. He told me of a friend of his, a neurosurgeon, who called him with the same concern.

I get the sense that there are an enormous number of health care providers—physicians, hospitals, everybody involved in the health care provider business—apparently, with the exception of the pharmaceutical industry, which seems to have cut a special deal—who are just apoplectic about the possibility that the finest health care in the world is going to be destroyed by this—as the Senator from Tennessee points out—''historic mistake.''

Mr. McCAIN. I will mention, also, on the issue of PhRMA, again, here we are in the direst of economic times, with a Consumer Price Index that has declined by 1.3 percent this year, and they have orchestrated a 9-percent increase in the cost of prescription drugs—that is remarkable—laying on an additional burden, which naturally falls more on seniors than anybody else since they are the greatest users of pharmaceutical drugs. I don't blame them for fighting for their industry. But the point is, what they are doing is harming millions and millions of Americans.

Again, about contributing to the cynicism of the American people, whether you are for or against the issue of drug reimportation, to cut a deal behind closed doors and then, apparently, because of support of an amendment by Senator DORGAN, go down and negotiate another deal—how do you describe a process like that?

Mr. ALEXANDER. Well, ''unsavory'' would be a minimum word that comes to my mind. The problem I have is that Americans have a perfect right to their view, and the pharmaceutical industry has a perfect right to advocate its point of view.

As I hear the Senator describe what has been going on, am I hearing correctly? I mean, the pharmaceutical industry is saying we don't like drug reimportation. The White House says: OK, we will cut a deal with you behind closed doors—as far as we can tell—and we will change the law this way, and then—

Mr. McCAIN. The original deal was published in every newspaper, and it was that they would close the so-called doughnut hole by some $80 billion. CBO said their profits would be reduced by some $100 billion if we allow reimportation. They had a $20 billion cushion.

Mr. ALEXANDER. So it is a negotiation between the White House, the President, and big industry about profits: I will do this, you do that, and then you go out—and my understanding is that you write in as part of the deal that the industry spends $150 million on television advertisements in support of the deal. Is that the deal?

Mr. McCAIN. But then, incredibly, they counted the votes. The votes were there to pass the Dorgan amendment. According to published reports, the pharmaceutical industry is negotiating with the White House and lawmakers on a revised health care deal under which the industry would ante up cuts beyond the $80 billion it agreed to this summer.

In other words, because that wasn't sufficient to get votes to kill the Dorgan amendment that would allow reimportation of drugs, they went down and renegotiated. What is that called?

Mr. ALEXANDER. Well, if I am remembering right, earlier this year the Republican leader made a talk on the Senate floor. The attitude of the White House toward a large company in Kentucky, as I remember, was: If you don't agree with us on health care, we will tax you. That was the attitude, it seems, to come out. If you don't agree with us, we will tax you, or we will make it difficult for you to do business. If you do agree with us, we will make a deal with you that affects your profits.

Mr. MCCONNELL. I say to my friends, beyond that, the administration basically told this company to shut up. They issued a gag order that was so offensive, even an editorial in the New York Times said it should not have been done. They could not communicate with their customers the impact of various parts of this bill on a product they buy, Medicare Advantage. The tactics have been highly questionable, it strikes me, from the beginning of the year up to the present. What Senator MCCAIN is talking about is just the most recent example.

Mr. MCCAIN. Can I also give you this to illustrate it graphically? In this news report, several lobbyists told Inside Health Policy—that is the organization that is reporting this—they have heard that the Pharmaceutical Research and Manufacturers of America may have already reached a deal with the White House and AARP to close the Senate bill's coverage gap by 75 percent versus the 50 percent under the current bill. PhRMA declined to confirm the reports that it may be agreeable to reforms that would further close the doughnut hole but signaled discussions were underway, and AARP said no agreement has been reached. We haven't seen a deal.

Here are our old friends at AARP at it again. They are at it again.

Mr. MCCONNELL. Will the Senator yield for this point?

Mr. MCCAIN. Yes.

Mr. MCCONNELL. Is that the same AARP that would, I am told, actually benefit from the decline of Medicare Advantage because they sell policies themselves that would be more likely to be purchased by seniors? Is that the same AARP?

Mr. MCCAIN. When you lose Medicare Advantage, as Dr. BARRASSO will fully attest, then you are almost forced into the so-called Medigap policies, which then cover the things that are no longer covered under Medicare Advantage, such as dental, vision, fitness, and other aspects of Medicare Advantage.

So if you destroy Medicare Advantage, then people will be forced into the Medigap policies. Who makes their money off Medigap policies? AARP.

Mr. SESSIONS. If the Senator will yield for a question about this deal with big PhRMA, a few days ago I made reference to and quoted from a scathing editorial by Robert Reich, who served as Secretary of Labor in the Clinton administration, who is a leading intellectual liberal Democrat who criticized these deals in the most scathing terms. He used words I was reluctant to use on the floor—as my colleague said, ''unseemly,'' whatever. I would say it goes beyond that. He used the word ''extortion.'' I don't think he used that word lightly.

I think it is the kind of process—the Senator has been here and many who are on the floor now have been here for a long time—but it seems to me this is pushing the envelope on dealmaking to the point that really is a dangerous step. It goes beyond anything we should countenance, in my view.

Mr. MCCAIN. I agree with the Senator. Again, I would like to ask Dr. BARRASSO because he has treated patients who are under Medicare Advantage. Before I do, I want to say again that the whole process has been wrong. The process of going behind closed doors; the process where, after nearly a year of addressing this issue, the distinguished—and he is a fine person, a fine Senator from Illinois—the No. 2 leader in the majority, in a colloquy I had with him just 2 days ago, said no one knows what is in the bill. He said no one knows what is in the bill. This is after a year. It is wrong. What it does is—this issue is vital, but it destroys the confidence of the American people to be truly represented here to have their interests overridden by the special interests, of which PhRMA and this deal that is going on right now is a classic example. I ask Senator BARRASSO.

Mr. ALEXANDER. Before Dr. BARRASSO speaks, just listening to the Senator from Arizona, it seems to me it puts the Democratic leadership in the extremely awkward position of even its leadership—proposing a bill that affects 17 percent of our economy and the leadership of the Democratic Senate doesn't yet know what is in the bill, we certainly don't know what is in the bill, and they are in the awkward position—at least they have been the last few days—of filibustering their own bill at a time when they are insisting that we pass the bill before Christmas, which we can hear the sleigh bells ringing. It is just a few days before that happens.

Mr. BARRASSO. It seems, as we are on the Senate floor talking—

Mr. MCCAIN. May I interrupt? I ask unanimous consent that the Senator from Tennessee take over this colloquy.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. MCCAIN. Go ahead. I am sorry.

Mr. BARRASSO. It seems to me, as we are on the Senate floor discussing the issue wide open—any American can come in here and listen to us—hidden behind closed doors is the other party, maybe sharing what is in the secret negotiations, maybe not, because it sounds as if a number of their members don't know.

What I do know from practicing medicine for 25 years and taking care of families around the State of Wyoming is that people depend on Medicare for their coverage. There are seniors who depend on Medicare and Medicare Advantage. The reason they call it Medicare Advantage is because there are advantages to being in it. It coordinates care. It helps with preventative care, which is not part of the regular Medicare Program.

Yesterday, I heard my colleague from Arizona say there are those who want to shut down Medicare Advantage—AARP, he said—because they are the ones to benefit and profit if, in fact, Medicare Advantage is lost to the seniors in this country. Madam President, 11 million Americans depend on Medicare Advantage. Yet they are losing because of a vote this body took. This body voted to strip $120 billion away from our folks who depend on Medicare Advantage.

I know the Senator from Arizona has another important point he wants to make.

Mr. MCCAIN. The point I want to make is this process has turned into something, again, like I have never seen before. I was just handed this FOX News, just-reported breaking news that HARKIN said—I guess referring to the Senator from Iowa—HARKIN said that Medicare buy-in and public option are now dead. I don't know what to say except it seems to me they are just throwing everything against the wall and seeing what sticks and what doesn't stick. This is really, again, one of the most astounding kinds of situations I have observed in the years I have been in the Senate. Medicare buy-in is dead, public option is now dead.

What I would like to see is that HARKIN would report that now Republicans and Democrats will sit down together and try to work out something of which the American people would heartily approve.

Mr. BARRASSO. I have great concerns about the health care availability for the people of our great country. This is a front-page story in the Wyoming Tribune Eagle on the 13th: ''Doctor shortage will worsen.'' That is what I am worried about. I am worried about the patients at home. I am worried about the folks in Arizona, Alabama, and Tennessee. ''Doctor shortage will worsen.'' ''It is estimated that as many as one-third of today's practicing physicians will retire by 2020'' and provider shortages will continue to increase. It says that based on health care so-called reforms they are proposing, the strain on certainly Wyoming's physician shortage will even possibly lead to longer wait time for appointments as patients travel even farther for care.

As I look at this bill that raises taxes $500 billion, cuts Medicare $500 billion, and causes people who already have insurance—insurance they like but they are concerned about the cost—they will see the cost of their premiums going

up. There is very little in this bill that I think the American people would be interested in having for themselves.

The President has made a number of promises. He said: I won't add a dime to the deficit. Eighty percent of Americans do not believe him. Recent poll, CNN: 80 percent of Americans don't believe the President on that point. How about taxes? With taxes, he said he won't add a dime to your taxes. Eighty-five percent of Americans don't believe him there. They believe their taxes are going to go up. Yet they don't believe the quality of their care will be better.

So when we talk about a bipartisan solution, we want to improve access to care, we want to get costs under control. This bill raises costs.

Mr. ALEXANDER. I see the Senator from Idaho is here. We both had the experience of being Governors, as did the Presiding Officer in her State of New Hampshire. We were talking the other day—and I hope he doesn't mind me repeating that—I worked with a Democratic legislature the whole time I was Governor. But what we always did on anything important was we sat down together. We had our different positions, we fought during elections, but we worked things out. We didn't go forward unless we found a way to agree. That meant I usually didn't get my way. I got some of my way, but I had to take into account that someone else—in this case, the Democratic legislature in Tennessee—might have a different idea. Sometimes it was a better idea.

I ask the Senator from Idaho, we talk a lot about bipartisanship around here. The reason for bipartisanship is that these big bills are tough bills. We are expected to make difficult decisions: Are we going to reduce the growth of Medicare? Are we going to expand Medicaid? Are people going to be required to buy insurance? What are we going to do about health care premiums? Many of these decisions are controversial.

When the American people look at Washington and they see that just one side of the political spectrum is pushing a bill through and the other side says: Absolutely not, what kind of confidence is that going to give the American people? On the other hand, if they look at Washington as they did with the civil rights legislation we talked about in the 1960s when Lyndon Johnson, a Democrat, was President and Everett Dirksen was the Republican leader, they saw the Republican leader and the Democratic President saying: OK, this is a tough problem, but we have a solution with which we both agree. Then the American people had some confidence in that.

Bipartisanship is not just a nice thing; it is a signal to the American people that people of different points of view think a controversial decision is in the country's interest. Isn't that totally lacking here? Isn't that bipartisanship signal lacking across the country?

Mr. RISCH. I thank the Senator. I am astonished at the process that is involved here. If one steps back and has a look at this from 30,000 feet and you look at what we are doing here, what we are doing here is—and I say ''we'' but it is actually the other side of the aisle—what the other side of the aisle is doing here is attempting to entirely revamp the health care system of this country and they are doing it all in one bill, which we think is a mistake. It should be broken into its component parts. The bill contains and attempts to address quality, cost, accessibility, and the insurance industry all put into one bucket and stirred and expected to resolve all of these problems at one time.

If you look at what has happened here, the House produced three bills, a multithousand-page bill. Those bills were stirred around over there, and eventually in the dead of night they finally got one of them passed with one or two votes to spare. Then it came over here. There were already two bills over here.

The two bills were produced through the committee process. The committee process is a very good process by which we produce bills. Admittedly, both of those bills were heavily skewed to the Democratic side, and all of the Republican amendments—or virtually all of the Republican amendments, certainly all the significant amendments—were voted down on a party-line basis.

Those two bills came out of those committees. One would expect that then they came to the floor and would go through the process. But, no, the two bills were taken over to the majority leader's office, doors shut, curtains closed, and various people were brought in. We don't know who, we don't know how, we don't know what the negotiations were, but at the end of the day, a third bill over here was produced, and it is 2,074 pages long. It is usually kicking around here on the desks. I see they removed most of them. I suspect they removed most of them because most people were afraid they were going to fall over and hurt somebody. These were 2,074 pages that were put together. Nobody really knows exactly what is in them. There are some generalities that we know, but we don't know all the specifics.

Then what happened is a week ago, they decide they will put 10 people in a room, leave the rest of the 90 of us out, and they will try to come up with some type of compromise. And they did. The next day, I got calls from home: I guess it is over; they put out an announcement; they have a compromise. I said: That is news to me. I don't know what is in it. I started to make some calls. Nobody would release the details of what this supposed compromise is.

Remember, in the last election we were promised things would be changed. Change we could believe in. These things would be done out in the open, without lobbyists coming and getting their input in the bill behind closed doors. That is exactly what has been produced. You have a secret document that has been produced that we have not even seen.

In spite of all this, the other side is saying: By golly, we are going to produce a bill before Christmastime. Christmas is coming, and Christmas is very close.

I can tell you, after looking at these 2,074 pages—not looking at the compromise because we are told we cannot see it—it would be reckless, absolutely reckless to shove down the throat of the American people something that has been put together in secret, something that has been put together in the dead of night, something they will not let us look at and examine, and to say: We are going to take this now and shove it down the American people's throats before Christmastime.

This is not a Christmas present the American people want. If you don't believe me, all you have to do is look at the polling. The polling shows every single day support for this bill deteriorates. It deteriorates amongst Republicans, amongst Democrats, and amongst Independents. The last poll, I think, was up to 61 percent of the American people said: Don't do this to us.

We need health care reform in this country. We want health care reform in this country. But this monstrosity that has been produced, and whatever it is they are going to drag out of the alley tomorrow and say: This is what we are going to vote on now, is not what the American people want.

I have a message for those on the other side from the American people: Don't do this to us. Stop. Bring some sanity into this. Do it right.

I yield the floor back to my good friend from Tennessee.

Mr. ALEXANDER. Madam President, may I ask the Senator from South Dakota, unless the Senator from Arizona wants to, to lead the colloquy.

Mr. McCAIN. If I can speak for just about 10 seconds.

Mr. ALEXANDER. Let me ask the Senator from South Dakota to lead the colloquy on the Republican side.

Mr. McCAIN. Very briefly, I say to my friends, apparently, if the news reports are right, the public option and Medicare is out. That is an interesting twist, and again, I think affirmation that they are just throwing things against the wall to see if anything sticks. But it doesn't change the core of the bill, which the Senator from South Dakota has been so eloquent about, and that is the $½ trillion in cuts from Medicare and increases in taxes.

So you can take the public option out or leave it in, and it still doesn't change the fundamental fact that it is going to restructure health care in America and do nothing to reduce the cost and nothing to improve the quality. I just wanted to make that comment and ask for comment from the Senator from South Dakota.

By the way, could I just mention, I haven't quite seen anything on the floor of the Senate as I saw when the Senator from South Dakota was challenged earlier today. I was watching the proceedings on the floor, and I wonder if the Senator from South Dakota would like to maybe respond to accusations of misleading information, I guess is the kindest way I could describe it.

Mr. THUNE. I appreciate the Senator from Arizona yielding and the discussion of all our colleagues on the Senate floor this evening, pointing out how flawed this process is and that it is being conducted behind closed doors in contradiction of all the promises and commitments that were made that this would become a transparent and open process. I think the Senator from Arizona has been great at holding the other side accountable when it comes to all these pronouncements about how this was going to be an open, transparent process, and that is just not the case. There is something going on right now that we are not privy to, and I think at some point they are going to throw something, as the Senator from Arizona said, at the wall, hoping that the latest thing will stick.

But I do want to make an observation with regard to the discussion held earlier today because a Member from the other side—the Senator from Minnesota—had indicated that he thought this chart was somehow inaccurate or misleading, and I want to point out again, Madam President, that the chart is very accurate. In fact, the taxes in the bill begin 18 days from now, on January 1 of next year. January 1, 2010, is when the taxes in this bill begin.

In fact, almost $72 billion of taxes will have been collected before the benefits that start to kick in will be paid out—the premium subsidies that are going to support the exchanges, that are supposedly going to help those who don't have insurance get access to it. That is 1,479 days from now.

The Senator from Minnesota got up and said, and I quote: We are entitled to our own opinions; we are not entitled to our own facts. The fact is, benefits kick in on day one. The large majority of benefits kick in on day one, and we shouldn't be standing up here with charts that say the exact opposite.

Well, Madam President, it is not me saying this; it is the Congressional Budget Office. The Congressional Budget Office has said that 99 percent of the coverage spending in this bill doesn't kick in until January 1, 2014—1,479 days from now.

Now, I ask my colleagues, and most Americans around this country: Do you think it is fair to construct a bill that in order to understate its total cost starts raising taxes in 18 days, but doesn't start delivering 99 percent of the coverage benefits until 1,479 days from now?

If the other side wants to have an argument about whether 99 percent of the coverage benefits kick in in the year 2014 or 100 percent, I am happy to have that argument. The point is simply this: Taxes start 18 days from now—tax increases—so that $72 billion in taxes will have been imposed upon the American people, and the benefits 1,479 days from now.

So, Madam President, I want to make that point and refute the argument that was made by the Senator from Minnesota that a large majority of benefits kick in on day one. Ninety-nine percent of the benefits don't kick in until later.

Incidentally, I have an amendment on which I hope we will get a chance to vote that delays the taxes until such time as the benefits begin. We think it is only fair to the American people that we synchronize the tax increases with the benefits. Many of us don't support the tax increases in the first place, which is why we will be supporting the Crapo amendment to recommit the tax increases back to the committee to get rid of them. But if you are going to have tax increases and start raising revenue immediately, you ought to start paying out the benefits today, or at least delay the tax increases so the benefits and the tax increases are synchronized. That, to me, is a fair way to conduct and do public policy for the American people.

The reason it was done this way, let's be honest about it—and the newspapers have made it pretty clear in some of their statements—for instance, the Washington Post states:

> The measure's effective date was also pushed back to the year 2014. That projection represents the biggest cost savings of any legislation to come before the House or Senate this year.

The measure's effective date was also pushed back. They keep pushing the date back to understate the cost. The reason they want to start collecting revenue right away and not start spending until later is because they know if they start the spending early on, they are going to start inflating significantly the cost, and the goal was to try to keep it under $1 trillion. We all know now, and they have acknowledged, the 10-year, fully implemented cost of this isn't $1 trillion, it is $2.5 trillion.

The American people deserve to know the facts. That is the fully implemented cost. The only reason they can say in the 10 years it comes in at $1 trillion or thereabouts is because the tax increases started January 1, 2010, and the benefits—99 percent of the benefits—don't start kicking in until January 1, 2014.

So I thank the Senator from Arizona for giving me the opportunity to clarify that. It is important we make this debate about the facts. I have tried to do that when I speak, and I am happy to have the opportunity to restate the facts as they exist and as they have been presented to us by the experts—by the Congressional Budget Office and by the CMS Actuary, both of whom have concluded the same thing when it comes to the benefits and the impact this will have on premiums in the country. I think that is probably the most devastating blow to the argument the other side has made in support of this bill—when the CMS Actuary came out last week and said this is actually going to increase the cost of health care in this country by $234 billion over the next 10 years.

So, Madam President, I am happy to yield. I see a number of our colleagues on the Senate floor, and the leader is here as well, and I would certainly yield time to the leader.

Mr. MCCONNELL. If I could, Madam President, Senator MCCAIN and I had an opportunity to talk off the floor about things that may be in or out of the current Reid bill. It is over there behind closed doors.

Whether things are popping up or being left out, and whether any of that is significant, I would say to my friend from Arizona, it doesn't make a whole lot of difference, does it? Because the core of the bill, that which will not change, has not changed in any of these various iterations of Reid that we have seen, with $½ trillion in cuts in Medicare, $400 billion in new taxes, and higher insurance premiums for everyone else.

I would ask my friend from Arizona, if he thinks any of that is going to change?

Mr. MCCAIN. I would respond by saying whether the public option is in or out or whether expansion of Medicare is in or out, the core of this legislation will do nothing to reduce or eliminate the problem of health care in America, which is the cost of health care not the quality of health care. In fact, it will, in many ways, impact directly the quality of health care, increase the cost, as we all know, by some $2.5 trillion, according to the chairman of the Finance Committee.

But I also want to point out the back and forth of this—is it in there, is it out? Well, let's try this. Who, up until a week ago, ever heard we were going to expand Medicare? Now it is out, now it is in. We used to have hearings around here, proposals, witnesses, and then we would shape legislation, which would be amended in the committee, and then brought to the floor and amended on the Senate floor. Here we have to get news flashes to know whether the public option is in or out, whether Medicare expansion is in or out. Again, this is kind of a bizarre process.

But my friend is right; it doesn't affect the core problem with this legislation, which is that it does not reduce cost, and it increases the size and scope of government and the tax burden that Americans will bear for a long period of time, including, by the way—and, again, I don't mean to sound parochial, but there are 337,000 of my citizens in the Medicare Advantage Program. The other side has admitted that the Medicare Advantage Program will go by the

wayside. That is affecting a whole lot of people's lives, I would say, and that is in the core of the bill. That will not be changed by expansion of Medicare or with a public option or with no public option.

Mr. THUNE. Would the Senator from Arizona yield? I see a number of our colleagues and the leader.

I would simply add that this idea of expanding Medicare, which just emerged last week, was a bad one, and one even I think a lot of the Democratic Senators have come out in opposition to, which is why we are now back to the drawing board. But this relentless effort to try to tweak this bill around the edges, to somehow get that 60th vote, doesn't do anything to change the fundamental features of the bill, which the leader and the Senator from Arizona have been talking about, and that is the tax increases and spending.

Mr. MCCAIN. If I could just mention this. Over the weekend, obviously people watched football games. I was obviously pleased to see my alma mater prevail over those great cadets at West Point. We have a tendency to divert our attention—even seeing, for a change, the Redskins winning a football game—but what we talked about late last week is vitally important. The Centers for Medicare and Medicaid Services had some devastating comments to make.

This is the organization that is tasked to provide us with the best estimates of the consequences of legislation—specifically Medicare and Medicaid.

The CMS, referring to this bill, said:

> . . . we estimate that total national health expenditures under this bill would increase by an estimated total of $234 billion during calendar years 2010 to 2019.

It goes on and on and talks about the devastating effects of this legislation, whether the public option is in or out, whether we expand Medicare or not. It is remarkable information that is in this study, a study being ignored by the other side. Clearly, what is happening on the other side is only one Senator is throwing proposals back and forth to the CBO until they get something that perhaps looks like it might be sellable. But the CMS has already made their judgment on this legislation.

Mr. CORKER. If I could respond to that, I have only been around here by about 3 years, but I passed an incredible scene—I think many of you coming to the floor may have seen it—a huge gaggle of journalists and reporters and folks waiting outside a room where our colleagues are meeting. There is reason this bill does not lower cost. I came from a world where if you had a problem, you identified what the problem was and then you had sort of a central strategy that you built out to try to lower cost, which I think is what all of us thought that health care reform should do—let's lower cost and create greater access for the American people.

Well, instead of that, we have had a process where it has been literally like 50 yellow stick-ums were put up on the wall to figure out how they could get 60 votes. There hasn't been an attempt to actually lower cost. There hasn't been an attempt to try to create a mechanism where Americans can actually choose, with transparency, the type of plans that work for them. Instead, it has been a game from the very beginning of trying to get 60 votes, and that is why none of the goals, except for one, has been achieved that they set out to achieve.

This is going to drive up premiums, it is going to add to the deficit, and it is going to make Medicare more insolvent, which is pretty incredible because when I got here there was a bipartisan effort to make Medicare more solvent. Instead we are using money from that to leverage a whole new program with unfunded mandates to States, new taxes, as the Senator from South Dakota was talking about.

So, again, what is happening in this room, and the reason I bring up the 50 yellow stick-ums on the wall, some of which were circled to try to get votes, that is what this has been about from day one. What is happening in the room right now is they are sitting around not dealing with the core of this bill, which is very detrimental to our country. But they are in this room trying to figure out which yellow stick-ums will get them the 60 votes. In the process, doing something that is going to be very detrimental to this country.

Mr. MCCONNELL. It could be the reason they are so anxious to do this before Christmas is they think Americans will be too occupied with the holiday season and somehow they can sneak this unpopular bill through and everybody will be busy opening presents or taking care of their families and somehow the American people will not notice.

I suggest to my colleague, I think this is going to be a vote that will be remembered forever. This is going to be one of those rare votes in the history of the Congress that will be remembered forever.

Mr. MCCAIN. If I could, before my friend from Alabama, I wonder also, when we are talking about dropping expansion of Medicare as is reported by news reports—I don't know; we have not been informed—could it possibly have anything to do with the fact that the AMA came out in opposition to it? Could it have anything to do with the fact that the American Hospital Association came out in opposition to it? Of course, that the PhRMA situation is a parliamentary procedure that is awaiting action on the floor speaks for itself.

Mr. SESSIONS. I agree with the Senator completely. As Senator MCCAIN already said, it is baffling. Here we are, all these weeks, and now we are being told the public option is being dropped? Today? And maybe this expansion of Medicare? Oh, we just changed our mind on this? On a bill that is designed to reorganize one-seventh of the entire American economy? This is how we are being led here? I say to Senator MCCAIN, it is historic. I think the American people have rejected this plan.

The numbers do not add up. The money is not there to pay for these schemes. I think the American people know it. So I guess I would suggest—my colleague from Tennessee, Senator ALEXANDER, is not here—rather than jamming forward before Christmas, isn't it time to slow down and think this thing through and start over in a step-by-step process that might actually produce some positive change in health care in America?

Mr. MCCONNELL. Absolutely. That is what Senate Republicans have said for quite a while. Let's start over and go step by step to deal with the cost issue. Instead, there is this consuming desire on the other side of the aisle to transform one-sixth of our economy, to have the Government take it over and to make history and, as has been pointed out in this colloquy by many Senators: There are many things that happened in our history that we wish had not occurred. This is certainly going to be one of them.

I am optimistic. We just need one Democrat, just one to stand up and say: Mr. President, I am sorry, this is not the kind of history I want to make. I would love to listen to you but I also want to listen to my constituents and it is very clear where my constituents are. If I have to choose between you and my constituents, with all due respect I am going to pick my constituents. Just one Democrat needs to stand up and say I am willing to listen to the American people rather than arrogantly assume that all the wisdom resides in Washington.

If we figure this out, we are going to do it for you whether you want us to or not.

Mr. RISCH. I want to add to what the Republican leader has said. I think there is this push to get this done before Christmas because they think people are not watching. People are watching. If you look at the poll, the poll is moving. It is moving in the wrong direction for them, but it is clearly moving.

More important, I have news for the people on the other side. If they think this is going to go away after Christmas, they have another ''think'' coming. This is one of the largest issues to be debated in this room for a long time. Every senior citizen in America is going to wake up after Christmas and say: Wait a minute, let me get this straight. Those people in Washington, DC cut $500 billion out of Medicare? Don't they care about me? The system is already going broke and they took $500 billion out of Medicare, benefits I have paid into all my working life, and transferred it over to start a new program, a new social program that also is not sustainable? What is wrong with those people?

This discussion is going to go on. Because of the complexity of this, because of the size of this bill, there are going to be news stories every single day from now until November 2 of 2010. My friends, November 2 of 2010 is coming a lot quicker than you think. By the time you get there you are not going to be able to run from this vote. The American people are wisely going to respond and they are going to tell Washington, DC, through their voting what they think of what happened in this debacle that is called health care reform. It is misnamed, health care reform. It is higher taxes, higher insurance premiums, it is stealing from the Medicare Program, and it is creating a new giant Washington, DC bureaucracy.

The American people do not want this.

I yield to my friend from Wyoming.

Mr. BARRASSO. It is interesting because what you are doing now is fundamentally talking about the core of the bill, the core that cannot be changed as they drop this or add that. It is the core that led the dean of Harvard Medical School to say this bill, the core, is going to make spending worse. It is going to drive up spending and it is going to not improve quality.

This physician at Harvard has said people who are supporting this are living in collective denial. It is no surprise that the American people are very skeptical, very suspicious. It is why the dean at Johns-Hopkins Medical Center this past week wrote an editorial that said ''this bill will have catastrophic effects'' and it will do more harm than good. We are talking about the health care of the people of our country.

Mr. SESSIONS. Will the Senator yield? Those two deans are saying that the entire promises of this bill—that it would reduce cost and improve quality—both are not true?

Mr. BARRASSO. That is what we are hearing from the deans of medical schools. It is what I hear at home all the time. People in Wyoming read this and say this is wrong. This is going to make it harder for doctors to practice, harder for us to recruit doctors, harder for hospitals to stay open. We are saying in Wyoming—the Washington Post said it on Saturday, ''Medicare Cuts Could Hurt Hospitals, Expert Warns.'' We are seeing that affecting the quality of care. We are seeing it in terms of will we have a doctor shortage? Will that worsen? We are going to deal with that at home, but people are seeing it all across the country because fundamentally this bill is flawed. It does not address the sort of concerns we have, and we are trying to get costs under control. This will drive up costs. We are trying to help improve the quality of care. This will not improve the quality of care. We are hoping to improve access for patients. This will make it harder. This will make longer waiting lines, this will limit people's choices, it will limit care in the rural community. I know about those in Wyoming. You know about them in Alabama.

When we read the report by the Actuaries from the committee that oversees Medicare—and they didn't rush to do this. They are talking about the bill that now has been out, the 2,000-page bill that has been out for people to read for 3 weeks. It took them 3 weeks to do the report because they wanted to do a very thorough evaluation and they looked at it, and they said we think one out of five hospitals in the United States will end up closing within 5 years and one out of five doctors offices will close if this goes through. This is what the Democrats are proposing, something that is going to lead to one in five hospitals closing, one in five doctors offices shutting their doors, saying we can't continue to keep the doors open under these circumstances.

This report has said the whole effort to drive down the costs of care is wrong. At its core it is wrong; that the cost of care is going up if we pass this bill that is ahead of us now, regardless of the little changes they may make at the periphery. At the core this is going to drive up the cost of care. At the core it is going to cut our seniors who depend on Medicare for their health care.

Medicare is going broke. This is not going in any way to help that. It is going to make it worse. Then if they try to put more people into that Medicare ship that is already sinking, that is going to make it worse as well.

Plus the way they try to solve this, to say we are going to cover all these new people, many of them, the majority of them are going to be put on Medicaid—Medicaid, a program that Governors across the political spectrum have all said is a failed program, a program that is driving the States into bankruptcy, a program that Governors call the mother of all unfunded mandates—that is the way they are trying to get the costs down, by putting the cost on the States.

It is still the same people of America who have to pay those bills, whether you are paying your taxes here or there. Plus they are going to raise taxes. This report from the Medicare Services Group looked at that and said all of those taxes are going to go up, $500 billion in taxes. Of course those are going to get passed on, so people of all different income brackets in the United States, all people are going to get hit with those taxes. Some people may see a little benefit, but by 4 to 1, four times as many people are going to get taxed as people who are going to see any benefits.

We are looking at a program, a core fundamental of a bill that to me is fatally flawed—fatally flawed—that will raise prices, raise insurance premiums for people who have insurance, cut Medicare and raise taxes. And you say, how could people support that?

We need the solution to improve quality, get costs under control and improve access. This does not do any of those things. Plus it starts collecting taxes, as my friend from South Dakota said—it starts collecting taxes in 3 weeks but yet doesn't give services for 4 years.

Mr. CORKER. If the Senator will yield, I was listening to him talk about this bill being fundamentally flawed, which it is. I think back about the comments Senator MCCONNELL said on the floor, and I think ORRIN HATCH, from Utah, the other day expanded on it. Anything that is this major, this major of a reform that we are going to live with for generations, should be done in a bipartisan way. I know Senator HATCH talked about the fact that something of this size should have 70 votes, to pass a bill that will stand the test of time.

Earlier today I heard a friend on the other side of the aisle talk about the fact that Republicans walked away. I don't look at it that way. But I remember very early on when we saw the basic, fundamental building blocks of this bill, almost every Republican Senator wrote a letter to Senator REID, our majority leader, and told him if there were going to be Medicare cuts that were used to leverage a whole new entitlement, we could not support the bill. So what did the majority leader and the finance chairman, MAX BAUCUS, do? They used that as one of the fundamental building blocks of this bill. That is paying for 50 percent of this bill—taking Medicare cuts, a program that is insolvent, and using it to leverage a new program.

What I would say—and I see the leader here on the floor—I agree a bill of this size has to have bipartisan support. I don't know how you get bipartisan support, though, when almost everyone in our caucus wrote a letter in the very preliminary stages of negotiation to let them know that we considered that to be a fundamental flaw; we considered that not to pass the commonsense test. Yet it has been the major building block in causing this bill to come to fruition or to come to where it is today.

Mr. MCCONNELL. The Senator from Tennessee is entirely correct. We made a major effort. Senator GRASSLEY and Senator ENZI, the two ranking members of the relevant committees, as well as Senator SNOWE, were in endless discussions with the majority. Then it became clear that they were not interested in doing anything short of this massive restructuring of one-sixth of our economy, which includes, as the Senator indicated—we expressed our concerns early about these $½ trillion cuts in Medicare to start a program for someone else.

I would go so far as to suggest the reason the public's reaction to this has been so severe is because they have chosen such a partisan route. Had they chosen a different route, had we produced a bill in the middle, a bill much more modest in its intention rather than this audacious restructuring, the American people would see us behind it and they would be behind it.

By choosing this sort of narrow ''my way or the highway'' approach, ''we are going to get the 60 votes and jam you,'' they have made it impossible to make this a proposal that they could sell to the American people.

The American people are not foolish. The difference between this issue and most issues is everybody cares about health care regardless of age. The older you get the more you care about it, but everybody cares about health care. But they are paying attention and they see that this is not in any way a bipartisan proposal. So they have created for themselves not only a terrible bill, in my judgment, that should not pass and probably will not pass, but an enormous political problem for themselves along the way that would have been entirely avoidable had they chosen a different route from the beginning.

Mr. CORKER. I think the fact is the two parties certainly have differences. We are seeing that by the huge amount of spending that is taking place right now. But the fact is, when we come together around bills, we do things that can stand the test of time.

When we do that, it is not about political victory, it is about us airing our differences and seeing those places where we have common ground. I have watched each of you in your deliberations on the floor. I know very early on we talked about the fact that if we could just focus on the 80 percent we agree upon, we could pass a piece of legislation that would stand the test of time. Maybe it wouldn't solve every problem in the world, maybe it wouldn't go from end zone to end zone, but maybe if we went 50 yards down the field, it was 50 yards of solid gain for the American people, something that would stand the test of time, then we could come back and maybe get another piece of it as we moved along.

I know almost everyone in this room has been a part of discussions to increase access, increase competitiveness, to drive down cost, to increase choices. This may be historic, if it passes. I actually still believe there is a chance that some of our friends on the other side of the aisle will realize that this is historic. But what is historic about it is this: If we pass this bill or if the Senate passes this bill, we will have missed a historic opportunity to work together and do something that will stand the test of time. All the energy would have been expended on a bill that does not pass the commonsense test, where the basic fundamentals are flawed.

This issue will not come up again for a long time. I know how the calendar on the floor is. I certainly know about the patience of the American people. But the history part of this, we will have missed a historic opportunity to do something that will be good for the American people. That is the part, I guess, that bothers me the most.

Mr. THUNE. Madam President, the Senator has been the mayor of a goodsized city, a small businessperson, actually probably bigger than a small businessperson. But if you were running a business and you were in an environment such as we are in today, a tough economy, trying to figure out ways to cut back on your costs and figure out a way to sell a little bit more of whatever it is you are making or doing, and somebody comes to you and says: We are going to reform health care and we want to do something that will get health care costs down and yet what they are selling is going to raise your taxes and, according to the referees—the Actuary at the Center for Medicare Services is sort of a referee in all this; they don't have a political objective; they simply want to get the facts out. Of course, that is the role that is played traditionally in Congress by the CBO, both of which now say—the CBO says it is going to increase health care spending by $160 billion over the first 10 years and the CMS Actuary is now saying it will increase health care costs by $234 billion over the first 10 years. You also have now the CMS Actuary saying it could close 20 percent of the hospitals, that 17 million people who get their insurance through their employers are going to lose it, that the Medicare cuts are not sustainable on a permanent basis in this legislation, and that a lot of these tax increases are being passed on in the form of higher premiums which will mainly be borne by people trying to provide insurance. If you are sitting there as a businessperson—and you have been there—and you are looking at that balance sheet and that income statement and somebody is trying to sell you on an idea about health care reform that has the features I mentioned, how do you react to something such as that? I see what small business organizations are saying, but the Senator has been there. Tell me how you view it.

Mr. CORKER. I met with a businessman in Tennessee on one of my more recent trips. They have an annual payroll of $4.2 million—their health care costs are $4.2 million a year for their employees. They file their tax return as a sub S company. The income from the company actually ends up being attributed to the partners. So when they file an income tax return, they don't take the money out of the company. They leave the money in to invest and make sure it is productive and they have jobs for other people. But that income is attributed to them. So he was showing me what this bill did to them. First, their percentage of health care costs is 12 percent of their payroll. He is way above the minimums this bill has said you have to be. I think it is 7 percent or something such as that. By the time he looked at the taxes that were going to be assessed to them because they filed—in other words, it was, again, their individual income, even though the money stayed in the company itself. What he was saying is: This means not only will we not hire any additional employees, we are not going to do that. But in addition, we are going to seriously look at dropping our health care plan and paying the penalties that come with this bill. I do fear, one of the things people do when they see that the government—a lot of companies in this country do things because they think it is the right thing to do. But a lot of companies, when they see government sort of mandating what they have to do or if they don't do that, there is an option for them to opt out and pay a penalty, when they feel like the government is being intrusive, sometimes they decide: Look, I am not going to do this anymore.

What I would say, to answer the Senator's question is: No. 1, you end up depressing people's wages when you have these huge increases. Because at the end of the day, you have to have a profit to operate. You encourage people who are trying to do the right thing. You tax people at a level that, because of the way our taxation system works, takes money out of the company which, again, is used for productive good and to hire employees. At the very time when we are trying to create jobs—and I know you have been out here a great deal talking about the fact that we need to create jobs—we have legislation. This legislation that is before us is a job killer. The uncertainty of American companies about health care and then the fiscal issues and then this whole notion of cap and trade is, in fact, what resoundingly people across the country are saying is keeping them from hiring people.

Mr. MCCONNELL. I hear—and I know my colleagues have—they are about to send us another stimulus bill. I think I hear the Senator from Tennessee saying the single most important thing we could do to jump-start this economy would be to stop this job-killing health care bill.

Mr. CORKER. There is no question—and return to certainty. The fact is, people, businesspeople—and I know sometimes it is hard for the other side of the aisle to see this, but it is all about the cost of delivering goods; secondly, understanding what the environment is going to be into the future. This body has been so active and this President so active producing legislation that is a job killer, No. 1, but also producing such uncertainty that they are afraid to hire. That is, again—I know I have said this before—resoundingly, that is the No. 1 reason people are not hiring people on Main Street.

I do hope we stop this. I do believe this directly will kill jobs. But I also hope we will stop it and the American people will see we are working on things that save money and not things that cost money and take money out of businesses' pockets, out of Americans' pockets, which, by the way, that works hand in hand from the consumption standpoint. But this body doesn't seem to have gotten that message yet. I am feeling that a few of my friends on the other side of the aisle are greatly concerned. I hope, as the leader has said,

we can stop this but then work together on something that lowers cost so businesses will actually have a desire to hire even more people.

Mr. BARRASSO. I would like to ask my colleague, we are talking about a job-killing bill, and we are not talking about a couple of jobs. The National Federation of Independent Business estimates that mandating that employers provide health care will cost 1.7 million jobs over the next 4 years, between now and 2013. We are not talking about a couple jobs, 1.6 million jobs when our unemployment rate is already 10 percent. When I look at this as a job-killing bill, bad for our economy at a time when the No. 1 issue I hear about at home are jobs and the economy, that is another fundamental reason to take a look at a bill that at its core is fatally flawed and say: Don't do that right now. Our economy can't afford it. The jobless rate, we cannot afford to see that number get worse.

Mr. CORKER. It is amazing the Senator brings that up. If he remembers, during the General Motors and Chrysler debate, which I know Americans equally paid attention to, there was this discussion about the fact—advocates for government funding talked about the fact that they had to compete against companies in other countries that may not provide health benefits. If you remember this whole discussion began around the fact that we wanted to lower costs, lower health care costs so our economy would be more productive. I think all of us said that is exactly what we need to do. So here we end up with a 2,074-page bill that does exactly the opposite. How we got here, it is kind of like you couldn't make this up—that a year ago here we were, as a matter of fact almost this exact time, having another historic vote around the whole issue of what might happen with these automotive companies and the big driving issue being, we can't be competitive because we have costs that they don't and all of us saying: Health care costs do make our country less competitive. So here we have a bill that is going to take us in exactly the opposite direction.

This is why so many people have lost, rightfully so, faith in our ability to solve problems.

Mr. THUNE. The Senator has made a payroll. He knows what this is like, how hard these decisions are when it comes to making decisions about whether you are going to hire somebody and to try and squeeze those costs down so you can buy a new piece of equipment. I think all small businesses are dealing with that. The Senator from Wyoming mentioned the National Federation of Independent Business which, of course, is a very business-oriented organization that represents a lot of small businesses across the country, indicating the employer mandate would cost about 1.6 million jobs so the job issue is so absolutely pertinent to this debate. That is why NFIB and the Chamber of Commerce and every business organization I think I know of in this country, including organizations such as the American Farm Bureau organization, which represents a lot of farmers and ranchers in my State, those are the organizations that speak for these various small businesses. They have all weighed in, and they weighed in heavily, in no uncertain terms, that this sets us back. This does not move us forward. You talked about getting that cost curve down. Every analysis that has been done, including by the referees—the Congressional Budget Office, the Actuary at CMS—all come back with the same conclusion.

The Senator from Alabama also probably has a lot of small businesses in his State, members of the National Federation of Independent Business, the Chamber of Commerce, the Association of Wholesale Distributors, the National Association of Manufacturers, lots of these organizations that have weighed in. It seems to me they have looked at this carefully, and they have come to the same conclusion. I would be interested in what the Senator from Alabama might be hearing from the small businesses he represents, with regard to the impact this would have on jobs.

Mr. SESSIONS. I say to Senator THUNE, I think you have made the point about the cost curve. And I say to Senator CORKER, you hit it right on the head. There is a need for us to work together to help reduce the cost of health care and not hurt its quality at the same time. This bill does not do that. I say to Senator CORKER, what businesses tell me is that when you make it more expensive to hire a worker, that makes you less able to hire more workers. If this bill, in effect, is driving up the cost of health care—not to mention the new taxes that are out there—as an economic principle, it does mean we are jeopardizing jobs. Would you agree?

Mr. CORKER. Look, I do not think that could be debated in a real way. There is no question when you add these mandates, you add the taxes, you actually drive up one of the major costs around hiring an employee in a firm. Then you add all the government intrusion. There is just the whole hassle factor of having to meet all the obligations that are laid out in this type of legislation. All those things just cause people to not want to hire folks.

The thing is, it actually affects the most responsible companies most. The way this bill is written, if you are one of those companies that has not been providing health benefits, you can just pay a penalty, just pay a penalty and not cover them. But this bill actually does not just stymie job creation, it punishes the companies that are the most responsible smaller companies in our country.

So, again, you all said it over and over again: The core of this bill, regardless of all the accouterments—and maybe we get three votes if we do this and lose one vote. I am sure there is some scribe in there that is confused with all the vote counting that has been taking place over the last few weeks. But the fact is, regardless of all these accouterments, the core of this bill is detrimental to our country.

I certainly appreciate serving with all Senators, and I know all of us would love to see appropriate health care reform. I hope we are going to have the opportunity, after this bill is hopefully defeated, to be able to do that.

I thank everyone for the time and patience.

Mr. THUNE. I think we have to wrap up. But I just want to make one point in closing and say to the Senator from Tennessee, the Senator from Wyoming—the leader is here from Kentucky—that the citizens in my State of South Dakota, and I think most citizens, would expect that if we are going to reform health care, we do something about their cost, which clearly that point has been made very clear, repeatedly, here—that all the studies say that does not happen.

The other thing I will mention is, I cannot imagine any of our constituents would say that if you are going to implement public policy, you should raise taxes in 3 weeks and not start the benefits until 4 or 5 years later. It just seems to me the average American out there has to be saying: OK, that is like me going to the bank and taking out a mortgage, but I can't move into the house for another 4 or 5 years, and in the meantime I will be making payments.

Mr. CORKER. I would say to the Senator, if I could, his point is so good. So many businesses in my State are saying: I wish I could go to my local banker and use 6 years' worth of cost and 10 years' worth of revenues to get a loan. They are saying: We can't do that back home. I think it is that very thing the Senator pointed out so eloquently, it is that very thing, again, that builds the huge amount of distrust. They know it does not work. They know it does not pass the commonsense test in South Dakota and Tennessee. I think they continue to again wonder: You can't make this kind of stuff up. Certainly, you can't do it back home.

I thank the Senator.

Mr. THUNE. I thank my colleagues from Tennessee, Wyoming, Alabama, Kentucky, and Arizona, all who have been here.

In closing, I will quote the Associated Press:

> In part to reduce costs, the legislation would delay until Jan. 1, 2014, creation of so-called insurance exchanges in which individuals and small businesses could shop for affordable coverage.

All done to disguise the bill's real cost of this, which it is being acknowledged now widely by the Democrats as well. This is not a $1 trillion bill; this is a $2.5 trillion bill. It is a job killer. It cuts Medicare, raises taxes, and raises premiums for most of the American people.

I yield back our time.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have heard this described as a historic moment. My friend from Iowa, Mr. HARKIN—we have served together on the Agriculture Committee and have worked closely on appropriations and other issues—he has described this as a ''historic moment.'' I think we can all agree on that, but that is about all we do agree on in regards to this issue.

I think we just have to come out and say it: This Patient Protection and Affordable Care Act is controversial. It sounds like it is just what the doctor ordered, until you look at it closely. If you look at it closely, doctors are not favorably impressed with it. Neither are the taxpayers, especially those who earn less than $200,000 a year, they are not impressed with it.

Another issue that is troubling is Senator DORGAN's amendment on the reimportation of drugs. The Food and Drug Administration has concerns about the safety of the reimportation of drugs.

If the Senate tries to ignore these and other serious concerns about the bill before the Senate, it will be an act of hope over reality. It will be an act which this Senator cannot support.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 3590

Mr. REID. Mr. President, I ask unanimous consent that immediately after the opening of the Senate tomorrow, Tuesday, December 15, and following the leader time, the Senate resume consideration of H.R. 3590, and there then be a period of 5 hours of debate, with the time divided as follows: 2 hours equally divided between Senators BAUCUS and CRAPO or their designees and 2 hours equally divided between Senators DORGAN and LAUTENBERG or their designees, and 1 hour under the control of the Republican leader or his designee or designees; that during this debate time, it be in order for Senator BAUCUS to offer a side-by-side amendment to the Crapo motion to commit; and Senator LAUTENBERG be recognized to offer amendment No. 3156 as a side-by-side to the Dorgan-McCain amendment No. 2793, as modified; that no further amendments or motions be in order during the pendency of this agreement, except as noted in this agreement; that upon the use or yielding back of all time, the Senate then proceed to vote in relation to the aforementioned amendments and motion in this order: Baucus, Crapo, Lautenberg, and Dorgan, with each subject to an affirmative 60-vote threshold, and that if they achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve that threshold, they be withdrawn; further, that the cloture motion with respect to the Crapo motion be withdrawn; provided further that upon disposition of the above-referenced amendments and motion, the next two Senators to be recognized to offer a motion and amendment be Senator HUTCHISON to offer a motion to commit regarding taxes and implementation and Senator SANDERS to offer amendment No. 2837; that no amendments be in order to the Hutchison motion or the Sanders amendment; that upon their disposition, the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I am not going to object, I would just want to confirm with the majority leader our understanding that even though it is not locked in in this consent agreement, we anticipate voting on both the Hutchison amendment and the Sanders amendment.

Mr. REID. Yes. And I say to my friend, either vote on them or have some kind of procedural motion.

Mr. MCCONNELL. Yes.

Mr. REID. Which I have no idea what it would be at this stage. But the answer is yes.

I would also say, I have spoken to the Senator's floor staff, and, as I indicated to the Republican leader, we have to be at the White House for a while tomorrow afternoon—we will give the Republican leader that time—for which we will probably have to be in recess because the whole caucus is called to go down there. But it is my desire to make sure we finish this tomorrow. I think that is to everyone's interest. That is what we are doing here, with 5 hours.

Mr. MCCONNELL. Would that include both SANDERS and HUTCHISON?

Mr. REID. No. No. As I explained, again, to floor staff, I would like those to be offered tomorrow, but I think we would have a pretty good day's work if we have 5 hours of debate and then those four votes we have playing out.

Mr. MCCONNELL. During the time that Democratic Senators are at the White House, would we be in recess or would we be allowed to——

Mr. REID. Yes. I think we should be in recess.

Mr. MCCONNELL. Do you have any idea how long that meeting is going to be?

Mr. REID. The meeting is scheduled for 1 hour and 10 minutes.

Mr. MCCONNELL. And at what time is it?

Mr. REID. I think it is at 1:30.

So, Mr. President, I am glad we finally got the balancing back and forth, unanimous consent request finally settled on these matters.

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

The Senator from Illinois.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, I rise, of course, to speak on the health care legislation.

The Senate is the greatest deliberative body this world has ever known. Since the inception of this body, its Members have practiced and perfected the art of compromise. It has been said that politics is the art of the possible—and this Chamber is teeming with experienced legislators who know how to work with Members of both parties to forge a more perfect bill. This means that individual Senators must inevitably give ground in the interest of achieving legislation that is built on consensus.

As a body of lawmakers—and particularly as a Democratic Party—we have compromised throughout our history to bring about the greatest legislative achievements this Nation has known. In the process, this Senate has made the country better.

Today, we find ourselves debating a measure that could overhaul the entire American health care system. We stand at this point after nearly 100 years of discussion and deliberation, stretching from Teddy Roosevelt to Barack Obama.

What has defined us across that century is our commitment as a party to the fundamental pillars of health care, all of which have been echoed in this recent debate. These values served us well in 1935, when the Senate took up a proposal called Social Security. History recalls that debate was fierce. It was not without struggle and was not without compromise. But in the end, we achieved one of the greatest, most enduring public policy successes in American history.

Thirty years later, these very same values led this party and this Senate to take up a bill known as the Medicare Act. Again, that fight was not easy, and compromise was necessary to realize our vision. But, once again, this body and this party brought historic change to America.

These hard-fought programs have been the valued cornerstone of our domestic policy for generations. They define the way we legislate and underlie the principle that this government's chief responsibility is to its citizens.

Today, a new generation of Americans and a new Congress find ourselves in the midst of another historic debate.

Earlier this year, a new President was swept into office, full of energy and ideas, and armed with a clear mandate to bring real reform to a health care system that was badly broken. So, once again, we took up the task of fighting for a more perfect health care system.

Americans all over the country, struggling and suffering, many in personal health crises, have looked to us. There is urgency there, and this body needs to act.

Those who need help the most need that help now.

So let's pass this health care reform legislation, but let's also do it right. Let's not pass something just to pass something.

Everyone in this room is a legislator. We approach our responsibilities with the knowledge that our most optimistic ideas must often be tempered

with a pragmatic reality. In the process of this debate, we have all made concessions and we have all compromised.

My own preference was for a single-payer system. Some of my friends on the other side would like to see no reform bill at all. But as a body and at least as a Democratic Party, I hope we will stay true to those fundamental pillars that have determined our course for the last 100 years.

As Mohandas Gandhi once famously said:

> All compromise is based on give and take, but there be no give and take on fundamentals. Any compromise on mere fundamentals is a surrender.

It was in the spirit of constructive compromise that 10 of our colleagues met and worked to forge the new compromise deal we have all heard about. I thank them for their hard work. We are all deeply invested in this issue. I applaud their willingness to come together at the table.

At this point, the specifics of this proposal are few. As are many in this Chamber, I am actually awaiting the chance to examine the full details of the proposal. I do have deep reservations, deep concerns, about what you have heard up to this point. Until I see more, I can only say again what I have said from the very first day of this debate so many months ago: I am committed to voting for a bill that achieves the goals of a public option, competition, cost savings, and accountability. I will not be able to vote for lesser legislation that ignores these fundamentals.

I will continue to fight every day to strengthen this legislation until its final moments on this floor. I fully realize how hard my colleagues have worked. I know how difficult it has been to get this far. My colleagues may have forged a compromise bill that can achieve the 60 votes that will be needed for its passage, but until this bill addresses cost, competition, and accountability in a meaningful way, it will not win my vote.

The American people most in need of help know we can do better, and we must do better.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to share a few other thoughts in the 5 minutes I believe I have to speak on a different matter than we have been talking about earlier, but it is a very important matter. It is the procurement contract, the request for proposals the Defense Department has put out in order to request proposals for the Defense Department to purchase a new tanker for the U.S. Air Force. It will be perhaps the largest contract purchase in the history of the Defense Department, certainly since World War II. I regret that I must come to the floor today to give this speech, but it is important that we do this right.

Earlier, one of our colleagues, Senator MURRAY, for whom I have great admiration, I understand told NPR:

> All things considered, I have stood on the line in Everett, Washington, where we have thousands of workers who go to work every day to build these planes. I would challenge anybody to tell me that they stood on a line in Alabama and seen anybody build anything.

Well, we are prepared, as I will explain, to construct the finest aircraft for a tanker the world has ever known in Alabama, my area of Mobile, AL, at the old Brookley airfield, which was a fabulous, huge airfield. It was closed 40 years ago, but the runway and the capacity and the location and access by water and rail and interstate are all there. It is going to be a fabulous place, and already there is a significant engineering center constructed there, and there are plans to go forward if and when this contract is awarded.

I would note that the people of Alabama get a little bit offended when people suggest they are not able to produce anything of world-class quality. I would remind my colleagues that it was in Alabama that the Saturn V rocket was developed that took a man to the Moon and that virtually everything that goes into space goes through Alabama; that we have some of the finest automobile manufacturing plants in the history of the world, including Mercedes, Honda, Hyundai, Toyota, all producing large amounts of some of the best automobiles in the world. In Mobile, have built a new trimaran ship that can cruise at 40 knots and has fabulous capability for cargo. It is one of the finest new ships of its kind the world has ever known. We have a fabulous workforce second to none of which I am utterly proud.

I would just say one of the complaints I have about the Department of Defense's request for a proposal—I have four I plan to talk about, but one I am going to highlight now in light of the comment of my colleague is that I believe there is an inadequate government assessment of acquisition and performance risk. In other words, the government should assess how well we can believe the bidders are able to produce the product at the price and in the time frame in which they would like to see it produced.

I am so confident the plant in Alabama could be competitive with any other bidder, that I believe the government should give this aspect higher weight. In fact, they did so in the previous bid process, and the aircraft plant in Alabama came out with a better score on risk than the one in my colleague's State.

So there are other matters that are important, but I just wanted to emphasize that point. We are ready, able, willing, and anxious to produce the finest tanker the Air Force has ever seen. This tanker aircraft today is now 50 years old.

I regret we are having the kinds of difficulties we are in this bid process. I respect so much the men and women of the Department of Defense, but I do have to say this newly configured bid process is dramatically different from before, and I believe it is in the wrong direction. I believe it has failed our warfighters. I have to express my concerns about it, particularly as reflected in the request for proposal that has been sent out to the two bidders.

My intent here is simple. I will point out a few things that I think are significant.

In essence, the Department of Defense abandoned, out of the blue and without serious discussion, so far as I can tell, its decision to provide a transformational and game-changing aerial refueling tanker to the warfighter. Those were their words. And how has that resulted in or was the result of major changes in the request for proposals that have been sent out? The bidders are considering those proposals. In doing so, the result, I have to say, evidences a clear bias toward one aircraft over another. I hate to say that.

Let me provide a snapshot of what this new RFP does. I asked the Secretary of Defense about it at the hearing a few weeks ago. He indicated that this process for altering the RFP is still ongoing, but I am not sure the Air Force has been listening, so I am concerned about it.

Let me provide a snapshot of what our concerns are. Of the six key discriminating features that favored the KC–45 Northrop/EADS aircraft over the Boeing aircraft in the previous competition, five of the six features were either eliminated or changed to a nonmandatory status in the current draft RFP—a bias, I suggest. In contrast, eight features of the Boeing aircraft were upgraded in the new draft RFP, which resulted in seven of those eight areas favoring their aircraft.

So what is the bottom line? The very sad conclusion I have had to reach is that this closely watched competition was altered with a purpose, and that purpose was to favor one bidder over another.

So we are in a comment period now, and I hope the Department of Defense will listen to the concerns I believe are legitimate and to ensure fairness in this. Replacing the tanker is the Air Force's No. 1 procurement priority and has been for quite a number of years. In fact, the Department of Defense has indicated they understand this, and I think they understand their integrity and the whole acquisition process is at stake in this so closely watched and so important bid.

So I will show this chart. I am going to point out something we call a spider chart. It looks a bit like a spider web.

The green lines, the inside circle lines, represent the capability of the existing 50-year-old KC–135 tanker in 11 different category areas, such as passengers, fuel offload at 1,000 nautical miles, fuel offload capacity, boom envelope, operational availability—all of these 11 factors.

The red represents the latest RFP requirements for this new—what used to be considered—transformational aircraft. It follows almost the same as the current capability. This is really unthinkable to me. It follows those capabilities on point after point after point. In some areas, it is less capable than the current aircraft that is 50 years old.

The black line represents the capabilities of the Boeing aircraft. For example, Boeing's offering would carry 190 passengers, whereas the other aircraft, the one that would be built in Alabama if it were to be the winner, would carry 226 passengers.

And so, let me say again that

I love and respect the men and women of our armed services. But, their leadership, at least so far, has failed them on this matter. All I have ever asked for is that the DOD choose fairly the aircraft that provides the best value.

Let me outline my concerns with the disturbing actions taken in the current tanker draft request for proposal, RFP.

My intent here is simple. I will outline, through a series of charts, how the Department of Defense abandoned, out of the blue without serious evaluation, its decision to provide a transformational and game changing aerial refueling tanker to the warfighter. This is clearly evidenced by the major changes in the request for proposal sent to the two potential bidders. Furthermore—and in doing so—the result has been a clear bias towards one aircraft over another.

Let me provide a snapshot of what the RFP does: Of the key discriminating features that favored the KC–45—Northrup/EADS aircraft—over the 767 Boeing aircraft in the previous competition, five of the six features, 83 percent were either eliminated or changed to nonmandatory in the current draft RFP. In other words, these features are less important to the outcome of the competition.

In contrast, eight features of the Boeing aircraft were upgraded in the new draft RFP which resulted in seven of those eight areas, 87.5 percent, favoring the 767—Boeing aircraft—over the KC–45.

What is the bottom line?

The very, very sad conclusion that one must reach is that this closely watched competition was altered with a purpose, and that purpose was to favor one bidder over the other.

The DOD is now in a comment period for this draft RFP for a reason—to listen to concerns and to ensure fairness in the process.

Replacing the tanker is the Air Force's No. 1 acquisition priority and the Department of Defense's most critical acquisition program. In fact, the Department of Defense's integrity in acquisition and contracting are at stake.

This effort has stretched for over a decade and has been consumed by controversy, fraud, illegal activity, and political posturing. Let me remind my colleagues—both DOD and Boeing employees were prosecuted, punished, and some even went to jail over the failed attempt at a sole source lease arrangement that would have cost the taxpayers billions.

Our national security relies on this critical capability—the men and women in uniform who protect this country deserve the best value, and they deserve a transformational aircraft.

Let me now turn to some specific concerns.

DOD's latest acquisition strategy for the KC–X aerial refueling tanker replacement competition is, unfortunately, deeply flawed. Instead of the modern, multirole, game-changing, transformational aircraft that the Air Force has said it wants and needs for the past 10 years, the Department's draft RFP specifies an aircraft that is essentially the same as the existing 50-plus-year-old KC–135.

This acquisition strategy cannot be justified and the DOD must make changes to ensure fairness.

The draft RFP released by the Department of Defense on September 24 is significantly different than the previous RFP created by the Air Force and released in January of 2007. While the GAO sustained 8 of the 111 complaints Boeing raised regarding the previous source selection process, the Department's initial reaction, as stated to Congress, was to fix those 8 flaws, and release a modified RFP to keep the program on track.

So how exactly have we arrived at a completely new draft RFP that fundamentally not only changes the acquisition process for the tanker, but is unlike any major procurement in the history of Defense acquisition?

The first change is a paramount focus on cost.

While controlling costs is important, when it becomes the overwhelming discriminator it has a negative impact on the capability that is produced. Holding cost far above capability, as this draft RFP does, will result in an aircraft without the kind of game-changing capability the Air Force has consistently requested.

The new draft RFP has many flaws. While there isn't enough time for me to list every single problem, the RFP's flaws can be summarized in four major themes:

1. The evaluation methodology does not consider best value, but rather lowest cost.

2. This results in a significant bias toward a smaller aircraft.

3. There is an inadequate government assessment of acquisition and performance risk.

4. The wrong contract mechanism is proposed.

Evaluation methodology is not best value.

The fundamental tenet of the RFP is the winner will be the lowest-priced offer that meets a minimum threshold of specified capabilities. This is a far cry from the ''value-based acquisition,'' as the Department claims and as the warfighter deserves. Additionally, this strategy represents a departure from the normal DOD acquisition process and goes against the generally recognized public policy standards of DOD which seeks the best value and most capability at the best price for the warfighter.

Because the options for the tanker aircraft will be based on existing commercial platforms, the ''low cost'' approach provides an inherent advantage to the smallest and least-capable aircraft. Because no additional credit is offered for additional capability—beyond the minimum thresholds of the RFP—additional size and capabilities will almost certainly be a negative because they can only come with some higher price.

There is inherent bias in this procurement—beyond the low cost approach—that substantially favors a smaller less capable aircraft. It is extremely troubling that nearly every single key discriminator from the previous competition that would have given additional credit to an aircraft with greater than the minimum capability required has been neutralized or eliminated under this new RFP.

The primary measure of tanker effectiveness—the ability to offload fuel at range—will not even be considered in the evaluation beyond a minimum distance requirement that, incidentally, is equal to the current 50-plus-year-old KC–135 aircraft.

This defies logic.

The very reason for a tanker to exist, and a key discriminator in the previous competition, has now become a ''nonmandatory'' aspect of the aircraft. This change substantially benefits the less capable aircraft and will result in a fleet of tankers that is no better than what we are currently flying.

I cannot recall a time when the Department of Defense, instead of enhancing capability when purchasing a new weapons system, made a deliberate decision to procure a new system that is no more capable than the system it is meant to replace, in this case a 50-plus-year-old aircraft.

This is especially so where much more capability can be obtained for so little cost.

This RFP change defies previous statements of senior Air Force leaders. For example, on November 30, 2005, following his statement at the Defense Logistics Conference, current Air Force Chief of Staff General Schwartz, who at the time was Commander of the U.S. Transportation Command, told reporters that the next tanker ''needs to be multi-mission, it cannot be a single-mission airplane.''

On December 1, 2005, Mike Wynne, who was the Secretary of the Air Force, told reporters ''Tankers are not only tankers any more. They are going to be multi-mission aircraft.''

If 4 years ago the senior leadership of the Air Force recognized the need for

more capable, multi-role tankers, why have we not been able to structure an acquisition that reflects that need?

General Duncan McNabb, Commander, US Transportation Command stated in a press briefing on December 11, 2009:

New KC–X tanker aircraft in the Air Force's inventory today would make the enormous task of surging more US troops into Afghanistan by mid 2010 and then sustaining the entire force there easier. As the Air Force envisions it, it would be ''a very efficient cargo and passenger carrier'' in the war zone, in addition to its primary aerial refueling tasks, due to its ''floors, doors, and defensive systems.'' Instead of having to fly commercial aircraft, which lack defensive systems, into outlying places like Manas AB, Kyrgyzstan, and then transloading their passengers and palletized cargo onto military transports for delivery into Afghanistan, KC–X aircraft could move them directly there, thereby preserving C–17 transports for moving ''rolling stock'' military equipment.''

The draft RFP does not require any government evaluation of price or schedule risk. Standard acquisition practice allows the government to adjust the proposed pricing and schedules of the offers based on an independent assessment, in order to protect the government's interest against an unreasonable ''low-ball'' offer.

This lack of a price and schedule risk evaluation in the new RFP is especially troubling considering that one company—Boeing—has its competitors pricing data from the previous competition and can consider Northrop's data when developing a competitive position.

The government should do the prudent thing and evaluate the potential price and schedule risk of each offering. A failure to include this provision, as was done previously without objection, is an abdication of fiduciary duty to the taxpayers, and will undoubtedly result in unreasonable bids that will haunt this program for years.

The business and contracting construct of this competition is simply unacceptable. The contracting mechanism used by the Department—an 18-year firm fixed price contract—will require industry to assume many future risks, including inflation and the risk associated with developing a new tanker.

The new RFP incorrectly assumes that both tankers are fundamentally nondevelopmental items. While it is true that they are derived from commercial platforms, they are far from nondevelopmental.

In fact, this idea is inconsistent with the proposed structure of the program, which includes at least three years and several billion dollars for development. The new RFP will require both companies to make significant changes to the baseline commercial aircraft platforms, including redesigning the cockpits and fire-control equipment.

It sounds to me like the Department needs to make up its mind and either buy an off-the-shelf product at a fixed price or properly structure a development contract. Trying to do both will inevitably result in doing neither very well.

The bottom line is I am baffled as to why the Department changed the RFP so substantially.

Why am I baffled? Let me highlight a few quotes from DOD that illustrate my point: On February 29, 2008, at a DOD news briefing following the previous award to the Northrop Grumman/EADS tanker, General Art Lichte, Light-EE, then commander of the Air Force Air Mobility Command, explained why the Northrop tanker was selected:

From a warfighter's perspective, I can sum it up in one word: more. More passengers, more cargo, more fuel to offload, more patients that we can carry, more availability, more flexibility and more dependability.

On September 18, 2008, John Young, the Under Secretary of Defense for Acquisition, was quoted in the Washington Post as saying that the Northrop tanker was selected because it ''provided more tanker capability and offload rate and was substantially cheaper to develop.''

Since then, little has changed to suggest that the capabilities valued during the last competition are no longer necessary. It is even clearer today that we need an aircraft that is more than a tanker; one with enhanced multirole capabilities to meet global challenges, such as the President's decision to send an additional 30,000 U.S. troops to Afghanistan.

In fact, before the new and radically different RFP was released, very few people associated with the program had any idea that the needs had changed.

During his opening statement in his testimony before the Senate Armed Services Committee on March 17, 2009, General Duncan McNabb, Commander of U.S. Transportation Command, testified before Congress:

The KC–X will be a game changer. Its value as a tanker will be tremendous. Its value as a multi-role platform to the mobility enterprise will be incomparable. . . . It will be an ultimate mobility force multiplier.

In fact, on September 24, 2009, the very same day DOD unveiled the new RFP, the Air Force Air Materiel Command released a white paper that stated the KC–X must be dual mission capable—able to perform airlift and air refueling missions.

Yet the new RFP values multirole capabilities far less than the previous RFP and will undoubtedly result in a less capable aircraft. In fact, Air Force Magazine recently quoted USAF General Duncan McNabb, Commander of the U.S. Transportation Command as he addressed defense reporters on December 9, 2009—just last week. General McNabb stated:

The KC–X, as the Air Force envisions it, would be a very efficient cargo and passenger carrier.

According to General McNabb, the Air Force still wants a game changing aerial refueling tanker. So not allowing additional credit for extra cargo and passenger capacity in the draft request for proposal, RFP, makes no sense.

During a DOD press conference after the new draft RFP was released on September 24, 2009, the Deputy Secretary of Defense, Bill Lynn assured everyone that the competition would not be a ''Low-Price Technically Acceptable approach,'' and would in fact be a ''Best Value competition, with both price and non-price factors taken into account.''

Now that sounds good, and while they can argue its technically true, it isn't the whole story. While the RFP does allow for consideration of non-price factors, it is a far second to consideration of price. Most non-price factors, including the ability to deliver additional fuel and cargo, won't even be considered if the price difference in the two bids is less than 1 percent.

Let's think about that for one moment. Under the current RFP structure, if one aircraft costs 1.1 percent more than the other—even if—it delivers 20 times more fuel and cargo at twice the distance, it would not be selected.

This approach turns a blind eye toward providing the most capability to warfighters at the best value for taxpayers. A rational person certainly wouldn't use this approach for buying a family a car, so why is it being used to buy one of our most critical national security assets?

Is that the kind of approach we want to use to buy tankers that will be the backbone of our global posture for the next 50 years? The answer should be a resounding ''no.'' Indeed, in the decades to come, the ability of this tanker fleet to transport people and cargo may become even more important than today. And it should prompt us to ask how we got such a bizarre and illogical RFP.

While the reasons for the dramatic changes have no rational explanation, their impact on the RFP is clear. The changes favor one company. Following its loss in the previous competition, Boeing filed 111 complaints about the selection process.

Although the GAO only upheld eight of these complaints, the Department addressed many more of their complaints in the new RFP to the disadvantage of the Northrop Grumman offering. These include:

Boeing complained the methodology used to estimate the refueling capability of each aircraft was flawed. The new RFP has adjusted that methodology to favor its smaller aircraft.

Boeing complained fuel costs should be considered over a 40-year time period, not the 25-year time period used in the previous competition. The new RFP has adjusted the time-period used to evaluate fuel costs to 40 years, again to favor its smaller aircraft.

Boeing complained about the schedule risk assessment. The new RFP does not include a schedule risk assessment.

Boeing complained that the bidders' past performance was too heavily

weighted. The new RFP significantly diminishes past performance.

Boeing complained that additional credit was given for an aircraft that had much higher capability. The new RFP offers no real additional credit for exceeding minimum capability thresholds.

Finally, the price competition has been tainted by the Air Force releasing the Northrop Grumman team's pricing data to Boeing following the previous competition and now refusing to release Boeing's pricing data to Northrop Grumman.

For these reasons, I am deeply troubled by the Departments' approach for selecting the next tanker. If the Department continues down the path that it is currently on, warfighters and taxpayers will be done a great disservice.

Mr. President, in closing, I would like to return to my initial comment.

It is clear to me that the draft RFP abandons the Air Force's need to provide a transformational and game changing aerial refueling tanker to the warfighter.

And, furthermore, I must reluctantly conclude, it did so with a bias towards one aircraft over another. If we continue down the path of this draft RFP—without competition—we are moving headlong towards a sole source contract where the warfighter and the taxpayer ultimately pay the price.

This will be a stain on the integrity of DOD's procurement process that will not be removed for decades. It is not too late. Secretary Gates has said the purpose for the RFP comment period is to allow for the DOD to correct flaws. The DOD must listen and take action.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. This is a matter of such importance that I will need to speak about it again in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

HEALTH CARE REFORM

Mr. UDALL of New Mexico. Mr. President, this effort to reform our Nation's health care system is finding ways to make quality health coverage affordable and accessible to all Americans. I believe the bill we are considering in this Chamber as it currently stands goes a long way toward making that vision a reality. But even with this solid legislation, there is still a large group of Americans who continue to be left behind. I am talking about our country's first Americans, the 1.9 million American Indian and Alaska Natives who are suffering because the Federal Government isn't living up to its propositions.

The law that provides the framework under which the health care programs for Native Americans are delivered hasn't been reauthorized for more than 10 years.

This means that the Indian Health Services' delivery system is chronically underfunded and, given the rapid advance of health care technology, outdated. As a result, too many Native Americans are struggling to receive quality, timely health care.

This agency is supposed to be the principal health care provider and health advocate for Indian people. Yet every day, because we fail to act, the health care situation in Indian Country grows more urgent. Native Americans are diagnosed with diabetes at almost three times the rate of any other ethnic group. They often don't have access to preventive care. And Native American youth are attempting and committing suicide at devastating and alarming rates. Just 2 months ago, in New Mexico, a 14-year-old girl from the Mescalero Apache Reservation became the fourth young person from that tribe to take her own life—in a little more than 1 month. That is four young people in 1 month on one reservation. Tell me this doesn't cry out for action.

The Senate Indian Affairs Committee has reported the reauthorization bill. The House has put in its health care package the same kind of reauthorization bill. Both of these bills would bring us much-needed reform to the Indian health care system.

This legislation, the Senate must act upon it. We can no longer delay. For the past several years, Congress has failed to get this legislation across the finish line. It has passed both bodies in the last several years—the House at one point and the Senate at one point—but it is still not law. Now is the time to put this in the health care bill and get the job done.

I know my colleagues on both sides of the aisle are in agreement that our Nation's health care system needs reform. We know health care reform is needed now. We know the status quo is unacceptable. But what is missing is the same sense of urgency for our Native American community, this despite the alarming statistics from the Civil Rights Commission several years ago that the United States spent more than twice the amount on a Federal prisoner's health care than that of a Native American man, woman, or child; that is, $3,800 per year per Federal inmate, versus $1,900 per year per Native American. That is right, our inmates have better health care than the population with whom we signed treaties and made a promise to provide health services. American Indian and Alaskan Natives are three times as likely as Whites to be uninsured, and almost half of our low-income American Indians and Alaskan Natives lack health coverage.

The longer we wait, the more Native Americans suffer needlessly. The longer way wait, the more Native Americans go without treatment for chronic conditions such as diabetes and heart disease. The longer we wait, the more Native American teens who may take their own lives because they are not getting the help they need.

America has an obligation to provide quality, accessible health care for our country's first Americans. So I say again, it is time to act on this important piece of legislation. It is time to reform the Indian health care system and permanently reauthorize the Indian Health Care Improvement Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I rise today to support the health care reform legislation that is before us. I want to talk a little bit, specifically, about what the bill does to reform our health care delivery system. That is really health care jargon for the way we provide health care to people who need it.

I heard a lot of debate earlier this afternoon about the fact that the health care bill doesn't do anything to address costs. I think that is just wrong. The fact is, this health care bill does begin to address costs in our system. That is one of the reasons we have to pass it. In fact, we know that over the next 10 years it is going to reduce our deficit by $130 billion.

But more important than that are the changes that I believe this is going to begin to make in how we provide health care for the people of this country. The fact is—we all know it, even our colleagues on the other side of the aisle—our current health care system is not working; it costs too much; and for too many families quality health care is simply out of reach. One of the problems is that 30 percent of the $2.5 trillion we spend right now each year on health care goes to unnecessary, inappropriate care and administrative functions that do little to improve our health.

Our health care system didn't get this way overnight. Years of perverse incentives have encouraged health care professionals to practice more medicine rather than better medicine. They struggle to see more patients and do more procedures to keep up. Hospitals race to build new wings and state-of-the-art units. As patients, we too often live unhealthy lifestyles, and we expect the newest high-tech services to fix it. In the meantime, we have undervalued things such as primary care, preventive care, and mental health services. Despite all of our spending, we are not any healthier.

Over the past few months, I have joined, as the Presiding Officer has, with all of our freshman colleagues on the floor to discuss why we can't continue this current system. It is too costly and too inefficient.

Last week, the freshman Senators introduced a package of amendments that emphasizes cost containment. The provisions contained in our package may not be those that are currently grabbing headlines, but I believe they really go to the crux of our reform efforts. They are the delivery system reforms that will improve quality and control costs over the long run. How are these going to work? Well, our delivery system reforms build upon the

current underlying bill. They reward improvement in providing care for a better health outcome.

One way we can be more efficient in delivering care is through what are called accountable care organizations or ACOs. These ACOs allow medical providers to work in teams, to take responsibility for decisionmaking, and they offer financial rewards for better health outcomes. Our amendments allow medical providers to align Medicare, Medicaid, and private sector strategies for improving care. Doing this will help ensure all Americans receive high-quality care no matter how they are insured. ACOs provide the right kind of incentives and promote value over volume.

For years, the Dartmouth Institute of Health Policy and Clinical Practice has shown us that there are regional differences in the way care is delivered and how health care dollars are spent. Over the summer, Dr. Atul Gawande eloquently highlighted Dartmouth's findings in an article he wrote for New Yorker Magazine. He clearly made the case that higher quantity do not necessarily translate into higher quality, so that more procedures do not necessarily mean better care. Dr. Gawande's article has had a tremendous influence on the health care debate. It has been quoted frequently by President Obama and referenced right here on the floor of the Senate.

In his latest article, which just came out recently, Dr. Gawande has once again made an important contribution to the health care reform dialog. In this article, he emphasizes the importance of delivery system reforms and fixing our health care system. He points out that there is not one single answer, there is no silver bullet to what we need to do to change our health care system.

While we can all agree that something must be done, what we can't agree on is what specific model or provision will be the best and have the most desirable outcomes.

Dr. Gawande pointed out that our country faced a similar challenge before. In the article, Dr. Gawande draws a parallel between our current health care system—one that is very costly, a money drain, one that is fragmented, disorganized, and inconsistent. He compares our current health care system to the agricultural system at the start of the 20th century. At that time, more than 40 percent of a family's income went to paying for food. The inefficiency of farms meant lower crop yields, higher prices, limited choice, and uneven quality. Agriculture was on an unsustainable path. Dr. Gawande points out that the Federal Government did not, however, offer a grand solution; rather, it provided incentives to change the way farmers produced crops. Through innovation, the promotion of best practices, and smart dissemination, today food only accounts for about 8 percent of a family's income compared to that 40 percent at the start of the last century.

As you know, as we have heard discussed on the floor, we have examples of great innovation and excellence in health care, such as Dartmouth in my State; the Mayo Clinic in Minnesota, which Senator KLOBUCHAR can speak to; Intermountain in Utah, and numerous other places of excellence around the country. These institutions have developed integrated health care systems that are patient focused. Their practices have promoted high value and excellent outcomes, best practices, which should be shared throughout the country.

The Patient Protection and Affordable Choices Act identifies some of these best practices and provides the types of incentives for doctors, nurses, and patients to change the status quo and to experiment with innovation and excellence. The many programs supported in the bill before us move us in the direction of delivery system reform, which is so important to our effort.

By promoting innovative practices, such as accountable care organizations, payment reform, and medical homes, we can move away from the current fee-for-service system that rewards volume over value. That is true reform.

I urge my colleagues to support the bill.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from New Hampshire for mentioning the Mayo Clinic, along with several other great facilities in this country that have done things a little differently. They have done it by focusing on the patient, by saying what is best for the patient is best for all of us. When you do what is best for the patient, you get higher quality care. When you get higher quality care, you actually get lower costs.

I think of people when they go in to pay for a hotel room and they say: If I pay more, I will get a better view and a bigger room. That is usually true. Not in health care. If you look at trends across the country, the States, the metropolitan areas that have the least efficient health care tend to cost the most. That is what we need to change if we want true cost reform. It is good in States such as Minnesota, New Hampshire, and Wisconsin. Why? Because we tend to have higher quality care at lower costs. We are rewarded for that.

It is also good for the States that need to get their quality of care up, so that we don't see massive readmissions to hospitals. Who, when they go to a hospital and are sick, wants to go back in because they get sick in the hospital? Who wants to have something go wrong in the hospital so they have to go back? Who wants to go to an area where they have massive fraud, so all this money gets drained in the amount of $62 billion a year in Medicare fraud? That is what happens.

That is why, on delivery system reform, the courageous thing is to step back and say: How do we do this better? How do we do it so we are rewarding quality and not just quantity, so that we are putting the patients first?

That is what this bill is about. Why does this matter? I think anybody who has a checkbook understands what this means. At $2.4 trillion a year, health care spending represents close to 17 percent of the American economy, and it will exceed 20 percent by 2018 if the current trend continues. Hospitals and clinics in every part of the country are providing an estimated $56 billion in uncompensated care. That is taxpayer money going down the tubes—$2.4 trillion per year. That is where we are now. Everybody knows it is costing them and making it very difficult for big businesses to compete against businesses from other countries that have more efficient health care systems. It is making it impossible for small businesses to keep all of their employees on health care. Why? Well, their costs are 20 percent more than big businesses.

The small businesses have created 64 percent of the jobs in the last decades in this country. We have to allow them to continue to thrive, not with these health care costs that are a drag on these small businesses.

I always tell people to remember three numbers: 6, 12, and 24. Ten years ago, the average American family was paying about $6,000 in premiums. Now they are paying $12,000. That is average. We have a lot of small business owners all over our State paying $20,000 a year, $23,000 a year. If we do not do anything, if we do not do anything at all, 10 years from now it is going to cost between $24,000 and $36,000 average in this country for individual families to buy health care—$24,000 to $36,000 average per family. That is why we must act. We know inaction is not an option. If we do not act, costs will continue to skyrocket, and 14,000 Americans will continue to lose their health insurance every single day.

What does this bill do? First, it gives coverage to 31 million people who do not have coverage now. People are saying: Wow, where are they getting health care now? I will tell you where: the emergency room, such as in the hospital I used to represent when I was the county attorney for the biggest county in Minnesota. That was paid for by the taxpayers. When someone does not have insurance, when they don't have a doctor, they have diabetes, they are supposed to be doing their insulin and watching their diet and they wait and wait and they end up in the emergency room and they get their leg cut off and have big costs for all taxpayers, not to mention the disastrous quality of life for the person involved. That is going on in this country.

Last year, I was down in one of our smaller towns in southern Minnesota. I heard how one science hospital had three people come in with stomach problems, appendicitis attacks. Their appendixes burst. This was over a period of several months. They asked:

How come you didn't come in earlier? Two of them said: We work at a small business; we didn't want the premiums to go up. It would hurt everyone at the small business. Another said: I had such high premiums I would have to pay I didn't want to come in and have it checked out.

If you do not have that kind of safety net in place for people, you get more expenses on the far end. That is what this bill does. It changes the delivery system, insuring 31 million more people.

What else does it do? It helps to reduce the deficit. That is what I said from the beginning. I do not want to support a bill that adds to the deficit. Actually, this bill we are talking about—some changes are being made—reduces the deficit by billions and billions of dollars.

A third thing: What does this bill have? Insurance reforms. What does that mean? It means if you have a sick kid, you no longer are going to lose your insurance. You cannot be pushed off, put off in the deep end all by yourself if your kid gets sick. It means if you have a kid going to college, you can keep them on your insurance until they are 26 years old. That is what the bill does. It gives a safety net, consumer protections that people in this country have demanded.

Finally, with Medicare, it adds 9 years onto the life of Medicare. Right now, Medicare is scheduled to go into the red by 2017. No one wants to talk about it. We need to talk about it. What this bill does is keep it solvent for 9 more years.

I can tell you, my mom, who is 82, wants to stay on Medicare until she is way into her nineties. People in their fifties who want to get on Medicare at 65 want to make sure it is there for them, that it is solvent.

What this bill does with the reforms that are in it, with the promotion of high quality, closing that doughnut hole, which is difficult for seniors, it helps our seniors. This is an idea, someone said today—I was listening to other Members—whose time has come. This bill is not going to be perfect for everyone. I think about the people I heard from, such as the woman who wrote to me from northern Minnesota. She wrote this heartfelt letter about how she had gotten a call from her daughter whose husband worked at a small business. She said that husband, her son-in-law, had just found out they were not going to have insurance anymore at his small business. The woman who wrote, the mom, said she couldn't even understand her daughter. The daughter was sobbing, sobbing: What is wrong? What is wrong? What happened? I lost my insurance.

Do you know why this mattered so much for her family? Her daughter has cystic fibrosis. Her daughter needs this insurance every moment of her life. When that small business yanked that insurance coverage because they probably had to—I am sure they didn't want to, but they just couldn't afford it anymore—that daughter has to go on the open market now which, if you have a preexisting condition, is not an easy thing to do. She may not get insurance. That is what we are talking about when we talk about this bill.

At the end of the letter, the mom said: I need you to be my daughter's voice. She is not going to be able to go to Washington, DC, and lobby for this like all the companies that have come over here and lobbied for this thing and that thing. She needs us to be her voice, and that is what this is about.

The good thing here is that, as we look at some of the things in the bill, I didn't get everything I wanted to reduce costs, I can tell you that right now. But there are some great provisions in this bill.

Look at this. According to researchers at Dartmouth Medical School, nearly $700 billion per year is wasted on unnecessary or ineffective health care. That is 30 percent of total health care spending.

To rein in costs, we introduced a value index. I introduced a bill—Senator CANTWELL, Senator GREGG are coauthors of this bill. Senator CANTWELL got it on the Finance Committee bill and it is still in the merged bill today. What that does is it says, when you look at the Medicare fees, evaluate them on a lot of things but make sure you evaluate them on value. This indexing will help reduce unnecessary procedures because those who produce more volume will need to also improve care or the increased volume will negatively impact their fees.

Doctors will have a financial incentive to maximize quality and value of their services instead of quantity. My doctors in the State of Minnesota support this. They have supported this bill. They have endorsed this bill. They understand that if we want to get that high-quality care like we see in Minnesota in places such as the Mayo Clinic, the Cleveland Clinic, Intermountain, Kaiser—all over the country—you have to have those kinds of incentives in place.

This bill also focuses on bundling and integrated care. I was thinking, as I watched the Vikings game this weekend—I do not know if you noticed, but the Vikings won again; Brett Favre is quarterback—we are talking about a primary care provider who works with a team. We do not have 15 wide receivers running into each other. We have one person in charge—a quarterback in football, a primary care doctor in medicine—working with a team, with a wide receiver, with a tight end, with all the team they have working together, whether it is a cardiologist, whether it is a urologist, whether it is any kind of a doctor they want to work with as a team, depending on what the illness is. That is what integrated care is. You work as a team, share medical records. Patients do not get lost in the shuffle. They do not get sent to one specialist and another specialist without anyone watching over their care. That is what integrated care is about, a quarterback with a team.

The other thing about this bill is, we start to focus much more, as I mentioned, on reducing readmissions, on rewarding places such as Health Partners or St. Mary's in Duluth, places that work to have this integrated care, places that make sure we have less readmissions in the hospitals.

Finally—and I am pleased we got this in the freshman package that is coming out—there is a much bigger focus on fraud in the system. Mr. President, $60 billion a year is going down the tubes, going to fraudsters, to con men, siphoning off the system by storefronts that are not doctors' clinics that claim they should get some of the reimbursements that should be going to our seniors. That is $60 billion in Medicare fraud alone every single year.

There are increased penalties with tools to make sure we are better enforcing the law. We can reclaim some of that money and give it to the American taxpayers, give it to our seniors.

Those are a few things. I will be talking more about this, this week, when we focus on and talk about cost control in this bill.

Thank you for allowing me to share some of my thoughts on cost. Again, remember 6, 12, 24. Ten years ago, the average American family was paying $6,000 for their premiums. Now what are they spending? They are spending $12,000. What are they going to spend 10 years from now if we don't do anything? They will spend $24,000 to $36,000 a year. We know this is not going to be easy to bend this cost curve. We know there are going to be bumps in the road. We know it is not going to automatically turn itself around. To do nothing, to put our heads in the sand at this moment in history is just plain wrong. The American people deserve to have better health care. They deserve to have that high-quality, low-cost care, and this bill is the beginning.

I yield the floor.

OMNIBUS APPROPRIATIONS

Mr. AKAKA. Mr. President, I want to express my strong support for the Omnibus appropriations act for fiscal year 2010, H.R. 3288. This bill combines six appropriations bills that provide funding for essential programs related to improving education, housing, and transportation; increasing research opportunities; providing justice; strengthening our foreign operations; constructing needed military facilities; and caring for our Nation's veterans. I thank the chairman and ranking member of the Senate Appropriations Committee, Senators INOUYE and COCHRAN, as well as the various subcommittee chairmen and ranking members, for their efforts to bring this important bill to the floor.

I am pleased that included in this bill is funding for a number of K–12 and postsecondary educational initiatives,

as well as cultural and financial literacy efforts. These programs will benefit Hawaii and the Nation and are especially critical now when States are facing increased financial pressure. These investments in education will aid individuals and society as a whole by helping to better prepare our keiki, our children, for tomorrow's challenges.

For elementary and secondary education, resources in the act support such areas as history, science, literacy, and college prep. I supported additional resources for National History Day, a program that encourages more than half a million students each year to research, synthesize, and interpret primary and secondary sources in order to create an original work for the programs' annual contest. As science, technology, engineering, and math, STEM, are four subjects whose study is critical to national goals, the Maui Economic Development Board and Kauai Economic Development Board will work to advance STEM education and careers for students from underrepresented groups on Maui and Kauai using appropriations in this act. I also joined a number of my colleagues in working to fund Reach Out and Read, a nonprofit organization that makes use of pediatric doctor's visits as a teachable moment on the importance of parents reading to their children. Additionally, the Consolidated Appropriations Act will assist programs that prepare high school students for college at Hawaii Community College, Leeward Community College, and the Pacific Islands Center for Educational Development.

Included among the postsecondary initiatives in the bill are two programs at the Richardson School of Law at the University of Hawaii at Manoa, one of which comprehensively works to address issues relating to Native Hawaiians and the law and a second that will create a center on health policy. The bill will also allow the University of Hawaii at Hilo to expand programs at the Imiloa Astronomy Education Center and to establish a clinical training and applied science programs at the state's only pharmacy school.

I believe that historic preservation is necessary to ensure that future generations benefit from an understanding of their heritage and that cultural programs are integral to a broad-based education in a multicultural nation and interconnected world. Therefore, I am pleased that the Henry Giugni Kupuna Memorial Archives at the University of Hawaii, Bishop Museum, and Polynesian Voyaging Society will receive funding.

In addition, this bill includes vital financial education resources. My Excellence in Economic Education, EEE, Act program will receive $1.447 million for fiscal year 2010. The Triple-E funds a range of activities such as teacher training, research and evaluation, and school-based activities to further economic principles and ensure that our students are more financially literate. Financial literacy in schools is essential to ensure that students are able to be prepared to effectively participate in the modern complex economy. Moreover, I was pleased to continue my efforts in championing financial literacy efforts by backing provisions for the Council for Economic Education and Center for Civic Education.

Additionally, the Department of Treasury's Office of Financial Education will have an increase of $1 million to further their efforts, revise the national strategy on financial literacy, and develop measurable goals and objectives for the Financial Literacy and Education Commission.

One of the fundamental causes of the financial crisis was that people were steered into mortgages with risks and costs they could not afford or even understand. The Financial Education and Pre-Home Counseling Pilot Program was authorized pursuant to section 1132 of the Housing and Economic Recovery Act of 2008, Public Law 110–289. I am proud that the chairman of the Appropriations Committee and I were able to secure $3.15 million for a demonstration program in Hawaii. This program will strengthen the CDFI Fund's support for a range of financial education and counseling services to prospective homebuyers and address critical financial literacy needs of families.

This is a competitive grant that will be awarded by the Department of the Treasury's Community Development Financial Institutions Fund. Grants awarded through the Pilot Program will have the ultimate goal of identifying successful methods of financial education and counseling services that result in positive behavioral change for financial empowerment and establishing program models for organizations to deliver effective financial education and counseling services to prospective homebuyers.

The National Low Income Housing Coalition's Out of Reach report ranked Hawaii as the most expensive State for housing. As credit has become harder to obtain and downpayment requirements for home purchases have significantly increased, working families in Hawaii need assistance to better prepare for purchasing a home. These services can include credit counseling, assisting with savings planning, and educating potential home buyers about mortgage products and available programs intended to support home ownership. Pre-home ownership counseling helps prepare prospective homeowners to be better able to purchase a home and select an appropriate mortgage product and increases the likelihood that families will be able to remain in their homes. This project will focus on providing assistance to low-and moderate-income prospective home buyers in under served communities. The Government Accountability Office is required to study the impact and effectiveness of the demonstration grants authorized by section 1132.

Additionally, the legislation provides necessary resources for housing and transportation. Thirteen million dollars is provided for the Native Hawaiian Housing Block Grant, which is administered in the State of Hawaii by the Department of Hawaiian Home Lands, DHHL. These resources are extremely important to support additional home ownership opportunities for residents throughout Hawaii. DHHL is the largest housing developer in the State of Hawaii.

In addition to having high housing costs, Honolulu has among the Nation's worst driving travel times. That is why I am pleased that this bill contains Federal dollars to supplement the substantial local investment in the Honolulu High-Capacity Transit Corridor Project. Furthermore, I am glad that the Neighbor Islands will receive needed resources for their rural bus service. These projects will help to reduce our reliance on imported fuels that pollute our islands, promote economic development and provide additional transportation options for our State's families.

A number of programs through the National Oceanic and Atmospheric Administration in the Consolidated Appropriations Act will also assist my State. Funding for Hawaiian monk seal recovery plan implementation furthers work to protect the less than 1,200 monk seals living today, while funds for coral reef maintenance are important to coastal communities in terms of supporting tourism, fisheries, biodiversity, carbon sequestration, and shoreline protection. The bill's funding of $2 million facilitates a University of Hawaii, University of Mississippi, University of Alaska Fairbanks, and University of California San Diego consortium dedicated to employing infrasound, or low-frequency sound, as a warning tool for natural hazards, such as volcanic eruptions and tsunamis, having the potential for catastrophic human and economic impacts to taxpayers. Efforts at the International Pacific Research Center, IPRC, within the University of Hawaii School of Ocean and Earth Science and Technology are also supported by $1.5 million in funding. The IPRC makes data resources readily accessible and usable to researchers and the general public and conducts data-intensive climate research activities.

The bill also includes provisions that will help to improve the effectiveness of State and local justice systems to enforce the laws, bring criminals to justice, address the needs of crime victims, and prevent crime and delinquency. In particular, this bill includes $500,000 for the National Center for State Courts, NCSC, which serves as a think tank, forum, and voice for 30,000 judges, and 20,000 courthouses, in the State court system in the 50 States, DC, Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa, where annually 98 percent of court filings are submitted. Funding in this bill

will implement the NCSC's State Courts Improvement Initiative to provide increased support services to judges, administrators, and other personnel in the State court system as well as help to shape and bolster Americans' understanding of and confidence in the Nation's judicial system. I am also pleased that this bill provides $300,000 to the Hawaii Innocence Project, which provides pro bono assistance to Hawaii prisoners with credible claims of actual innocence who no longer have access to legal resources and whose innocence may now be proven by technology unavailable at the time of their trials.

To address the needs of victims and prevent crime and delinquency, I am pleased that the bill provides $400,000 to enable both the Hawaii and Kauai YWCAs to continue their programs to address sexual and domestic violence and provide services for victims of such violence. It also provides $500,000 for A Child Is Missing, ACIM, Hawaii, which will provide the critical rapid response that will assist Hawaii law enforcement agencies to locate missing children and adults. In addition, $350,000 is provided for Ka Wili Pu—Native Hawaiian for ''the blend''—which will provide 400 at-risk youth on Maui with adult guidance and adult role models and one-on-one instruction to encourage them to remain in school, fulfill their promise, avoid a problematic future with few meaningful options while promoting a healthy and stable society. To help provide cost-effective legal, medical, psychological, and social services to indigent immigrant women, the bill also provides $200,000 for the Hawaii Immigrant Justice Center to help prevent violence against women.

In addition to providing for our domestic needs, the bill provides critical funding to improve our foreign relations. I am particularly pleased by two programs funded by this bill: the East West Center, which will receive $23 million, and the U.S. Institute of Peace, which will receive $19.2 million. The Hawaii-based East West Center is a premier U.S. public diplomacy program focusing on Asia and the Pacific and is a vital tool to promote U.S. values and interests in the region. The funding provided by this bill will allow existing programs to continue and provide additional funds for program enhancements and some facility upgrades.

The U.S. Institute of Peace, a national center of research, education, and training on conflict management, works to resolve international conflicts by peaceful means without violence and war. The USIP was championed by former Senator Spark Matsunaga, and I am pleased to see the vital work of this institution continue, especially in this current international climate.

Significant funding for military construction projects is also included in this bill, which will support the construction of troop barracks, mission critical operational facilities, support the construction needs of the Guard and Reserves, and the construction of military family housing, child care centers, and chapels. We must continue to provide for our troops and their families as they sacrifice so much for this Nation.

I am particularly pleased that my request for a shipyard modernization project at the Pearl Harbor Naval Station was authorized and appropriated at $25 million. Shipyard modernization is essential to give our workers the opportunity to most efficiently maintain and repair our fleet. The Production Services Support Facility is a much needed step in the right direction. In addition, my request for an additional runway at Kona was approved as funding was included for the planning and design of a C–17 short auxiliary airfield. Once completed, this will allow Hickam AFB C–17 aircrews to complete their required training in the local area instead of travelling the 16-hour round trip to the mainland.

In addition to ensuring that our military members have the facilities necessary to assist in the performance of their duties, this bill ensures that our military members are taken care of when they return home. As chairman of the Committee on Veterans' Affairs, I am pleased that the Omnibus appropriations bill includes strong funding for the Department of Veterans Affairs, VA, in recognition of the fact that caring for veterans is a cost of war and must be funded as such.Funding for VA would be substantially increased, billions of dollars above the previous budget. This funding will allow VA to improve care for veterans of all service-eras and further the administration's goal of opening enrollment for more than 500,000 veterans of modest incomes by providing VA with the resources to prepare for them in the coming years. The bill also fully funds VA's research programs, which are vital to improving the Department's ability to treat the signature wounds of the current conflicts and develop other improvements that will help veterans and nonveterans alike.

I am delighted that for the first time VA will receive advance appropriations for fiscal year 2011 for three VA medical care accounts. This coincides with the landmark legislation, Veterans Health Care Budget Reform and Transparency Act of 2009, which was signed into law as Public Law 111–81 by the President on October 22, 2009. Funding VA health care in advance will go a long way toward resolving the problematic underfunding of VA health care, which left so many of the Nation's veterans with unmet health care needs.

Importantly, this bill contains an amendment I offered that will extend VA's authority to operate the Manila VA Regional Office. I extend my deepest thanks to the staff of the Manila Regional Office who have continued to demonstrate unwavering dedication to their duty to assist Filipino World War II veterans and indeed all veterans who apply for benefits from VA. Earlier this year, more than 60 years after the end of the World War II, surviving Filipino World War II veterans who served under U.S. military command received a measure of compensation for their service in the form of a one-time lump sum payment. Dispersing these payments has been a significant challenge as a series of steps are required to authenticate their World War II service. In addition, the Manila Regional Office administers Social Security in the Philippines while at the same time administering compensation, pension, vocational rehabilitation, employment, and education benefits to over 18,000 individuals. Without this extension, VA's authority to operate the Manila VA Regional Office would have expired on December 31, 2009.

These are just some of the projects and programs this important bill will fund for the 2010 fiscal year. Once again, I want to thank the hard work of the Appropriations Committee for bringing this bill before us today, and I urge my colleagues to support it.

VOTE EXPLANATION

Mr. DORGAN. Mr. President, the Senate voted Sunday on final passage of the conference report to accompany H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act for 2010. I was unable to vote because I was attending my son's college graduation ceremony at the University of Minnesota, which occurred at the same time as the Senate vote. Had I been present during the vote, I would have voted in favor of the legislation.

CRIMINAL SENTENCING

Mr. HARKIN. Mr. President, with over 2 million inmates, many who are in prison for nonviolent drug offenses, the United States has the highest rate of incarceration in the world. In recent years, we have rightly begun to question how our criminal justice system can better ensure our communities are safe and free of drugs and violence, while fostering healthy families and communities through drug treatment and rehabilitation for those who are not violent or a danger to society. That is why I cosponsored the Second Chance Act, which became law last Congress. It is also why I am a proud cosponsor of S. 714, the National Criminal Justice Commission Act of 2009, introduced by Senator WEBB.

As we engage in a dialogue regarding the criminal justice system, I strongly recommend to my colleagues recent remarks Chief Judge Robert W. Pratt of the Southern District of Iowa made before the U.S. Sentencing Commission. Chief Judge Pratt authored the trial court decision in Gall v. United States, where the Supreme Court provided for greater discretion for Federal court judges in imposing criminal sentences, and he has become one of the leading

legal thinkers in our country on criminal sentencing. While I do not necessarily endorse every idea Chief Judge Pratt discusses, I commend to my colleagues his incredibly thought-provoking speech on this complex and challenging topic.

Mr. President, I ask unanimous consent that the entire text of Chief Judge Pratt's statement be printed in the RECORD.

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

SENTENCING COMMISSION TESTIMONY

Judge Robert Pratt

Thank you for the invitation to testify regarding the work of the Sentencing Commission. Like almost every district judge with whom I have discussed the matter, I believe that sentencing is the single most important task performed by district court judges. According to the Sentencing Commission, federal district judges sentenced 72,865 criminal defendants in 2007. I would be remiss in my testimony if I did not remark upon the difficult emotional toll that sentencing places on a judge. Even when sentences are fair and appropriate, and even when a defendant ''deserves'' the particular term of imprisonment, it is not a pleasant task to pronounce the judgment of the law. I am not complaining about the job. Rather, I am just stating my personal belief, shared by many judges, that it is impossible for any human being to be confident that he or she has imposed the ''correct'' sentence. It is important to state this fact from the outset of my testimony because we too often lapse into a recounting of judicial statistics that fail to capture the enormity of the single act of pronouncing a sentence.

I want to begin by remarking that these hearings are very much in keeping with the Sentencing Reform Act of 1984, which advised that one of the purposes of the Sentencing Commission was to ''establish sentencing policies and practices for the federal criminal justice system that'' assure that the purposes of sentencing set forth in Title 18, United States Code, §3553(a)(2) are met. Section 991 of Title 28, which established the Sentencing Commission, goes on to state that the Commission was also intended to ''provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices'' and to ''reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process.'' The Commission is further charged with ''develop[ing] means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.''

I will try and follow the questions that were posed to me when I was asked to come and testify, so as to properly limit the scope of my presentation. The federal sentencing system is not working well. Sentences are routinely more harsh and punitive than they need to be, especially in run-of-the-mill narcotics and pornography cases. The starting point for this result, of course, is with the United States Attorneys and their general charging authority. ''Prosecutors decide whether and how to charge an individual. They decide whether to offer a plea to a lesser charge, set the terms of the plea, and assess whether the conditions have been met.'' Angela Davis, The American Prosecutor: Independence, Power, and the Threat of Tyranny, 86 Iowa L. Rev. 393, 408 (2001); see also Kenneth Culp Davis, Discretionary Justice: A Preliminary Inquiry 188 (1969) (''Viewed in broad perspective, the American legal system seems to be shot through with many excessive and uncontrolled discretionary powers but the one that stands out above all others is the power to prosecute or not to prosecute.''). While ''disparities,'' both warranted and unwarranted, are often discussed in the context of sentencing, the reality of federal sentencing today is that federal sentences are dramatically longer than state sentences for similar offenses. As well, the time that offenders actually serve is substantially longer in the federal system than in the state system. While federal sentences are categorically harsher, the unanswered question that remains is: What legitimate penological reasons exist that can account for the difference? With few exceptions, the Sentencing Guidelines advise sentences that are simply too punitive. The very first thing the Sentencing Commission should do is to advise Congress to eliminate all mandatory sentences. Mandatory sentences come in two types—the mandatory minimum, which requires a sentence of ''x years'' upon a plea of guilty or a conviction, and the sentencing enhancement, where a plea or conviction will trigger a specific sentence. The overly punitive Sentencing Guidelines and the mandatory minimum sentences (which include the enhancement statutes) all have their origins in the mistrust of judges. This mistrust of life-tenured judges does not find a similar mistrust of executive branch actions by politically appointed United States Attorneys serving at the pleasure of the President. Mandatory minimum sentences have the effect of letting the prosecutor determine the sentence. This is simply untenable in a sentencing regime that advises judges to render sentences that are ''sufficient but not greater than necessary.'' For the very first time in our legal history, we now have a regime under the Booker advisory guideline system where the United States Attorney will be involved in sentencing justice. Under the pre-mandatory guideline system, the United States Attorney played virtually no part in the determination of the appropriate sentence. Indeed, in the indeterminate sentencing system, judges had almost unfettered discretion to individualize sentences for particular defendants. While prosecutors cared about what the ultimate sentence was, questions of sentencing justice could be left to the judge and to the parole board. With the advent of the Sentencing Reform Act and the mandatory Sentencing Guidelines, prosecutors merely needed to ''prove up'' sentencing facts and argue Guideline law in order to effectively restrain judicial discretion. The prosecutors, however, still were not concerned with the justice of the sentence—a matter left to the Sentencing Commission and, to a much lesser extent, to the judge. To quote from Professor Simons' article:

''Superficially, this limiting of the prosecutor's involvement at sentencing made sense and was consistent with traditional institutional roles: the prosecutor decided the charge, the jury decided guilt or innocence, and the judge decided the sentence. This division of roles, however, had one major exception: mandatory sentences. At the same time it created the Sentencing Guidelines, Congress also began creating a variety of crimes that carried mandatory minimum sentences, typically for offenses involving drugs and guns. Because these mandatory sentences ''trump'' the Sentencing Guidelines, the charge often determined the sentence. In other words, by charging (or not charging) an offense with a mandatory minimum sentence, the prosecutor effectively became the sentencer. In a system in which sentencing is viewed as a judicial function and in which prosecutors are typically not asked to engage with questions of sentencing justice, this ''sentencing by charge'' increases the risk of unjust sentences.''

Michael A. Simons, Prosecutors as Punishment Theorists: Seeking Sentencing Justice, 16 Geo. Mason L. Rev. 303, 305–06 (Winter 2009).

As a result of *Booker*, the Supreme Court has created a third system that merges some of the elements of the pre-Guidelines and post-Guidelines systems. The Supreme Court has decided that sentences should be decided based not only on the ''advice'' a judge receives from the Sentencing Commission, but also on the traditional purposes of punishment: retribution, deterrence, incapacitation, and rehabilitation. The Court also announced that a trial judge's decision would be reviewed based upon a concept of ''reasonableness.'' Now, prosecutors not only prove up sentencing facts and argue guidelines law, but also are in the unfamiliar role of arguing both at sentencing and on appeal that a particular sentence is or is not reasonable. Within this framework, the Government and the Court, as well as defense counsel, should remember what the Supreme Court said about the role of the United States Attorney in *Berger* v. *United States*, 295 U.S. 78, 88 (1935):

''The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.''

If prosecutors thought and acted this way about sentencing, it would animate their charging decisions with respect to mandatory minimums, sentencing enhancements, and arguments about sentences that are considered to be ''sufficient but not greater than necessary.'' The end result of a prosecution—''substantive justice'' regarding the sentence—should be considered an integral part of the United States Attorney's job. This is the indirect result of *Booker* and its progeny. An oft-quoted inscription on the walls of the Department of Justice states: ''The United States wins its point whenever justice is done its citizens.'' (quoting *Brady* v. *Maryland*, 373 U.S. 83, 87 (1963)). Simply asking these questions before charging decisions are made can truly improve the sentencing system under the post-*Booker* advisory regime.

There is no question in my view that the now-advisory system of guideline sentencing has improved the quality of sentences that I have rendered. The entitlement that the defendant has at sentencing is to an ''individualized assessment'' based upon the facts presented has improved the ability of judges to consider factors that were not permitted to be taken into account pre-*Booker*. *See Gall* v. *United States*, 522 U.S. 38 (2007). This rationale, of course, built upon what the Supreme Court has called ''the uniqueness of

the individual case,'' as well as the following practice of the federal courts that Justice Kennedy referred to in *Koon*: ''''It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.''' *Gall*, 552 U.S. at 598 (quoting *Koon* v. *United States*, 518 U.S. 81, 113 (1996)). Prior to *Booker*, federal district court judges were almost always prevented from considering the defendant's age, *see* U.S.S.G. 5H1.1, education and vocational skills, *id*. 5H1.2, mental and emotional condition, *id*. 5H1.3, physical condition, including drug or alcohol dependence, *id*. 5H1.4, employment record, *id*. 5H1.5, family ties and responsibilities, *id*. 5H1.6, socio-economic status, *id*. 5H1.10, civic and military contributions, *id*. 5H1.11, or lack of guidance as a youth, *id*. 5H1.12. These guideline prohibitions are directly at odds with many of the sentencing statute's directives contained in 18 U.S.C. §3553(a). While sentencing is now more complex and demanding than it was when courts merely had to plug in the numbers that Rule 32 required and impose the mandatory provisions of the Sentencing Guidelines severed in *Booker*, it now leads more frequently to a sentence that is ''sufficient but not greater than necessary.'' Post-*Booker* sentencing has also led to more innovative and imaginative advocacy on the part of many defense lawyers. Courts are now presented with sentencing alternatives that can better suit offenders' needs and that will lead to more community based solutions. Such alternatives in sentencing are sometimes far more appropriate than imposing sentences of incarceration, where offenders are commonly deprived of familial and other support mechanisms. Breaking the cycle of parentless children, many of whom will fail in the same way as their parents, must be inculcated into sentencing practices.

The Sentencing Guidelines should continue to be advisory and should play a role in helping judges achieve the goals of sentencing. The preference of the Guidelines, however, for custodial sentences as opposed to noncustodial sentences should be eliminated by promulgating guidelines that encourage noncustodial sentences—particularly for first time and non-violent offenders. These new guidelines should be based upon empirical research into such emerging topics as the effects of brain maturity and should encourage analyzing the ''whole person,'' which would include psychological and vocational evaluations, intelligence tests, and risk factor identification. This would require judges to look at the sentencing goal of rehabilitation, rather than mere retribution. The current preference in the Guidelines for custodial sentences also does not appropriately permit the sentencing judge to employ the ''institutional advantages'' that Justice Stevens referred to in *Gall*. Many times, a judge can ''feel'' or sense the sincerity of a defendant during allocution, and such a factor can never be properly ''conveyed by the record'' of the proceedings. Some acknowledgment should be made in an advisory guideline or in a policy statement regarding the importance of a defendant's right of allocution, as well as to the right of allocution of any victims of the offense. Such an acknowledgment will add to the record available to counsel, to the sentencing judge, and to any reviewing court that must determine the reasonableness of a sentence. Indeed, it seems to me that offering this type of advice to sentencing judges would keep with the initial Congressional intent in passing the Sentencing Reform Act of 1984, which delegated to the Commission the responsibility of developing sentencing policies and practices that achieve certainty and assure fairness.

Another suggested advisory guideline or policy statement that could be added to the sentencing practices is one that I have used in my post-sentencing work. The opportunity to talk with ex-offenders about their incarceration experience, rehabilitative efforts, educational programs, and attitudes about their upcoming supervised release term is an ''institutional advantage'' that can only add to a judge's sentencing expertise. Seeing what a probationary sentence or a short or long sentence does to a defendant is a useful tool in knowing what sentence to give in a similar case. At a minimum, it provides insight to the sentencing judge that no one else has. These changes with respect to sentencing, while not mandatory, could certainly be useful to judges on some level. The Sentencing Commission currently issues reports that relate a statistical approach to sentencing and that continues to center judges' attentions on the Sentencing Guidelines, as if a certain percentage of ''within Guidelines'' sentences can be determinative of the quality of those sentences. While I do believe that these reports are helpful to judges in that they tell us something about sentencing, I also believe that these reports tend to erroneously ''anchor'' a judge into thinking that a guideline sentence is preferred or even that an unwritten presumption for the guideline sentence exists.

A final set of suggestions for the Sentencing Commission would be, first, to reconsider aforementioned Guideline provisions that all but dismiss an offender's family and community contributions. Our law should recognize and value those rare offenders who consistently provide financial support for their children, participate positively in their children's lives, and benefit the community through consistent charitable or public service. These traits speak not only to an offender's overall character but also to their ability to reintegrate into society. Moreover, the Sentencing Commission should reconsider the sheer number of enhancements that are applicable in many drug, firearm, and pornography cases, as they place many offenders' guideline ranges near the statutory maximum, despite the dramatic differences in culpability among the offenders. Perhaps, the Sentencing Commission should also reconsider utilizing a higher standard of proof, more in tune with other criminal law principles, for all enhancements. Indeed, the use of acquitted conduct, for example, proven only by a preponderance of the evidence, to dramatically increase an offender's guideline range serves to functionally undercut the jury system and discredit the Sentencing Commission and the larger criminal justice system in the eyes of the public.

With respect to the balance between uniformity and discretion, I believe that any system that allows judges to individually assess a defendant within the broad parameters of the sentencing statute will necessarily sometimes appear to be ''non-uniform or disparate'' in terms of the ultimate sentence. This ''unwarranted disparity'' is a price worth paying because sentencing is inherently fact based and because human beings (including judges) are unique. Thus, any appearance of disparity, and indeed, any actual disparity, should be viewed as a necessary consequence of an appropriately individualized process. As in many arenas of the law where ''discretion'' is the rule, there will always be different results in different cases. While we should attempt to limit unequal results where all other factors are equal, no system can ever truly and adequately account for the disparate acts of police, prosecutors, probation officers, and judges—all players that interact in a system that will eventually result in an offender's conviction. The current perception in working-class and poor-America is that society has one set of rules that apply to well-to-do people, and another set of rules that impacts on them. Certainly, any statistical analysis of the impact of the Sentencing Reform Act on the federal prison population would show that incarceration rates have doubled or even tripled for poor people and minorities, but have remained steady for well-to-do people and nonminorities. The Supreme Court in Gall made reference to my own comment in the underlying sentencing of Mr. Gall that ''respect for the law'' has to mean something more than long sentences. Indeed, in sentencing Mr. Gall to 36 months of probation, I specifically found that ''a sentence of imprisonment may work to promote not respect, but derision, of the law if the law is viewed as merely a means to dispense harsh punishment without taking into account the real conduct and circumstances involved in sentencing.'' Gall, 552 U.S. at 599 (quoting the district court decision). The current law overlooks, or at least gives less weight to, the collateral consequences of conviction in our country and in the majority of our states. The offender is deprived of the right to vote in most states, the right to serve on a jury, the right to run for elective office, and the right to possess firearms (whatever the eventual Supreme Court view of that right entails). Moreover, a conviction will inevitably forever harm an offender's employment opportunities, and in turn, the chances the offender's children will have to get an education and succeed on their own merits. The fact is that, unlike most, if not all, democracies, we condemn more than the conduct of the offender. We also condemn the convicted individual personally, telling them, in effect, that society no longer wants their contributions or values their existence. Limiting the stigma of conviction after a sentence is completed should be one of the primary goals of the sentencing commission.

With respect to analyzing a sentence within or outside the Sentencing Guideline range, I think determining a sentence with the Guideline as the ''norm'' gives too much weight to the Sentencing Guidelines which, after all, are just one of the §3553(a) factors to be considered. The Supreme Court has instructed us that the ''overarching'' provision of the Sentencing Reform Act that must be given effect is the ''parsimony provision''—that is, the Court is charged with arriving at a sentence that is ''sufficient but not greater than necessary.'' This provision has a long pedigree. As early as 1748, Baron Charles de Montesquieu wrote in The Spirit of the Laws, Bk. XIX. 14 (G. Bell & Sons 1914): ''All punishment which is not derived from necessity is tyrannical.'' I think a better approach is the sentencing statute itself, which allows the sentencing judge to gather evidence on each of the §3553(a) factors and to determine what, if any, incarceration is necessary, and then to determine, if the circumstances warrant, the length of confinement that would best serve the purposes set forth in the statute. While the Gall Court properly instructed sentencing judges to start with correctly calculating the advisory Sentencing Guideline range, it employed this starting point to aid in ''secur[ing] nationwide consistency'' in sentencing, not because Guideline calculations are entitled to greater weight than any other sentencing factor. While the Sentencing Guidelines attempt to render a ''wholesale'' overview to the sentencing considerations outlined in §3553(a), the Rita Court explained that guidelines certainly cannot routinely provide a ''sufficient but not greater than necessary'' sentence if the district court is engaged in an individualized

assessment of the offender and the offense. See *Rita* v. *United States*, 551 U.S. 338 (2007). Accordingly, a sentencing judge must use his or her experience and common sense when determining what value the ''starting point'' should have in the final analysis. As Judge Cabranes and Professor Stith point out in their book, ''the explosion of case law on federal sentencing contains almost no discussion of the purposes of sentencing generally or in the specific case—almost no articulated concern as to whether a particular defendant should be sentenced in the interest of general deterrence, rehabilitation, retribution, and/or incapacitation.'' Kate Stith & Jose Cabranes, Fear of Judging: Sentencing Guidelines in the Federal Courts (Univ. of Chicago Press 1998). Now that judges are free to discuss these purposes of sentencing within the context of the individualized facts of the offender and the case, an exchange among the courts, defenders, prosecutors, probation officers, victims, and the Sentencing Commission can take place and a ''common law'' of sentencing can and should emerge. A great example of this ''common law'' of sentencing that actually addresses the purposes of sentencing can be found in *United States* v. *Cole*, 622 F. Supp. 2d 632 (N.D. Ohio 2008), where the trial court discussed the purposes of sentencing in the following manner:

''We have long understood that sentencing serves the purposes of retribution, deterrence, incapacitation, and rehabilitation. Deterrence, incapacitation, and rehabilitation are prospective and societal—each looks forwards and asks: What amount and kind of punishment will help make society safe? In contrast, retribution imposes punishment based upon moral culpability and asks: What penalty is needed to restore the offender to moral standing within the community?''

The Cole court went on to describe how each of these purposes was consistent with the sentencing statute found at §3553, and how the law and the facts (which involved a financial crime) should be analyzed given these sentencing concerns.

With respect to appellate review, I believe that the ''abuse of discretion'' standard has worked well and will continue to do so. District court judges ''live with a case'' for a substantial period of time and have face-to-face interactions with the offender. Appellate courts do not have these advantages available to district judges in formulating an appropriate sentence, making a less deferential, ''de novo'' standard of review inappropriate. While district judges can and do get it wrong from time to time, I believe the current ''abuse of discretion'' standard adequately allows appellate courts to determine the point at which the latitude afforded district court judges has been transgressed. If a Court of Appeals canvasses the entire record and is left with a ''firm and abiding'' conviction that the sentence is not ''reasonable,'' then the Court of Appeals can and should intervene and reverse the district judge. I am not certain that this is a test which ''shocks the judicial conscience,'' but I am confident that Court of Appeals judges will be able to identify an unreasonable sentence when they see it and articulate the reasons why the sentence is unreasonable in the context of the particular facts of a case.

Lastly, with respect to changes in either the sentencing statutes or the Federal Rules of Criminal Procedure, I would emphasize the necessity of eliminating all mandatory minimum statutes and sentencing enhancement statutes. These statutes unfairly and improperly shift the sentencing function of government from the judicial branch to the executive branch. With respect to Federal Rule of Criminal Procedure 32, it should be expanded to permit a broader exchange of information in advance of the actual sentencing proceedings. Additional authority should be provided within the Rules to allow medical, psychological, or vocational testing when such testing would aid the sentencing judge in formulating an appropriate sentence.

Thank you for the invitation to submit testimony before the commission. I look forward to the opportunity to verbally address any concerns or questions you may have about my testimony.

HONORING OUR ARMED FORCES

STAFF SERGEANT STEPHEN MURPHY

Mrs. SHAHEEN. Mr. President, today I wish to express my sincerest condolences and deepest sympathies to the family of SSG Stephen F. Murphy, who died in Al Asad, Iraq, on November 8. Staff Sergeant Murphy, a native of Troy, NH, served his country for 16 years as a member of the U.S. Marine Corps. The American people will forever be grateful for his service.

Staff Sergeant Murphy exemplified the best in America's long tradition of duty, sacrifice and service. Despite being turned away from a Marine recruiting station as a teenager for being too small and still lacking a high school diploma, Stephen was determined to enlist and rededicated himself to his studies and weight training until he could join the Corps. The selfless determination he displayed is what makes our Armed Forces the best in the world.

When he formally established Veterans Day in 1954, President Eisenhower described the importance of a national day of remembrance: ''On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.''

In the town of Troy this past Veterans Day, those words undoubtedly took on a new poignancy as the community came together to honor the sacrifice of one of its own. Our nation can never fully repay this sacrifice, nor fully assuage the loss to Stephen's family. Through his years of service, he helped preserve the safety and security of the American people. It now falls to all of us to honor his memory by supporting our veterans and their families and ensuring America's continued security.

I ask my colleagues to join me and all Americans in honoring the life of SSG Stephen Murphy.

REMEMBERING AMBASSADOR THOMAS F. STROOCK

Mr. BARRASSO. Mr. President. Wyoming has lost a statesman. On Sunday, December 13, 2009, Ambassador Thomas F. Stroock passed away at the age of 84. Tom once said, ''I don't know why God gave me this wonderful life. Good fortune, I guess.'' Those of us who had the benefit of knowing Tom are certain that his wonderful life was a result of his determination, toughness, and confidence.

Tom served our Nation as a marine in WWII. In 1948, he graduated from Yale University and then found his way to Wyoming. His first job was as a roughneck on an oil rig. The following year, the lovely Marta Freyre de Andrade agreed to be his wife.

Tom was a man who saw possibilities and opportunities. He started his own oil and gas properties firm in 1952, Stroock Leasing Corporation and Alpha Exploration, Inc. It grew to be one of Wyoming's most respected and successful oil and gas businesses.

While he was busy with his successful energy endeavors, Tom still had much to give Wyoming and our Nation. He served for 16 years in the Wyoming Legislature. He was chairman of the local school board, as well as the Wyoming School Boards Association and Wyoming Higher Education Council. Tom used his energy and business acumen to lead the industry though his service on the Wyoming Natural Gas Pipeline Authority and the Enhanced Oil Recovery Commission.

In 1989, his good friend and college classmate, President George H. W. Bush, tapped him to be the U.S. Ambassador to the Republic of Guatemala. It was a tough assignment. Guatemala was in the midst of a decades-long civil war. Tom approached this job as he did all of his other challenges—with forthrightness and courage. Ambassador Stroock provided challenge and support to our friends in Guatemala as they worked toward a more stable economy, a decrease in political violence and perhaps most notable to the outside world, increased internal safety measures. Tom helped bring about changes that greatly impacted the daily lives of Guatemalans.

Tom Stroock's accomplishments were numerous. Throughout his lifetime of leadership and service, Marta was at his side. The couple, married for 60 years, served as a pillar of the Casper, WY, community. Their daughters Margie, Sandy, Betty, and Anne, are carrying on their father's commitment to business and public service.

Mr. President, while we are saddened by the passing of Ambassador Thomas F. Stroock, we are left with the example of a life well lived.

TRIBUTE TO ERNIE LOMBARD

Mr. RISCH. Mr. President, I rise today to give recognition to Ernie Lombard who has been at the forefront of preserving and recording Idaho's great past.

For more than 20 years, Ernie has had a vision of a State park that would showcase Idaho's mining history and allow for motorized recreation. In 2009, the vision was realized when thanks to Ernie's leadership, the Bayhorse ghost town in Custer County became the newest addition to Idaho's State park system.

It was not an easy task. Many parcels in the park needed to have century-old toxic mine waste removed. Bayhorse was one of the first sites in the country to use brownfields grant funds to accomplish that feat. The work was such a success the Bayhorse project was awarded the Partners in Conservation Award by the U.S. Department of the Interior for outstanding conservation results among many partners.

As an architect, Ernie has had a hand in designing several of Idaho's most significant buildings. His talents and passion for architecture and history, along with a strong interest in photography and art, have preserved Idaho's rugged and unique past. Ernie's photographic library includes more than 3,000 images of historic Idaho buildings. His presentation, ''Ghost Towns of Idaho'' has been presented to audiences more than 200 times. Every school district in the State has the video created from this presentation to use in teaching Idaho history.

His work on a county historical advisory board led to the preservation of the historic Guffey railroad bridge across the Snake River between Canyon and Owyhee Counties. This bridge is a centerpiece for Celebration Park.

Ernie also conducts historical ''safaris'' to ghost towns such as Silver City and teaches about Idaho ghost towns and photography in the Boise Community Education Program. He is the longest continuing education instructor in the history of the program having taught 27 years.

Recently, the Idaho State Historical Society awarded Ernie Lombard with their ''Esto Perpetua'' award for significant contributions to the preservation of Idaho history.

It is indeed an honor for me to give recognition to Ernie Lombard for his vision and many years of work to preserve Idaho's significant history and his passion and willingness to educate Idahoans and others about our wonderful State. Future generations of Idahoans have received a great gift from Ernie Lombard, and we are very grateful.

ADDITIONAL STATEMENTS

TRIBUTE TO DALE HANINGTON

• Ms. COLLINS. Mr. President, I wish to congratulate the president and CEO of Maine Motor Transport Association, Dale Hanington, on his retirement. The men and women of Maine's trucking industry are grateful for his determined and effective leadership. I am grateful for his guidance and support on transportation legislation, and for his friendship.

Dale, a Maine native who earned his bachelor's degree in business administration, retired from the Maine State police at the rank of lieutenant after 20 years of service. After retiring from the Maine State police, he served as a safety engineer with a large construction company for 2 years. In 1989, Dale joined the Maine Motor Transport Association as assistant to the executive director, and he became the president and CEO of the association in 1993.

Dale has been a strong advocate for Maine's most important transportation needs, including raising the Federal truck weight limit in Maine, which we have worked together tirelessly to address. With Dale's help and support, we finally have made progress in securing a 1-year truck weight pilot project for Maine.

I am grateful for our strong working relationship over the years. I offer my sincerest appreciation to Dale for his service and congratulations on a well-deserved retirement.•

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4165. An act to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 4217. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4218. An act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 5 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4284. An act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

ENROLLED BILL SIGNED

At 7:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3288. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1471. An act to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3995. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines'' (RIN2137—AE15) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3996. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Control Room Management/Human Factors'' (RIN2137—AE28) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3997. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Worker Visibility'' (RIN2125—AF28) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3998. A communication from the Staff Assistant, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees Authorized by 49 U.S.C. 30141 Offer of Cash Deposits or Obligations of the United States in Lieu of Sureties on DOT Conformance Bonds'' (RIN2127—AK10) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3999. A communication from the Staff Assistant, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards, Child Restraint Systems'' (RIN2127—AK36) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4000. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Oversales and Denied Boarding Compensation'' (RIN2105—AD63) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4001. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Procedures for Non—Evidential Alcohol Screening Devices'' (RIN2105—AD64) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4002. A communication from the Senior Regulations Analyst, Office of the Secretary

of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs'' (RIN2105—AD55) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4003. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information'' (RIN2105—AD67) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4004. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Fort Meyers, Florida'' (MB Docket No. 09—170) received in the Office of the President of the Senate on December 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4005. A communication from the Acting Assistant Administrator of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Longline and Purse Seine Fisheries in the Eastern Pacific Ocean in 2009, 2010, and 2011'' (RIN0648—AY08) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4006. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries'' (RIN0648—XS77) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4007. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #8, #9, #10, #11, and #12'' (RIN0648—XS52) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4008. A communication from the Acting Assistant Administrator of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' (RIN0648—XS30) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4009. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648—XT10) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4010. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New Jersey'' (RIN0648—XT09) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4011. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gear Restriction for the U.S./Canada Management Area'' (RIN0648—XS87) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4012. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648—XS96) received in the Office of the President of the Senate on December 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4013. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A'' (RIN0648—XT10) received in the Office of the President of the Senate on December 9, 2009; 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. GILLIBRAND:

S. 2880. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 2881. A bill to provide greater technical resources to FCC Commissioners; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. LINCOLN (for herself, Mr. HARKIN, and Mr. CHAMBLISS):

S. Res. 374. A resolution recognizing the cooperative efforts of hunters, sportsmen's associations, meat processors, hunger relief organizations, and State wildlife, health, and food safety agencies to establish programs that provide game meat to feed the hungry; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. Res. 375. A resolution honoring the life and service of breast cancer advocate, Stefanie Spielman; considered and agreed to.

ADDITIONAL COSPONSORS

S. 428

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 448

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 455

At the request of Mr. ROBERTS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 583

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 850

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the

Democratic Republic of Congo, and for other purposes.

S. 1038

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1038, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1089

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1089, a bill to facilitate the export of United States agricultural commodities and products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to establish an agricultural export promotion program with respect to Cuba, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens and legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1584

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1584, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1857

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1857, a bill to establish national centers of excellence for the treatment of depressive and bipolar disorders.

S. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2869

At the request of Ms. LANDRIEU, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Arkansas (Mr. PRYOR), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. BURRIS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

AMENDMENT NO. 2795

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2795 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2869

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2869 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2883

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 2883 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2909

At the request of Mr. NELSON of Florida, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2909 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2991

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of amendment No. 2991 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3014

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3014 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3046

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 3046 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3047

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 3047 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3115

At the request of Mr. CASEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3115 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3135

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3135 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed

Forces and certain other Federal employees, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. WARNER):

S. 2881. A bill to provide greater technical resources to FCC Commissioners; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to introduce legislation that provides greater technical resources to the Commissioners of the Federal Communications Commission.

Specifically, this legislation simply proposes modifying existing law so that each Commissioner may hire an additional staff member—an electrical engineer or computer scientist—to provide in-depth technical consultation. Currently, the statute allows each Commissioner to appoint only three professional assistants and a secretary. Typically, these professional assistants have been legal advisors covering the wireline, wireless, and cable/media sectors. However, in order to properly regulate communications, Commissioners must be well-versed in both the legal and technical aspects of the issues.

With the rapid advancement of technologies and innovation within the telecommunications industry, it is imperative that Commissioners have the technical expertise on their staff to make well informed regulatory decisions. As one Commissioner recently remarked, ''not one of us is an engineer. Do you really want us making these highly technical decisions?'' We should not expect every Commissioner to be an engineer, but having one on staff is prudent. Having both technical and legal advisors provides the requisite complement of staff experience for the Commissioners to properly address increasingly complex technical and legal matters.

While the Office of Engineering and Technology, OET, has been and will continue to be a valuable resource, there has been concern in the technical community about the depletion of engineering expertise at the Commission. From 1995 to 2001, the FCC's engineering staff dropped by more than 20 percent. And at the time, more than 40 percent of the engineering staff were to be eligible for retirement between 2001 and 2005. More recently, the FCC's Managing Director has identified that the Commission has a shortage of network engineers.

In addition, several engineering membership and standards bodies have weighed in voicing concern about the lack of technical depth at the FCC. The Institute of Electrical and Electronics Engineers, IEEE, the largest technical professional organization in the world, sent a letter in June of 2008 to then-Chairman Martin writing ''despite the generally excellent nature of its internal staff, given all of the technical issues within the FCC's jurisdiction, it may be prudent to seek means to supplement the internal technical capabilities of the Commission.'' The Society of Broadcast Engineers has outlined that one of its legislative goals for 2009–10 is ''to promote the maintenance or increase of technical expertise within the FCC to ensure that decision-making by the FCC is based on technical investigation, studies and evaluation rather than political expenditures.'' I would like to thank these two organizations for supporting this beneficial legislation.

This bill takes a step towards properly addressing a glaring deficiency by ensuring each Commissioner has a technical expert on staff to provide individual technical advisement. This is absolutely critical given how rapidly technologies are changing and the implications that regulation could have on the underlying technical catalysts of innovation. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this critical legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 374—RECOGNIZING THE COOPERATIVE EFFORTS OF HUNTERS, SPORTSMEN'S ASSOCIATIONS, MEAT PROCESSORS, HUNGER RELIEF ORGANIZATIONS, AND STATE WILDLIFE, HEALTH, AND FOOD SAFETY AGENCIES TO ESTABLISH PROGRAMS THAT PROVIDE GAME MEAT TO FEED THE HUNGRY

Mrs. LINCOLN (for herself, Mr. HARKIN, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 374

Whereas almost every State has a program in which hunters may donate game meat to feed the hungry;

Whereas hunters, sportsmen's associations, meat processors, community hunger organizations, and State wildlife, health, and food safety agencies work together successfully to operate such programs whereby hunters feed the hungry; and

Whereas such programs have brought hundreds of thousands of pounds of game meat to homeless shelters, soup kitchens, and food banks: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the cooperative efforts of hunters, sportsmen's associations, meat processors, hunger relief organizations, and State wildlife, health and food safety agencies to establish programs that provide game meat to feed the hungry across the United States; and

(2) recognizes the contributions of such programs to efforts to decrease hunger and feed individuals in need.

SENATE RESOLUTION 375—HONORING THE LIFE AND SERVICE OF BREAST CANCER ADVOCATE, STEFANIE SPIELMAN

Mr. VOINOVICH (for himself and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 375

Whereas Stefanie Spielman, a tremendous advocate and a true champion for the cause of breast cancer research, passed away on November 19, 2009, after a decade-long battle with breast cancer;

Whereas despite her constant battle with her own illness, Stefanie showed grace and compassion for others, touching countless lives in Ohio and beyond;

Whereas Stefanie tirelessly advocated for additional research into the prevention and treatment of breast cancer, and along with her husband, Chris, founded the Stefanie Spielman Fund for Breast Cancer Research at the Ohio State University Comprehensive Cancer Center—James Cancer Hospital and Solove Research Institute shortly after her diagnosis;

Whereas Stefanie and Chris later established the Stefanie Spielman Fund for Patient Assistance, which to date has generated more than $6,500,000 to help translate laboratory discoveries into effective treatments for breast cancer patients;

Whereas Stefanie served as an active and vital member of the James Cancer Hospital and Solove Research Institute Foundation Board;

Whereas Stefanie was actively engaged in advocacy issues, including Ohio Mammography Day, which received the strong support of former Ohio First Lady Janet Voinovich and was designated by the Ohio General Assembly as the third Thursday in October;

Whereas in 2000, Stefanie and Chris established ''Stefanie's Champions'' to honor one of the most important factors in cancer treatment—the loving and healing presence of a devoted caregiver;

Whereas Stefanie gave the first Champion award to her beloved husband after Chris put his professional football career on hold to care for her when she was first treated; and

Whereas Stefanie was a loving mother to her 4 children: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the outstanding achievements and profound impact of Stefanie Spielman in the fight against breast cancer;

(2) commends Stefanie for her commitment to caring for others suffering from breast cancer; and

(3) celebrates her life as a wife, mother, and advocate for breast cancer awareness, research, and treatment.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3201. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3202. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3203. Mr. BAYH (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mr. KERRY, Ms. STABENOW, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3204. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3205. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3206. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3207. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3208. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3209. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3210. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3211. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3212. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3213. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3214. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3215. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. SPECTER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3216. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3217. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3218. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3201. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 377, between lines 14 and 15, insert the following:

SEC. 1562. CONSCIENCE PROTECTION.

(a) PERMISSIBLE ACCOMMODATIONS.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) require a health plan or health insurance issuer to provide coverage of any item or service to which the health insurance issuer, purchaser, or plan sponsor has a moral or religious objection, or require such coverage for the purpose of—

(A) qualifying as a qualified health plan or participating in an Exchange; or

(B) being eligible for a premium tax credit or cost-sharing reduction or avoiding an assessable payment under section 4980H of the Internal Revenue Code of 1986 (as added by section 1513) or any other tax, assessment, or penalty; or

(2) require an individual or institutional health care provider to provide, participate in, or refer for an item or service to which such provider has a moral or religious objection, or require such conduct as a condition of contracting with a qualified health plan.

(b) NONDISCRIMINATION.—No person implementing this Act (or an amendment made by this Act) shall discriminate against a health plan, health insurance issuer, purchaser, plan sponsor, or individual or institutional health care provider based in whole or in part on an accommodation permitted under subsection (a).

(c) EXCEPTION.—Nothing in this section authorizes a health plan, health insurance issuer, or individual or institutional health care provider to deny all medical care or to deny life-preserving care to an individual based on the view that, because of a disability or other characteristic of such individual, extending the life or preserving the health of such individual is less valuable than extending the life or preserving the health of another individual who does not have such disability or other characteristic.

SA 3202. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9_____. DISALLOWANCE OF DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following new section:

"SEC. 280I. DISALLOWANCE OF DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.

"No deduction shall be allowed under this chapter for expenses relating to direct to consumer advertising in any media for the sale and use of prescription pharmaceuticals for any taxable year.".

(b) CONFORMING AMENDMENT.—The table of sections for such part IX of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 280H the following new item:

"Sec. 280I. Disallowance of deduction for direct to consumer advertising expenses for prescription pharmaceuticals.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 9_____. PHYSICAL LIFESTYLES FOR AMERICA'S YOUTH (PLAY) DEDUCTION.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 224 as section 225 and inserting after section 223 the following new section:

"SEC. 224. FEES FOR ORGANIZATIONS PROMOTING CHILDREN'S PHYSICAL ACTIVITY.

"(a) GENERAL RULE.—There shall be allowed as a deduction under this chapter an amount equal to the lesser of—

"(1) the amount paid or incurred by the taxpayer during the taxable year for the participation of a qualifying child (as defined in section 152(c)) of the taxpayer in a qualified organization, or

"(2) $500.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—No deduction shall be allowed under subsection (a) with respect to any taxpayer whose adjusted gross income for the taxable year exceeds $250,000.

"(2) ADJUSTED GROSS INCOME.—For purposes of this subsection, adjusted gross income shall be determined—

"(A) without regard to this section and sections 199, 911, 931, and 933, and

"(B) after the application of sections 86, 135, 137, 219, 221, 222, and 469.

"(c) QUALIFIED ORGANIZATION.—For purposes of this section, the term 'qualified organization' means any other organization the principal activities of which are designed to promote or provide for the physical activity of children, as determined under guidelines published by the Secretary in consultation with the Secretary of Health and Human Services.".

(b) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 224 as relating to section 225 and inserting after the item relating to section 223 the following new item:

"Sec. 224. Fees for organizations promoting children's physical activity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3203. Mr. BAYH (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mr. KERRY, Ms. STABENOW, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr.

HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2046, after line 24, add the following:

SEC. 9_____. MODIFICATION OF ANNUAL FEE ON MEDICAL DEVICE MANUFACTURERS AND IMPORTERS.

(a) DELAY IN IMPOSITION OF FEE.—

(1) IN GENERAL.—Section 9009(i) of this Act is amended by striking ''2008'' and inserting ''2011''.

(2) CONFORMING AMENDMENT.—Section 9009(a)(1) of this Act is amended by striking ''2009'' and inserting ''2012''.

(b) INCREASE IN AGGREGATE FEE AMOUNT.—Section 9009(b)(1) of this Act is amended by striking ''$2,000,000,000'' and inserting ''$3,800,000,000 ($2,660,000 for calendar years after 2019)''.

(c) INCREASE IN GROSS RECEIPTS FROM SALES TAKEN INTO ACCOUNT.—The table in paragraph (2) of section 9009(b) of this Act is amended to read as follows:

''With respect to a covered entity's aggregate gross receipts from medical device sales during the calendar year that are:	The percentage of gross receipts takes into account is:
Not more than $100,000,000.	0 percent
More than $100,000,000 but not more than $150,000,000.	50 percent
More than $150,000,000	100 percent.''.

(d) TAX TREATMENT OF FEES.—Subsection (e) of section 9009 of this Act is amended to read as follows:

''(e) TAX TREATMENT OF FEES.—For purposes of subtitle F of the Internal Revenue Code of 1986, the fees imposed by this section shall be treated as excise taxes with respect to which only civil actions for refund under procedures of such subtitle shall apply.''.

SA 3204. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1783, between lines 2 and 3, insert the following:

SEC. 6412. MANDATORY REPORTING OF FRAUD BY MEDICARE ADVANTAGE PLANS, PRESCRIPTION DRUG PLANS, AND PROVIDERS OF SERVICES AND SUPPLIERS.

(a) MANDATORY REPORTING BY MEDICARE ADVANTAGE PLANS AND PRESCRIPTION DRUG PLANS.—Section 1857(d) of the Social Security Act (42 U.S.C. 1395w–27(d)) is amended by adding at the end the following new paragraph:

''(7) REPORTING OF PROBABLE FRAUD.—

''(A) IN GENERAL.—Each Medicare Advantage organization and, in accordance with section 1860D–12(b)(3)(C), each PDP sponsor of a prescription drug plan shall, in accordance with regulations established by the Secretary under subparagraph (B), report to the Secretary and to the appropriate law enforcement or oversight agencies any matter for which the organization or sponsor has identified, from any source (including the organization or sponsor itself), credible evidence of fraud by subcontractors or others related to the program under this part or part D, whether self-identified or reported by another party.

''(B) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish regulations to carry out this paragraph.''.

(b) MANDATORY REPORTING BY PROVIDERS OF SERVICES AND SUPPLIERS.—Section 1866(j)(7)(B) of the Social Security Act, as inserted by section 6401, is amended by adding at the end the following sentence: ''Such core elements shall include, to the extent determined appropriate by the Secretary, internal monitoring and auditing of, and responding to, identified deficiencies. Such response shall include reporting to the Secretary and to the appropriate law enforcement or oversight agency credible evidence of fraud related to the program under this title, title XIX, or title XXI.''.

(c) PROMPT AND APPROPRIATE ACTION BY THE SECRETARY.—The Secretary shall take prompt and appropriate action to forward information on fraud reported under sections 1857(d)(7) and 1866(j)(7)(B) of the Social Security Act, as added by subsection (a) and amended by subsection (b), respectively, to the appropriate agencies.

(d) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall submit to Congress a report on general trends and conditions that give rise to waste, fraud, and abuse, including identified patterns of incidents, and general actions taken to address such trends and conditions, together with recommendations for such legislation and administrative action as the Secretary determines as appropriate.

SA 3205. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1542, between lines 10 and 11, insert the following:

(c) EXCEPTION FOR CERTAIN HOSPITALS.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn), as amended by subsection (a), is further amended—

(1) in subsection (d)(2)(C), by striking ''in the case'' and inserting ''except as provided in subsection (j), in the case''; and

(2) by adding at the end the following new subsection:

''(j) EXCEPTION FOR CERTAIN HOSPITALS.—The requirements of paragraph (3)(D) shall not apply to any hospital which is in development as of the date of enactment of the Patient Protection and Affordable Care Act.''.

SA 3206. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1542, between lines 10 and 11, insert the following:

(c) ADDITIONAL TIME FOR HOSPITALS TO MEET REQUIREMENTS.—

(1) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn), as amended by subsection (a), is further amended—

(A) in subsection (d)(3)(D), by striking ''not later than 18 months after the date of the enactment of this subparagraph'' and inserting ''not later than January 1, 2014''; and

(B) in subsection (i)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''February 1, 2010'' and inserting ''January 1, 2014'';

(II) in subparagraph (D), by striking ''the date of enactment of this subsection'' and inserting ''January 1, 2014''; and

(III) in subparagraph (F), by striking ''the date of enactment of this subsection'' and inserting ''January 1, 2014''; and

(ii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (iii), by striking ''August 1, 2011'' and inserting ''January 1, 2014''; and

(bb) in clause (iv), by striking ''July 1, 2011'' and inserting ''December 1, 2013''; and

(II) in subparagraph (C)(iii), by striking ''the date of enactment of this subsection'' and inserting ''January 1, 2014''.

(2) CONFORMING AMENDMENT REGARDING CONDUCT OF AUDITS.—Subsection (b)(2) is amended by striking ''November 1, 2011'' and inserting ''February 1, 2014''.

SA 3207. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, after line 19, insert the following:

SEC. 1403. FAIL-SAFE MECHANISM TO PREVENT INCREASE IN FEDERAL BUDGET DEFICIT.

(a) ESTIMATE AND CERTIFICATION OF EFFECT OF ACT ON BUDGET DEFICIT.—

(1) IN GENERAL.—The President shall include in the submission under section 1105 of title 31, United States Code, of the budget of the United States Government for fiscal year 2013 and each fiscal year thereafter an estimate of the budgetary effects for the fiscal year of the provisions of (and the amendments made by) this Act, based on the information available as of the date of such submission.

(2) CERTIFICATION.—The President shall include with the estimate under paragraph (1) for any fiscal year a certification as to whether the sum of the decreases in revenues and increases in outlays for the fiscal year by reason of the provisions of (and the amendments made by) this Act exceed (or do not exceed) the sum of the increases in revenues and decreases in outlays for the fiscal year by reason of the provisions and amendments.

(b) EFFECT OF DEFICIT.—If the President certifies an excess under subsection (a)(2) for any fiscal year—

(1) the President shall include with the certification the percentage by which the credits allowable under section 36B of the Internal Revenue Code of 1986 and the cost-sharing subsidies under section 1402 must be reduced for plan years beginning during such

fiscal year such that there is an aggregate decrease in the amount of such credits and subsidies equal to the amount of such excess; and

(2) the President shall instruct the Secretary of Health and Human Services and the Secretary of the Treasury to reduce such credits and subsidies for such plan years by such percentage.

SA 3208. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1783, between lines 2 and 3, insert the following:

SEC. 6412. EXTENSION OF NUMBER OF DAYS IN WHICH MEDICARE CLAIMS ARE REQUIRED TO BE PAID IN ORDER TO PREVENT OR COMBAT FRAUD, WASTE, OR ABUSE.

(a) PART A CLAIMS.—Section 1816(c)(2) of the Social Security Act (42 U.S.C. 1395h(c)(2)) is amended—

(1) in subparagraph (B)(ii)(V), by striking ''with respect'' and inserting ''subject to subparagraph (D), with respect''; and

(2) by adding at the end the following new subparagraph:

''(D)(i) Upon a determination by the Secretary that there is a likelihood of fraud, waste, or abuse involving a particular category of providers of services or suppliers, categories of providers of services or suppliers in a certain geographic area, or individual providers of services or suppliers, the Secretary shall extend the number of calendar days described in subparagraph (B)(ii)(V) to—

''(I) up to 365 calendar days with respect to claims submitted by—

''(aa) categories of providers of services or suppliers; or

''(bb) categories of providers of services or suppliers in a certain geographic area; or

''(II) such time that the Secretary determines is necessary to ensure that the claims with respect to individual providers of services or suppliers are clean claims.

''(ii) During the extended period of time under subclauses (I) and (II) of clause (ii), the Secretary shall engage in heightened scrutiny of claims, such as prepayment review and other methods the Secretary determines to be appropriate.

''(iii) Not later than 90 days after the date of enactment of this subparagraph and not less than annually thereafter, the Inspector General of the Department of Health and Human Services shall submit to the Secretary a report containing recommendations with respect to the application of this subparagraph and section 1842(c)(2)(D). Not later than 60 days after receiving such a report, the Secretary shall submit to the Inspector General a written response to the recommendations contained in the report.

''(iv) There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the implementation of this subparagraph by the Secretary.''.

(b) PART B CLAIMS.—Section 1842(c)(2) of the Social Security Act (42 U.S.C. 1395u(c)(2)) is amended—

(1) in subparagraph (B)(ii)(V), by striking ''with respect'' and inserting ''subject to subparagraph (D), with respect''; and

(2) by adding at the end the following new subparagraph:

''(D)(i) Upon a determination by the Secretary that there is a likelihood of fraud, waste, or abuse involving a particular category of providers of services or suppliers, categories of providers of services or suppliers in a certain geographic area, or individual providers of services or suppliers, the Secretary shall extend the number of calendar days described in subparagraph (B)(ii)(V) to—

''(I) up to 365 calendar days with respect to claims submitted by—

''(aa) categories of providers of services or suppliers; or

''(bb) categories of providers of services or suppliers in a certain geographic area; or

''(II) such time that the Secretary determines is necessary to ensure that the claims with respect to individual providers of services or suppliers are clean claims.

''(ii) During the extended period of time under subclauses (I) and (II) of clause (ii), the Secretary shall engage in heightened scrutiny of claims, such as prepayment review and other methods the Secretary determines to be appropriate.

''(iii) There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the implementation of this subparagraph by the Secretary.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the day that is 6 months after the date of the enactment of this Act.

(2) EXPEDITING IMPLEMENTATION.—The Secretary shall promulgate regulations to carry out the amendments made by this section which may be effective and final immediately on an interim basis as of the date of publication of the interim final regulation. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comment on such regulation after the date of publication. The Secretary may change or revise such regulation after completion of the period of public comment.

SA 3209. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 823, after line 22, insert the following:

SEC. 3125A. ADJUSTMENT TO LOW-VOLUME HOSPITAL PROVISION; QUALITY REPORTING FOR PSYCHIATRIC HOSPITALS.

(a) ADJUSTMENT TO LOW-VOLUME HOSPITAL PROVISION.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12), as amended by section 3125, is amended—

(1) in subparagraph (C)(i), by striking ''1,500 discharges'' and inserting ''1,600 discharges''; and

(2) in subparagraph (D), by striking ''1,500 discharges'' and inserting ''1,600 discharges''.

(b) QUALITY REPORTING FOR PSYCHIATRIC HOSPITALS.—Section 1886(s) of the Social Security Act, as added by section 3401(f), is amended by adding at the end the following new paragraph:

''(4) QUALITY REPORTING.—

''(A) REDUCTION IN UPDATE FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—Under the system described in paragraph (1), for rate year 2014 and each subsequent rate year, in the case of a psychiatric hospital or psychiatric unit that does not submit data to the Secretary in accordance with subparagraph (C) with respect to such a rate year, any annual update to a standard Federal rate for discharges for the hospital during the rate year, and after application of paragraph (2), shall be reduced by 2 percentage points.

''(ii) SPECIAL RULE.—The application of this subparagraph may result in such annual update being less than 0.0 for a rate year, and may result in payment rates under the system described in paragraph (1) for a rate year being less than such payment rates for the preceding rate year.

''(B) NONCUMULATIVE APPLICATION.—Any reduction under subparagraph (A) shall apply only with respect to the rate year involved and the Secretary shall not take into account such reduction in computing the payment amount under the system described in paragraph (1) for a subsequent rate year.

''(C) SUBMISSION OF QUALITY DATA.—For rate year 2014 and each subsequent rate year, each psychiatric hospital and psychiatric unit shall submit to the Secretary data on quality measures specified under subparagraph (D). Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

''(D) QUALITY MEASURES.—

''(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under this subparagraph must have been endorsed by the entity with a contract under section 1890(a).

''(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(iii) TIME FRAME.—Not later than October 1, 2012, the Secretary shall publish the measures selected under this subparagraph that will be applicable with respect to rate year 2014.

''(E) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subparagraph (C) available to the public. Such procedures shall ensure that a psychiatric hospital and a psychiatric unit has the opportunity to review the data that is to be made public with respect to the hospital or unit prior to such data being made public. The Secretary shall report quality measures that relate to services furnished in inpatient settings in psychiatric hospitals and psychiatric units on the Internet website of the Centers for Medicare & Medicaid Services.''.

SA 3210. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, strike lines 1 through 5, and insert the following:

(2) Such amount multiplied by a fraction the numerator of which is the average annual wages of the employer in excess of the dollar amount in effect under subsection (d)(3)(B) and the denominator of which is an

amount equal to 1.5 times such dollar amount.

On page 309, line 14, strike ''twice'' and insert ''2.5 times''.

On page 314, line 3, strike ''2-consecutive-taxable year'' and insert ''4-consecutive-taxable year''.

On page 318, line 6, strike ''2-year'' and insert ''4-year''.

At the end of the amendment, insert:

TITLE X—MEDICAL CARE ACCESS PROTECTION

SECTION 10001. SHORT TITLE.

This title may be cited as the ''Medical Care Access Protection Act of 2009'' or the ''MCAP Act''.

SEC. 10002. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of ''defensive medicine'' and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 10003. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) HEALTH CARE INSTITUTION.—The term ''health care institution'' means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) HEALTH CARE PROVIDER.—

(A) IN GENERAL.—The term ''health care provider'' means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.—For purposes of this Act, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and

not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 10004. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) IN GENERAL.—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) GENERAL EXCEPTION.—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) MINORS.—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) RULE 11 SANCTIONS.—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this Act applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys' fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. 10005. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—

(1) HEALTH CARE PROVIDERS.—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) HEALTH CARE INSTITUTIONS.—

(A) SINGLE INSTITUTION.—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) MULTIPLE INSTITUTIONS.—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed $500,000.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 10006. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—

(1) IN GENERAL.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) CONTINGENCY FEES.—

(A) IN GENERAL.—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) LIMITATION.—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first $50,000 recovered by the claimant(s).

(ii) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(iii) 25 percent of the next $500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—

(1) IN GENERAL.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) MINORS.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. 10007. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits

has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. 10008. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or $250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) LIABILITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) MEDICAL PRODUCT.—The term ''medical product'' means a drug or device intended for humans. The terms ''drug'' and ''device'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. 10009. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 10010. EFFECT ON OTHER LAWS.

(a) GENERAL VACCINE INJURY.—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such part C shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(c) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 10011. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) PREEMPTION OF CERTAIN STATE LAWS.—No provision of this title shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 10005(a).

(c) PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.—

(1) IN GENERAL.—Any issue that is not governed by a provision of law established by or under this title (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this title;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this title;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. 10012. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 3211. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 136, between lines 3 and 4, insert the following:

(6) RESTRICTIONS ON ENROLLMENT.—The following restrictions on enrollment in a qualified health plan offered through an Exchange, during any enrollment period described in paragraph (5), shall apply:

(A) During any enrollment period or upon any qualifying event (described in section 603 of the Employee Retirement Income Security Act of 1974), an individual who, in the previous year was enrolled in a qualified health plan through an Exchange, may not enroll in a qualified health plan offering a level of coverage (as defined in section 1302(d)(1)) that is more than one level greater than the level at which the individual received coverage in the previous year.

(B) If an individual misses the first enrollment period for which such individual is eligible to enroll in a qualified health plan offered through an Exchange, if such individual enrolls in a health plan through an Exchange during the next enrollment period, for a period of not more than 90 days after first enrolling in such plan, such individual shall not receive coverage for elective services that are not of urgent medical necessity, except where the denial of services could pose significant risk to the life of such individual, or could be reasonably assumed to exacerbate an underlying condition. At no time after an individual described in the preceding sentence enrolls in a qualified health plan offered through an Exchange may such individual be denied coverage for preventive health services (as described in section 2713 of the Public Health Service Act, as added by section 1001) or the treatment of chronic conditions that otherwise are available under the health plan.

SA 3212. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, line 18, strike ''may'' and insert ''shall''.

SA 3213. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

SEC. 2008. APPLICATION OF MEDICAID PROMPT PAY REQUIREMENTS TO NURSING FACILITIES AND HOSPITALS.

Section 1902(a)(37) of the Social Security Act (42 U.S.C. 1396a(a)(37)) is amended by striking ''and (B)'' and inserting ''(B) insofar as nursing facilities or hospitals are paid under the State plan on the basis of submission of claims, ensure that 90 percent of claims for payment (for which no further written information or substantiation is required in order to make payment) made for services covered under the plan and furnished by all such facilities or hospitals that are paid on that basis are paid within 30 days of the date of receipt of such claims and that 99 percent of such claims are paid within 90 days of the date of receipt of such claims, and (C)''.

SA 3214. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 16, insert before the semicolon the following: ''operated by a non-profit consumer-based community group or groups''.

On page 35, strike lines 3 through 6, and insert the following:

''(2) CRITERIA.—The Secretary in collaboration with the Administrator of the Center for Medicaid & Medicare Services shall develop standards that must be met by all entities that provide consumer assistance, including standards relating to—

''(A) adequate capacity and training to respond to consumer concerns;

''(B) a review process for monitoring accuracy of responses;

''(C) cultural and linguistic competency to meet the needs of the community; and

''(D) documented experience working with the target population.''.

On page 36, line 6, insert before the period the following: '', including regular and timely accounting of types of problems and inquiries; income, zip code, gender, race or ethnicity and language spoken by persons served; enrollment and outreach activities provided; and implementation issues encountered or identified, if any''.

On page 36, line 15, strike ''$30,000,000'' and insert ''$100,000,000''.

SA 3215. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. SPECTER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1134, between lines 3 and 4, insert the following:

Subtitle G—Additional Health Care Quality and Efficiency Improvements

SEC. 3601. REPORT ON DEMONSTRATION AND PILOT PROGRAMS.

(a) REPORT.—Not later than 12 months after the date of enactment of this Act, and every 3 years thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that describes all pilot programs and demonstration projects that the Secretary has authority to carry out (regardless of whether such programs or projects are actually implemented), as authorized by law, during the period for which the report is submitted.

(b) REQUIREMENTS.—A report under subsection (a) shall—

(1) list all pilot programs or demonstration projects involved and indicate whether each program or project is—

(A) not yet being implemented;

(B) currently being implemented; or

(C) complete and awaiting further determinations; and

(2) with respect to programs or projects described in subparagraphs (A) or (B) of paragraph (1), include the recommendations of the Secretary as to whether such programs or projects are necessary.

(c) ACTIONS BASED ON RECOMMENDATIONS.—Based on the recommendations of the Secretary under subsection (b)(2)—

(1) if the Secretary determines that a program or project is necessary, the Secretary shall submit to Congress a strategic plan for the implementation of the program or project and may transfer such program or project into the jurisdiction of the Innovation Center of the Centers for Medicare & Medicaid Services; or

(2) if the Secretary determines that a program or project is unnecessary, the Secretary may terminate the program.

(d) ACTION BY CONGRESS.—Congress may continue in effect any program or project terminated by the Secretary under subsection (c)(2) through the enactment of a Concurrent Resolution expressing the sense of Congress to continue the program or project involved.

SEC. 3602. AVAILABILITY OF DATA ON DENIAL OF CLAIMS.

Section 2715(b)(3) of the Public Health Service Act, as added by section 1001, is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) by redesignating subparagraph (I) as subparagraph (J): and

(3) by inserting after subparagraph (H) the following new subparagraph:

''(I) a statement relating to claims procedures including the percentage of claims that are annually denied by the plan or coverage and the percentage of such denials that are overturned on appeal; and''.

SEC. 3603. ACCELERATION AND INCREASE OF THE PAYMENT ADJUSTMENT FOR CONDITIONS ACQUIRED IN HOSPITALS.

Section 1886(p) of the Social Security Act (42 U.S.C. 1395(p)), as added by section 3008(a), is amended—

(1) in paragraph (1)—

(A) by striking ''2015'' and inserting ''2013''; and

(B) by striking ''99 percent'' and inserting ''98 percent''; and

(2) in paragraph (5), by striking ''2015'' and inserting ''2013''.

SEC. 3604. IMPROVEMENTS TO NATIONAL PILOT PROGRAM ON PAYMENT BUNDLING.

Section 1866D of the Social Security Act, as added by section 3023, is amended—

(1) in subsection (a)(3), by striking ''January 1, 2013'' and inserting ''January 1, 2012''; and

(2) by amending subsection (g) to read as follows:

''(g) AUTHORITY TO EXPAND IMPLEMENTATION.—

''(1) IN GENERAL.—Taking into account the evaluation under subparagraph (e), the Secretary may, through rulemaking, expand (including implementation nationwide on a voluntary basis) the duration and the scope of the pilot program, to the extent determined appropriate by the Secretary, if—

''(A) the Secretary determines that such expansion is expected to—

''(i) reduce spending under this title without reducing the quality of care; or

''(ii) improve the quality of care and reduce spending; and

''(B) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce program spending under this title.

''(2) IMPLEMENTATION PLAN.—In the case where the Secretary does not exercise the authority under paragraph (1) by January 1, 2015, not later than such date, the Secretary shall submit a plan for the implementation of an expansion of the pilot program if the

Secretary determines that such expansion will result in improving or not reducing the quality of patient care and reducing spending under this title.''.

SEC. 3605. PUBLIC REPORTING OF PERFORMANCE INFORMATION.

(a) IN GENERAL.—

(1) DEVELOPMENT.—Not later than January 1, 2011, the Secretary shall develop a Physician Compare Internet website with information on physicians enrolled in the Medicare program under section 1866(j) of the Social Security Act (42 U.S.C. 1395cc(j)) and other eligible professionals who participate in the Physician Quality Reporting Initiative under section 1848 of such Act (42 U.S.C. 1395w–4).

(2) PLAN.—Not later than January 1, 2013, and with respect to reporting periods that begin no earlier than January 1, 2012, the Secretary shall also implement a plan for making publicly available through Physician Compare, consistent with subsection (c), information on physician performance that provides comparable information for the public on quality and patient experience measures with respect to physicians enrolled in the Medicare program under such section 1866(j). To the extent scientifically sound measures that are developed consistent with the requirements of this section are available, such information, to the extent practicable, shall include—

(A) measures collected under the Physician Quality Reporting Initiative;

(B) an assessment of patient health outcomes and the functional status of patients;

(C) an assessment of the continuity and coordination of care and care transitions, including episodes of care and risk-adjusted resource use;

(D) an assessment of efficiency;

(E) an assessment of patient experience and patient, caregiver, and family engagement;

(F) an assessment of the safety, effectiveness, and timeliness of care; and

(G) other information as determined appropriate by the Secretary.

(b) OTHER REQUIRED CONSIDERATIONS.—In developing and implementing the plan described in subsection (a)(2), the Secretary shall, to the extent practicable, include—

(1) processes to assure that data made public, either by the Centers for Medicare & Medicaid Services or by other entities, is statistically valid and reliable, including risk adjustment mechanisms used by the Secretary;

(2) processes by which a physician or other eligible professional whose performance on measures is being publicly reported has a reasonable opportunity, as determined by the Secretary, to review his or her individual results before they are made public;

(3) processes by the Secretary to assure that the implementation of the plan and the data made available on Physician Compare provide a robust and accurate portrayal of a physician's performance;

(4) data that reflects the care provided to all patients seen by physicians, under both the Medicare program and, to the extent practicable, other payers, to the extent such information would provide a more accurate portrayal of physician performance;

(5) processes to ensure appropriate attribution of care when multiple physicians and other providers are involved in the care of a patient;

(6) processes to ensure timely statistical performance feedback is provided to physicians concerning the data reported under any program subject to public reporting under this section; and

(7) implementation of computer and data systems of the Centers for Medicare & Medicaid Services that support valid, reliable, and accurate public reporting activities authorized under this section.

(c) ENSURING PATIENT PRIVACY.—The Secretary shall ensure that information on physician performance and patient experience is not disclosed under this section in a manner that violates sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable health information.

(d) FEEDBACK FROM MULTI-STAKEHOLDER GROUPS.—The Secretary shall take into consideration input provided by multi-stakeholder groups, consistent with sections 1890(b)(7) and 1890A of the Social Security Act, as added by section 3014 of this Act, in selecting quality measures for use under this section.

(e) CONSIDERATION OF TRANSITION TO VALUE-BASED PURCHASING.—In developing the plan under this subsection (a)(2), the Secretary shall, as the Secretary determines appropriate, consider the plan to transition to a value-based purchasing program for physicians and other practitioners developed under section 131 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275).

(f) REPORT TO CONGRESS.—Not later than January 1, 2015, the Secretary shall submit to Congress a report on the Physician Compare Internet website developed under subsection (a)(1). Such report shall include information on the efforts of and plans made by the Secretary to collect and publish data on physician quality and efficiency and on patient experience of care in support of value-based purchasing and consumer choice, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(g) EXPANSION.—At any time before the date on which the report is submitted under subsection (f), the Secretary may expand (including expansion to other providers of services and suppliers under title XVIII of the Social Security Act) the information made available on such website.

(h) FINANCIAL INCENTIVES TO ENCOURAGE CONSUMERS TO CHOOSE HIGH QUALITY PROVIDERS.—The Secretary may establish a demonstration program, not later than January 1, 2019, to provide financial incentives to Medicare beneficiaries who are furnished services by high quality physicians, as determined by the Secretary based on factors in subparagraphs (A) through (G) of subsection (a)(2). In no case may Medicare beneficiaries be required to pay increased premiums or cost sharing or be subject to a reduction in benefits under title XVIII of the Social Security Act as a result of such demonstration program. The Secretary shall ensure that any such demonstration program does not disadvantage those beneficiaries without reasonable access to high performing physicians or create financial inequities under such title.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE PROFESSIONAL.—The term ''eligible professional'' has the meaning given that term for purposes of the Physician Quality Reporting Initiative under section 1848 of the Social Security Act (42 U.S.C. 1395w–4)

(2) PHYSICIAN.—The term ''physician'' has the meaning given that term in section 1861(r) of such Act (42 U.S.C. 1395x(r)).

(3) PHYSICIAN COMPARE.—The term ''Physician Compare'' means the Internet website developed under subsection (a)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SA 3216. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2046, after line 24, add the following:

SEC. _____. INCREASE IN MEDICAL DEVICE RECEIPTS EXEMPT FROM ANNUAL FEE.

The table contained in paragraph (2) of section 9009(b) is amended—

(1) by striking ''$5,000,000'' both places it appears and inserting ''$100,000,000'', and

(2) by striking ''$25,000,000'' both places it appears and inserting ''$150,000,000''.

SA 3217. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 2 and 3, insert the following:

(3) PRESUMPTION FOR EXISTING SMALL EMPLOYER EXCHANGES.—

(A) IN GENERAL.—Notwithstanding the requirements of subsection (d)(1), or other provisions of this Act, in the case of an entity that—

(i) was approved by the appropriate agency of a State to operate as the functional equivalent of a small employer health benefit exchange under State law;

(ii) was fully operational as of January 1, 2010; and

(iii) had enrolled a minimum of 50,000 covered lives through small business employers as of January 1, 2010, and offers and administers coverage on behalf of a minimum of 3 unaffiliated health plans;

the Secretary shall deem such exchange to be a SHOP Exchange for purposes of this title, unless the Secretary determines, after completion of the process established under subparagraph (B), that the exchange does not comply with the standards for SHOP Exchanges under this section.

(B) PROCESS.—The Secretary shall establish a process to work with an entity described in subparagraph (A) to assist the entity in achieving compliance with the requirements and standards applicable to SHOP Exchanges under this title as soon as practicable, but not later than January 1, 2014, including the requirements of a SHOP Exchange to offer all applicable private and public sector health care coverage products and programs described in this title, including, without limitation, the enrollment of small employers in all such products and programs, and to service the premium assistance and cost-sharing programs available under this title to eligible small employers and their employees.

SA 3218. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time

homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, between lines 4 and 5, insert the following:

(e) APPLICATION OF LIFETIME AGGREGATE LIMITS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the provisions of section 2711 of the Public Health Service Act (as added by section 1001) that relate to lifetime limits shall apply to grandfathered health plans (including group health plans and individual health insurance coverage), except as provided for in paragraph (2).

(2) PHASE-OUT.—A grandfathered health plan—

(A) may not apply a lifetime limit that is less than $5,000,000 during the first two plan years beginning after the date of enactment of this Act;

(B) may not apply a lifetime limit that is less than $10,000,000 during the third and fourth plan years beginning after the date of enactment of this Act; and

(C) shall not apply any lifetime limit for plans years beginning on or after January 1, 2014.

PRIVILEGES OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Lia Lopez, an intern in my office, be granted floor privileges for the remainder of consideration of H.R. 3590.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 3590

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the vote order with respect to the Lautenberg and Dorgan amendments to H.R. 3590 be reversed to Dorgan and then Lautenberg.

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

AMATEUR RADIO EMERGENCY COMMUNICATIONS ENHANCEMENT ACT OF 2009

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 224, S. 1755.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1755) to direct the Department of Homeland Security to undertake a study on emergency communications.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 1755) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1755

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amateur Radio Emergency Communications Enhancement Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Nearly 700,000 amateurs radio operators in the United States are licensed by the Federal Communications Commission in the Amateur Radio Service.

(2) Amateur Radio Service operators provide, on a volunteer basis, a valuable public sector service to their communities, their States, and to the Nation, especially in the area of national and international disaster communications.

(3) Emergency and disaster relief communications services by volunteer Amateur Radio Service operators have consistently and reliably been provided before, during, and after floods, hurricanes, tornadoes, forest fires, earthquakes, blizzards, train accidents, chemical spills and other disasters. These communications services include services in connection with significant examples, such as—

(A) hurricanes Katrina, Rita, Hugo, and Andrew;

(B) the relief effort at the World Trade Center and the Pentagon following the 2001 terrorist attacks; and

(C) the Oklahoma City bombing in April 1995.

(4) Amateur Radio Service has formal agreements for the provision of volunteer emergency communications activities with the Department of Homeland Security, the Federal Emergency Management Agency, the National Weather Service, the National Communications System, and the Association of Public Safety Communications Officials, as well as with disaster relief agencies, including the American National Red Cross and the Salvation Army.

(5) Section 1 of the joint resolution entitled ''Joint Resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy'', approved October 22, 1994 (Public Law 103–408), included a finding that stated: ''Reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and the regulation at all levels of government should facilitate and encourage amateur radio operations as a public benefit.''.

(6) Section 1805(c) of the Homeland Security Act of 2002 (6 U.S.C. 757(c)) directs the Regional Emergency Communications Coordinating Working Group of the Department of Homeland Security to coordinate their activities with ham and amateur radio operators among the 11 other emergency organizations such as ambulance services, law enforcement, and others.

(7) Amateur Radio Service, at no cost to taxpayers, provides a fertile ground for technical self-training in modern telecommunications, electronic technology, and emergency communications techniques and protocols.

(8) There is a strong Federal interest in the effective performance of Amateur Radio Service stations, and that performance must be given—

(A) support at all levels of government; and

(B) protection against unreasonable regulation and impediments to the provision of the valuable communications provided by such stations.

SEC. 3. STUDY OF ENHANCED USES OF AMATEUR RADIO IN EMERGENCY AND DISASTER RELIEF COMMUNICATION AND FOR RELIEF OF RESTRICTIONS.

(a) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall—

(1) undertake a study on the uses and capabilities of Amateur Radio Service communications in emergencies and disaster relief; and

(2) submit a report on the findings of the Secretary to Congress.

(b) SCOPE OF THE STUDY.—The study required by this section shall—

(1) include a review of the importance of amateur radio emergency communications in furtherance of homeland security missions relating to disasters, severe weather, and other threats to lives and property in the United States, as well as recommendations for—

(A) enhancements in the voluntary deployment of amateur radio licensees in disaster and emergency communications and disaster relief efforts; and

(B) improved integration of amateur radio operators in planning and furtherance of the Department of Homeland Security initiatives; and

(2)(A) identify impediments to enhanced Amateur Radio Service communications, such as the effects of unreasonable or unnecessary private land use regulations on residential antenna installations; and

(B) make recommendations regarding such impediments for consideration by other Federal departments, agencies, and Congress.

(c) USE OF EXPERTISE AND INFORMATION.—In conducting the study required by this section, the Secretary of Homeland Security shall utilize the expertise of stakeholder entities and organizations, including the amateur radio, emergency response, and disaster communications communities.

CONVENING OF 2ND SESSION OF 111TH CONGRESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 62, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 62) appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

There being no objection, the Senate proceeded to consider the joint resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the joint resolution be printed in the RECORD.

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

The joint resolution (H.J. Res 62) was ordered to a third reading, was read the third time, and passed, as follows:

H.J. RES. 62

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the One Hundred Eleventh Congress shall begin at noon on Tuesday, January 5, 2010.

HONORING BREAST CANCER ADVOCATE STEFANIE SPIELMAN

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 375, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Resolution (S. Res. 375) honoring the life and service of breast cancer advocate Stefanie Spielman.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 375) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 375

Whereas Stefanie Spielman, a tremendous advocate and a true champion for the cause of breast cancer research, passed away on November 19, 2009, after a decade-long battle with breast cancer;

Whereas despite her constant battle with her own illness, Stefanie showed grace and compassion for others, touching countless lives in Ohio and beyond;

Whereas Stefanie tirelessly advocated for additional research into the prevention and treatment of breast cancer, and along with her husband, Chris, founded the Stefanie Spielman Fund for Breast Cancer Research at the Ohio State University Comprehensive Cancer Center—James Cancer Hospital and Solove Research Institute shortly after her diagnosis;

Whereas Stefanie and Chris later established the Stefanie Spielman Fund for Patient Assistance, which to date has generated more than $6,500,000 to help translate laboratory discoveries into effective treatments for breast cancer patients;

Whereas Stefanie served as an active and vital member of the James Cancer Hospital and Solove Research Institute Foundation Board;

Whereas Stefanie was actively engaged in advocacy issues, including Ohio Mammography Day, which received the strong support of former Ohio First Lady Janet Voinovich and was designated by the Ohio General Assembly as the third Thursday in October;

Whereas in 2000, Stefanie and Chris established ''Stefanie's Champions'' to honor one of the most important factors in cancer treatment—the loving and healing presence of a devoted caregiver;

Whereas Stefanie gave the first Champion award to her beloved husband after Chris put his professional football career on hold to care for her when she was first treated; and

Whereas Stefanie was a loving mother to her 4 children: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the outstanding achievements and profound impact of Stefanie Spielman in the fight against breast cancer;

(2) commends Stefanie for her commitment to caring for others suffering from breast cancer; and

(3) celebrates her life as a wife, mother, and advocate for breast cancer awareness, research, and treatment.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualification specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individual to the United States-China Economic Security Review Commission: Daniel Blumenthal of Maryland, for a term beginning January 1, 2010, and expiring December 31, 2011.

The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appoints the following Senator as Vice Chairman of the U.S.-China interparliamentary Group conference during the 111th Congress: the Honorable CHRISTOPHER BOND of Missouri.

ORDERS FOR TUESDAY, DECEMBER 15, 2009

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, December 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation, as provided for under the previous order.

Finally, I ask the Senate recess from 12:45 p.m. until 3:15 p.m. to allow for the weekly caucus luncheons.

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

PROGRAM

Ms. KLOBUCHAR. Mr. President, Senators should expect a series of four rollcall votes to begin around 6 p.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. If there is no further business to come before the Senate, I ask unanimous consent it adjourn until 10 a.m. tomorrow.

There being no objection, the Senate, at 8:15 p.m., adjourned until Tuesday, December 15, 2009, at 10 a.m.

EXTENSIONS OF REMARKS

CONFERENCE REPORT ON H.R. 3288, CONSOLIDATED APPROPRIATIONS ACT, 2010

SPEECH OF

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 2009

Ms. BORDALLO. Mr. Speaker, this week, as world leaders convene in Copenhagen, Denmark, for the United Nations Climate Change Conference, the House of Representatives has taken an important, if incremental, step to improve our Nation's ability to strategically respond and adapt to an unpredictable climate by authorizing a study which advances the idea of creating a Federal National Climate Service.

H.R. 3288, the Consolidated Appropriations Act, 2010, directs the National Oceanic and Atmospheric Administration, NOAA, to enter into a contract with the National Academy of Public Administration to investigate the effectiveness and efficiency of alternative organizational frameworks for the establishment of a National Climate Service within NOAA.

I would like to commend my colleague from Wisconsin and the Chairman of the Appropriations Committee, Congressman DAVID OBEY, and the rest of the conferees, for their recognition that the establishment of a National Climate Service within NOAA is absolutely critical at this time. The American public will need climate information, products and services in order to plan for and adapt to climate variability, and it is essential that the Federal Government have in place an organizational architecture that is science-based, reliable, and responsive to address this need.

Most important, this study will provide another opportunity to comparatively evaluate and assess the merits of a public-private approach for a National Climate Service. Last June, I introduced H.R. 2685, the Climate and Ocean Research and Coordination Act of 2009, to establish, in part, a National Climate Enterprise comprised of federal and non-federal partners which would have NOAA function as the operational lead. This framework, which would build from and strengthen existing Federal climate research and science capacities within NOAA, NASA, the U.S. Geological Survey, National Science Foundation, and other agencies, would also incorporate the significant contributions of non-Federal climate scientists, researchers and stakeholders to provide to end users on the ground climate information, products and services at variable scales that are credible, reliable and usable.

As NOAA and the National Academy of Public Administration consider alternative frameworks for a National Climate Service, I respectfully urge consideration of the public/private concepts within H.R. 2685, which have been enthusiastically endorsed by the University Corporation for Atmospheric Research, UCAR, the Joint Ocean Commission Initiative, and the Coastal States Organization. All Americans, from the District of Columbia to my congressional district in Guam, should have at their disposal an effective and accessible National Climate Service, and I again commend Chairman OBEY for advancing this idea.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. SHERMAN. Madam Chair, I would like to speak about a provision I authored that was included in the manager's amendment. The provision provides that a Nationally Recognized Statistical Rating Organization shall be liable if it is grossly negligent in determining a credit rating. My intention in drafting this provision was only to impose potential liability on ratings provided pursuant to a contract with the issuer of the debt. Nationally Recognized Statistical Rating Organizations that provide ratings solely for the purpose of journalism, without being paid by the issuer, do not face potential liability under this provision.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF COLONEL VENETIA E. BROWN, UNITED STATES AIR FORCE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Colonel Venetia E. Brown for 30 years of exceptional service and dedication to the United States Air Force and enduring contributions to our great Nation. She will retire from active duty on March 31, 2010.

Colonel Brown grew up in Niceville, Florida and entered the United States Air Force in 1980 as a graduate of the distinguished Officers' Training School at Lackland Air Force Base, Texas. She has served in a variety of personnel assignments at the unit and headquarters level both stateside and overseas, and has excelled in all leadership positions throughout her career. Her unique leadership and managerial talents were evident early in her career, affirmed by her selection as a captain to organize and direct the wing survival and recovery center, a function normally performed by a colonel. As a testament to her leadership skills, Colonel Brown has been the commander of a military personnel flight, mission support squadron, and deputy commander of a large support group and has produced outstanding results during inspections as well as motivated her subordinates to achieve their dreams. Additionally, she is a distinguished alumnus of Legislative Liaison, Office of the Secretary of the Air Force, directing manpower and personnel legislative matters.

Prior to her current assignment, Colonel Brown served as the Chief, Compensation and Legislation Division, Deputy Chief of Staff for Personnel, Headquarters United States Air Force. She developed the first-ever Air Force Bonus Review Board resulting in $125M savings during fiscal year 2006 and $1B in outyears. Additionally, Colonel Brown secured $20.7M from the Air Force Board for compensation legislative initiatives and ramrodded Transformation legislation on civilian pay/hiring flexibility. A powerhouse crusader and remarkable leader, Colonel Brown was consistently given the tough issues and never failed the men and women of the Air Force.

In her most recent assignment, Colonel Brown served as the Director of the Secretary of the Air Force Personnel Council, Air Force Review Boards Agency, Andrews Air Force Base, Maryland. Over the past 5 and half years Colonel Brown guided the Secretary of the Air Force's Personnel Council through over 10,000 Board actions. Her excellent decisions ensured due process, equity, consistency, and fairness. Colonel Brown has the distinct honor of being consistently ranked as the number one of five directors in the Air Force Review Boards Agency. She has always upheld the highest standards of professional conduct and her warrior ethos has ensured complete success at every juncture and will be truly missed. I ask my Colleagues to join me in expressing our sincere thanks to Venetia, her spouse Michael, and their son Damone for their unwavering support of our country and the freedom we hold so dear. We congratulate Colonel Brown on the completion of an exemplary active-duty career and wish her well in the next phase of her life.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. BONNER. Madam Speaker, I submit the following:

Project Name: Buses and Bus Facility Improvement, Baldwin County, AL

Requesting Member: Congressman JO BONNER

Bill: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Baldwin County Commission

Address of Requesting Entity: 312 Courthouse Square, Suite 12, Bay Minette, AL 36507

Description of Request: Provide an earmark of $275,000 to provide additional buses and security fencing for the Baldwin Rural Area Transportation System (BRATS). Two additional buses will help meet the growing demand of BRATS that currently provides public transit services in Alabama's largest county covering 1,500 square miles. The high cost of living in Baldwin County has also increased the demand for BRATS as area workforce is moving further away from tourist attracting coastal areas. Baldwin County is currently the 65th fastest growing county in the country (U.S. Census Bureau). Approximately, $200,000 [or 73%] will be used to acquire two new buses; $50,000 [or 18%] will be used for security fencing; and $25,000 [or 9%] will be used to provide bike racks for buses. The Baldwin County Commission will provide the required matching funds.

RECOGNIZING THE EXTRAORDINARY PUBLIC SERVICE OF VICKIE WALLING

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. TANNER. Madam Speaker, I rise today to ask you and our colleagues to join me in recognizing and thanking Vickie Walling for her years of distinguished work on Capitol Hill. Vickie is retiring at the end of this year after 35 years of public service to the 8th District of Tennessee and to our country.

Vickie and I are from the same hometown, Union City, though she is fortunate to be a number of years younger. She attended Union City High School and the University of Tennessee-Martin, where, incidentally, she was roommates with another woman many of us greatly respect, UT Lady Vols Head Coach Pat Summitt.

Vickie came to work in the House of Representatives in 1974 and soon after joined the staff of Congressman Ed Jones, my predecessor in representing the 8th District in this chamber. She immediately began to distinguish herself as a dedicated staff member and a leader among her peers on Capitol Hill.

Fortunately, Vickie and other members of Mr. Jones' superb staff agreed to continue their service to the 8th District when Betty Ann and I were honored to come to DC in 1989 following Mr. Jones' retirement. In fact, many of Mr. Jones' former staff members—Kathy Becker, Margaret Black, Betty Hardin, Doug Thompson and Vickie—still serve alongside us to assist and represent West and Middle Tennesseans.

Over the years, Vickie has become a true leader not just within our office but across Capitol Hill. Her dedication, tireless work ethic and keen understanding of legislative issues such as health care, bipartisan welfare reform and strategic demobilization have put her in a class all her own. Vickie has also been instrumental in helping us form and develop the Blue Dog Coalition, having been there when we first began meeting almost 15 years ago. Since then, with Vickie's help, we have been able to grow the Coalition to more than 50 Members, and the Coalition has become an important voice in representing millions of Americans.

Many of us in this chamber and others have sought Vickie's guidance and counsel over the years. Her insight and honesty are invaluable.

I often tell our constituents that serving in elected office is similar to a turtle finding itself on top of a fence post; one simply cannot get there alone. Vickie and the others serving in the 8th District offices are dedicated public servants whose work is crucial to ensuring our constituents are well-represented. Though they may not know her as well as we do, Tennesseans have been very well served by Vickie's many efforts on their behalf.

Madam Speaker, please join Betty Ann, our staff, our colleagues and me in expressing gratitude to Vickie Walling for her commitment to service and helping enact effective public policy. We wish Vickie all the best in her retirement and know her daily presence here will be greatly missed.

STATEMENT ON IRANIAN DIGITAL EMPOWERMENT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce the Iranian Digital Empowerment Act.

In the aftermath of Iran's disputed 2009 presidential elections, millions of Iranians flooded the streets to stand-up to their government and make their voices heard. Empowered by communication services like Twitter and Facebook, Iranians were able to organize and communicate freely outside of the watchful eye of their government in what has become the first popular democratic uprising of the social media age.

The Iranian people are among the most pro-Western people in the Middle East, and despite suffering under a totalitarian regime, their struggle to create a freer and democratic Iran continues to this day. This weekend marked the 6-month anniversary of fraudulent presidential elections. Once again, the Iranian people took to the streets in non-violent protest. The government of Iran has sought to counter the peaceful efforts of the Iranian people, launching unprecedented efforts to block access to Internet technology, infiltrate electronic social networks, and restrict Iranians from communicating freely. Unfortunately, due to outdated language in provisions regarding information services, U.S. sanctions have had the unintended consequence of denying the Iranian people the tools necessary to communicate freely and circumvent government monitors online.

In an effort to assist the Iranian people fighting for a change in leadership, I am introducing the Iranian Digital Empowerment Act. This legislation will clarify that U.S. laws are not intended to prohibit the export of software that would enable the Iranian people to communicate freely by circumventing their government's censorship efforts. U.S. sanctions intended to change the behavior of the Iranian government must not have the effect of stamping out the voice of the Iranian people.

TRIBUTE TO MARTHA TWARKINS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. SALAZAR. Madam Speaker, I rise today to honor Martha Twarkins, a Legis Congressional Fellow from the Brookings Institute, a specialist with the United States Forest Service and, for the past year, a dedicated and invaluable member of my staff.

Throughout the year, Ms. Twarkins has contributed her considerable expertise and ability to legislative responsibilities in my office, and I could not be more grateful for or appreciative of her hard work.

Throughout her tenure in my office, Ms. Twarkins has worked diligently to mitigate the effects of the bark beetle epidemic on communities in Colorado and across the western United States. She has also provided oversight and direction to many of my legislative priorities concerning the Forest Service, including securing an additional $40 million to help with the emergency bark beetle crisis.

She was an important resource on grazing and water rights, and a key advisor in the consideration and proposal of many new wilderness designations to forever protect our most beautiful public lands.

Additionally, Ms. Twarkins was my key liaison to the House Select Committee on Energy Independence and Global Warming. Ms. Twarkins advised me on the committee's work on issues from fighting climate change in developing countries to creating a roadmap to Copenhagen. I truly appreciate her guidance on this committee.

Ms. Twarkins will always have a special place in my heart. My entire staff joins me in wishing her the best of luck as she resumes her position with the Forest Service, and with all her future endeavors.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. TANNER. Madam Speaker, during the period November 8–16, 2009, I led a bipartisan House delegation to NATO Parliamentary Assembly (NATO PA) meetings in Edinburgh, Scotland, and to additional bilateral meetings in Belfast, Northern Ireland. The delegation also conducted bilateral meetings in Edinburgh. Joining me as Ranking Member of the NATO PA delegation was the Hon. JOHN SHIMKUS. The delegation included Representatives JOHN BOOZMAN, JO ANN EMERSON, BARON HILL, CAROLYN MCCARTHY, JEFF MILLER, DENNIS MOORE, MIKE ROSS, DAVID SCOTT, ALBIO SIRES, MIKE TURNER and staff. The NATO PA delegation had a highly successful trip that examined a wide range of political, economic and security issues on NATO's agenda, as well as issues involving U.S. relations with Northern Ireland and Scotland.

The NATO Parliamentary Assembly consists of parliamentarians from all 28 NATO member states. The NATO PA meets twice yearly in

plenary session in a member state and provides a unique forum for elected officials to analyze and debate challenging issues facing the Alliance. The NATO PA, through its deliberations, also provides guidance to the NATO leadership in Brussels. In addition to the 28 member states, parliamentarians from countries such as Russia, Georgia, Afghanistan, and others participate in the sessions as associate states or observers. Through these sessions, delegates have the opportunity to learn first-hand the views and concerns that other countries have over the key security issues of the day. An invaluable aspect of the meetings is the chance to meet and come to know members of parliaments who play important roles in their own countries in shaping the security agenda that their governments pursue at NATO. These contacts endure, and can provide an invaluable private avenue to Congress and the Administration for insights into each ally's particular approaches to an issue.

The key issues on the agenda of the NATO Alliance as well as on the NATO PA agenda include the conflict in Afghanistan, the future of NATO and the writing of its new strategic concept, as well as more specific issues including relations with Russia, energy security, missile defense, and emerging challenges such as piracy and cyber security. Each of these issues was vigorously debated by the parliamentarians. Relations with Russia and the new strategy towards Afghanistan and Pakistan were two of the issues that dominated the session. Many members of the Alliance continue to question whether Russia is intent on pursuing an increasingly assertive security policy including efforts to intimidate neighboring states, through the threat of force. There was also concern expressed that Russia would continue to use its energy supplies as a political lever to influence European policy. It was clear from our meetings that not only the United States and NATO, but the European Union as well, are concerned about Moscow's posture on a variety of issues. And, while there were differences of opinion over how to structure future relations between NATO, the NATO PA and the Russian delegates to the Assembly, most felt that dialogue between NATO, the NATO PA, and Russia was important and should continue. Many delegates referenced the U.S. commitment to a new, constructive relationship with Moscow and expressed hope that through those promising relations, Russia's attitude toward NATO could become more positive.

On Afghanistan, there was continued support for the ISAF mission among the allies and a willingness to provide the additional civilian and financial support necessary for the reconstruction effort there. However, there was great interest in knowing how the Obama Administration will re-adjust U.S. and NATO strategy and how many additional U.S. military forces will be committed to the conflict. Our delegation was clear that this was not a U.S. war and that NATO's role in Afghanistan continues to be a critical factor.

Before the opening sessions of the Assembly's plenary the U.S. delegation received a detailed briefing from our Deputy U.S. Ambassador to NATO, John Heffern, who addressed several of the issues that would be debated during the NATO PA sessions, particularly regarding Russia and NATO's ongoing role in Afghanistan. Mr. Heffern also reviewed the recent Administration decision on European missile defense and the alternative plans being discussed with our allies.

Over two days of the NATO PA session, extensive meetings of the Assembly's committees took place. There are five NATO PA committees. In each, parliamentarians presented reports on issues before the Alliance. The reports were debated by all members of the committee who often made counter-arguments or suggestions for amending a report. Members of the U.S. delegation were present and active in each committee meeting.

The Political Committee heard three very interesting presentations. Former German General Klaus Naumann focused on the future relevancy of transatlantic security relations. A second presentation on the recent elections in Iran and their implications generated some interesting questions and debate. The third presentation addressed the challenge of international terrorism. Our colleague Rep. CAROLYN MCCARTHY asked if the al-Queda terrorist organization was developing new training and planning bases outside of the Afghanistan/Pakistan region that the west should be watching. The Committee received presentations on three reports including one from our colleague, Rep. MIKE ROSS, a committee rapporteur, who discussed possible transatlantic cooperation with Pakistan. Mr. ROSS's presentation was well received by the Committee. Other reports debated included ''Resetting Relations with Russia'' that featured several interesting comments from the Russian delegates, and ''NATO's relationship with Georgia'' that included a discussion on the current situation in Georgia and where relations between Georgia and NATO now stands. There were still differences of opinion on who was responsible for starting the war in Georgia and how to deal with Georgia's aspirations for eventual membership in NATO.

The Committee on the Civil Dimension of Security is currently chaired by our colleague, Rep. JO ANN EMERSON. This committee discussed reports prepared by committee rapporteurs addressing security challenges and cooperation in Central Asia, and Moldova's internal challenges and prospects for Euro-Atlantic integration. The Committee also heard a presentation on lessons learned in the U.K. from the London terrorist bombing and an address from Georgian Vice Prime Minister Baramidze. The focus of the committee's work in this session was on the growing challenge of piracy off the coast of Somalia, which included a formal report on the subject. The Committee also approved a resolution recognizing this challenge and calling for a more coordinated international approach.

The Defense and Security Committee discussed three reports which reexamined NATO's ongoing operations in Afghanistan, addressed NATO's territorial defense capabilities, and covered the issue of cyber security. The Committee also conducted a joint session on the threat of piracy with the Committee on the Civil Dimension of Security. The Defense Committee adopted a resolution on Afghanistan, which among other things urged NATO governments and parliaments to: reaffirm their commitment to assisting the Afghan government to provide a secure and stable environment; to endorse the resource and approach advocated by the ISAF Commander; and to supply, as a matter of absolute priority, the personnel, equipment, and funding necessary to speed the development of the Afghan National Security forces, in order to promote a transition to Afghan leadership. Our colleague Rep. JOHN SHIMKUS urged more commitment by NATO members to the mission in Afghanistan and stressed the need to reassure Eastern European allies about their security. Our colleague Rep. MIKE TURNER stressed the need to move forward with an all-NATO missile defense program.

The Economics and Security Committee debated three reports focused on food prices and their implications for security, on energy production in Central Asia and its potential contribution to transatlantic energy security, and a long discussion on the global financial crisis and its impact on member nations. In that third discussion, a number of members suggested that it would be useful to explore how the financial crisis was impinging on national defense budgets in allied countries. The Committee also heard presentations on the security aspects of food-related crises, global energy market trends, and managing defense budgets in times of global recession.

Finally, the Science and Technology Committee discussed three extremely timely reports. One interesting report addressed climate change and its relationship to national security. This was followed by a presentation on the Arctic by the British Ambassador to Norway. Another report addressed the current efforts being used to combat the spread of weapons of mass destruction. This was preceded by a presentation on Iran's nuclear ambitions by Professor Ali Ansari from the University of St. Andrews. A third report provided a look at the resurgence of nuclear power as a source of clean energy and was accompanied by a presentation on the role of nuclear energy in the U.K.'s energy strategy.

On Tuesday, the final day of the plenary, the general assembly had the opportunity to hear a presentation from NATO Secretary General Anders Fogh Rasmussen in his first formal address to the Assembly as Secretary General. Rasmussen urged the Parliamentarians to help re-build understanding between NATO and the publics of each member state especially with respect to the NATO mission in Afghanistan and the relevance of NATO itself. The Assembly also heard from Admiral James Stavridis, Supreme Allied Commander in Europe who asked NATO Parliamentarians to help the Alliance deal with the pace and complexity of the challenges the Alliance faces from a dynamic and constantly changing international environment. The SACEUR urged the NATOPA to help provide political input and guidance to NATO as the Alliance re-writes the strategic concept that will define NATO's future roles and missions. We also heard from the Honorable David Miliband, the UK's Foreign Minister who reaffirmed that the commitment of European military forces to Afghanistan, now under intense questioning throughout Europe, need not be an endless exercise as long as the international community and the Afghan government step up and provide the necessary resources and political will to develop a stable, reliable government in Kabul that can rid itself of corruption and provide the necessary security and public services that its citizens demand. Finally, the delegates heard from Lord Robertson, former Secretary General of NATO and the current President of Chatham House.

Finally, Madam Speaker I am pleased to report that Rep. JO ANN EMERSON was re-elected Chairperson of the Committee on the Civil

Dimension of Security along with DENNIS MOORE, JOHN SHIMKUS, JEFF MILLER, JOHN BOOZMAN, BEN CHANDLER, and CAROLYN MCCARTHY who were all re-elected as Vice-Chairpersons of their respective Committees. Our colleague MIKE ROSS was also re-elected as the Rapporteur for the Political Committee's subcommittee on Transatlantic Relations. Our newest additions to the officer list include MIKE TURNER who was elected Vice-Chairperson of the Science and Technology Committee and DAVID SCOTT who was elected as a Rapporteur also on the Science and Technology Committee.

In sum, Madam Speaker, the fall session of the NATO Parliamentary Assembly in Edinburgh was a success and as President of the Assembly, I took pride in the deliberations and participation of the delegates from all 28 member nations and our associate and observer members. For Members of the House or Senate interested in reading the Committee reports or presentations mentioned in this statement, they are all available on the NPA web site at www.nato-pa.int. I also want to take this opportunity to thank Dana Linnet, and Don Pena and all of the fine men and women of our embassy in London and Consulate in Edinburgh for the wonderful job they did assisting the delegation.

BELFAST

Prior to the NATO PA plenary, the U.S. delegation traveled to Belfast, Northern Ireland. The delegation received a country briefing, which included a general overview of the history and the current political and economic situation in North Ireland, from our Consul General Kamala Lakhdhir and Deputy Consul General Kevin Roland. One of the main issues discussed was the need to resolve remaining challenges related to policing and justice. The briefers expressed the hope that more progress will be made on those fronts in the next few months. The delegation held bilateral meetings in Belfast in order to demonstrate support for the fragile peace process and assess growing economic development opportunities. At the Northern Ireland Policing Board, the delegation spoke with senior officials, police officers, and politicians regarding its work overseeing the Police Service of Northern Ireland. We discussed the increasing participation of Catholic police officers, efforts to improve community policing as a means of building trust within all neighborhoods, and remaining challenges regarding the contentious issue of devolving policing and justice issues from London to Belfast.

The delegation spent several hours at the Stormont Assembly holding discussions with First Minister Peter Robinson, Deputy First Minister Martin McGuinness, and Speaker William Hay. These political leaders were frank about the challenges still facing Northern Ireland, particularly as regards policing matters. However, they also stressed the importance of economic development, jobs and infrastructure for enabling future progress. The delegation then observed a plenary debate in the Assembly.

Members saw first-hand efforts to stimulate economic development, including the attraction of foreign direct investment, in Northern Ireland. They visited Titanic Quarter, the largest commercial development site in Europe. The 186 acres will be developed as a blue-chop technology district, including apartments, a film studio, an entertainment section, and an exhibition of the ship's history. The delegation also spoke with officials at the Northern Ireland Science Park who are working to bring together venture capitalists and entrepreneurs.

In addition, the delegation observed a community event which included a basketball game between Catholic and Protestant teenage girls organized by an American NGO called Peace Players. Sponsored by the Belfast Lord Mayor on the 20th anniversary of the fall of the Berlin Wall, the event was held at the Peace Walls that still divide the communities of Belfast. The Members also visited a cultural center in West Belfast (Catholic/Nationalist area), where Gerry Adams (MP-Sinn Fein party) stopped by and made brief remarks. Normandy

Madam Speaker, as has been a tradition with the U.S. delegation to the NATO Parliamentary Assembly when we travel to Europe over either Veteran's Day or Memorial Day, the delegation makes an effort to visit a U.S. cemetery to pay our respects to our service men and women. On this occasion, we visited Normandy, holding a solemn commemorative ceremony and laying a wreath at the memorial in the American Cemetery. These visits are perhaps the most memorable and poignant moments of the delegation's trip. As our colleagues know, the critical WWII European campaign was launched on the bloody beaches of Normandy and eventually resulted in the defeat of the Nazi regime. The delegation visited the resting place of almost 9,400 U.S. soldiers, sailors, and airman who died in the liberation of France, and Europe, on Omaha and Utah beaches. The beautiful cemetery and visitors' facility overlooking Omaha Beach and the Ranger monument at Pointe du Hoc are managed by the U.S. American Battle Monuments Commission. We were deeply honored to visit the cemetery and want to thank Mr. Dan Neese, the Cemetery Superintendent, for his hospitality and the fine job he and his staff do to preserve the memory of those U.S. servicemen who gave their lives in such a noble cause. We also wish to recognize and thank Anaelle Ferrand, our Control Officer, and Walter Frankland, Deputy Chief of Staff, European region of the American Battle Monuments Commission for their fine assistance during our brief stay.

SCOTLAND

The delegation was pleased to receive a briefing by U.S. Consul General Dana Linnet (Principal Officer). Linnet gave a brief overview of some of the economic and political issues relating to Scotland, including the issue of devolution. The delegation also held several bilateral meetings in Edinburgh. We met with Scottish Justice Minister Kenny MacAskill to discuss his decision to grant compassionate release to Abdel Basset al-Megrahi, the convicted bomber of Pan Am flight 103 that exploded over Lockerbie, Scotland. We expressed our deep disappointment regarding the Minister's decision, raising numerous issues regarding his handling of the case. We discussed U.S.-Scottish trade and cultural links with officials from the Scottish government, and we spoke about current political developments with the Scottish Parliament's Presiding Officer Alex Fergusson. The delegation was particularly interested to learn about the legislation that called for a referendum on Scotland's independence from the U.K. In addition, the delegation met senior Scottish military officials to discuss challenges facing the NATO alliance in Afghanistan including public support for the mission in Afghanistan which is low in the U.K. and for which more must be done to strengthen public support for the efforts there.

Madam Speaker, the NATO Parliamentary Assembly provides a unique opportunity for Members of Congress to engage in serious discussions on critical issues with our colleagues from other NATO member states, associate and observer states. I believe our delegation, and thus this Congress, benefits greatly from the information we exchange and the personalities we meet during these meetings. I look forward to our next NATO PA session in February in Brussels, Belgium.

In conclusion, I would like to again acknowledge the hard work and dedication of our Consular staffs in both Belfast and Edinburgh, for their hard work and dedication. I especially want to thank our entire military escort group from the United States Air Force, and Air Force Reserves, including our very fine pilots. Our diplomatic corps and military personnel provide a quiet but invaluable service in ensuring our safety and the success of our delegation business. This group of diplomats, service men and women was no exception. I thank them for their hard work and their dedication to duty.

REMEMBERING JODI ESQUIVEL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. POE of Texas. Madam Speaker, on Friday October 30, 2009 Jodi Esquivel passed away after a two-year long battle with kidney cancer.

Jodi, a middle school English teacher in Nederland, Texas touched many lives in her short 27 years of life. Her smile was infectious and her unwavering strength and endless faith touched all those she met.

In 2007, after suffering months of back pain, Jodi was diagnosed with kidney cancer. She was in the early stages of her second pregnancy when results of an MRI showed a cancerous tumor in her kidney that had spread to her spine in three places.

Jodi leaves behind husband Justin and three year old daughter Hallie. Her family and friends celebrate Jodi for the love she shared with them and the lessons she taught them throughout her life.

IN HONOR AND RECOGNITION OF ADA MARIE HAGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Ada Marie Hagan, beloved mother, grandmother, great-grandmother and friend, whose lived her life with grace, wit, love and passionate commitment to family, community and social justice issues.

The matriarch of her family, Mrs. Hagan grew up in Youngstown, Ohio, the daughter of

Italian immigrants. Her parents instilled in her a strong sense of faith, family, hard work and community. She met and married the love of her life, State Representative and comedian, the late Robert Emmet Hagan, also from the Youngstown area. Together, they raised fourteen children, teaching them the values of hard work, dedication to family and giving to others—all by example.

Ahead of her time, Mrs. Hagan became a champion on behalf of social justice issues early on, and involved herself and her children in several activist movements, including the civil rights movement and worker's rights movement. Inspired by the Catholic worker's movement, Mrs. Hagan volunteered on behalf of unions and became involved in many social causes. She regularly marched with her young children down the main streets of Youngstown in support of fair housing, civil rights, peace and other causes. In addition, she volunteered her time and talents on behalf of those seeking public office, including her children. Her dedication to community service was life-long; at the age of 80, Mrs. Hagan led a group of friends and family in Washington, DC, in the Million Mom March to protest against guns.

Madam Speaker and Colleagues, please join me in honor and remembrance of Mrs. Ada Marie Hagan, whose joyous life, framed by devotion to family, friends and service to community, will always be celebrated and remembered. I extend my deepest condolences to her children: Katie, Maggie, Jim, Tim, Bill, Bob, Jack, Chris, Anne, Elaine, Monica, Susan, Mary Therese and Jeff; to her 28 grandchildren and six great-grandchildren; and also to her extended family members and many friends. Mrs. Hagan's youthful spirit, great sense of humor, boundless energy and strong convictions inspired countless people of all ages and backgrounds, promoted positive change, and helped to lift our community and our nation into the light of human rights and social justice—and she will never be forgotten.

PERSONAL EXPLANATION

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. LUJÁN. Madam Speaker, due to scheduling conflicts, I was unable to be present for rollcall votes Nos. 889, 890, and 891. Had I been present, I would have voted "yes" on all three votes.

PERSONAL EXPLANATION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. MATSUI. Madam Speaker, on the afternoon of December 11, 2009, I was unavoidably detained and failed to record my vote on rollcall vote 966. Had I been present, I would have voted "nay" on the Bachus substitute amendment to H.R. 4173.

IN HONOR AND REMEMBRANCE OF IDELL ''SCOTTY'' MILLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of the beloved Idell "Scotty" Miller, devoted wife of the late John Miller; loving mother of John Jr. (deceased), Frank, Tyrone, Stanley, Czerny, and Linda; cherished grandmother of 17, devoted great-grandmother of 44, and loving great-great grandmother of 18; loving aunt and dear friend to many.

Mrs. Miller devoted her life to her faith. Her family was the foundation and joy of her life. She and Mr. Miller created a loving home to raise their children. She never missed the special events in the lives of her children and grandchildren and she would prepare wonderful family dinners for them. Mrs. Miller, also known for her wonderful laugh, great sense of humor and generous heart, lived life with great joy and love. She was a true matriarch within her family.

Madam Speaker and colleagues, please join me in honor of Mrs. Idell Miller, whose joyous spirit and love for others will exist forever within the hearts and memories of those who knew her best—her family and friends. I extend my deepest condolences to her family.

50TH ANNIVERSARY OF THE RUTHE B. COWL REHABILITATION CENTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. CUELLAR. Madam Speaker, I rise today to honor the 50th anniversary of the Ruthe B. Cowl Rehabilitation Center serving Laredo, Texas, Webb County, and surrounding areas. This center is nationally renowned and serves a wide range of comprehensive services including physical therapy, occupational therapy, speech pathology, ideological assessment, counseling, and social services.

The late Mrs. Ruthe B. Cowl founded the Center in 1958 with a mission to establish a treatment center for people with disabilities of all kinds. Formerly known as the Laredo Rehabilitation Center, the Ruthe B. Cowl Rehabilitation Center assists to the needs of disabled, physically challenged and handicapped individuals through a series of treatments and services. This grand initiative started on modest means of two small rooms of an old Health Department in 1959. Since 1966, the Center has continued to expand. The Center was renamed by Board Resolution to the Ruthe B. Cowl Rehabilitation Center in 1970 to honor Mrs. Cowl for her tireless efforts for disabled services. Today, the Center stands as a beautiful, modern facility of nearly 33,000 square feet.

The Ruthe B. Cowl Rehabilitation Center has been acclaimed at the State and National levels for being a pacesetter in the services provided in the area of rehabilitation. The Center is responsible for bringing many firsts to the Laredo and surrounding areas. The Center plays a unique role in the community for achieving its mission to provide specialized services to those with birth defects, strokes, brain injuries, amputations, emotional problems and other physical conditions that impact quality of life. For 50 years, the Center has ensured that the certified, dedicated staff equipped with the best equipment and services are able to serve the community. The Center is a nonprofit organization which serves an average of 135 patients per day. It has provided millions of therapy visits to all in need regardless of the patient's ability to pay. The dedication, passion, and commitment that the Ruthe B. Cowl Rehabilitation Center has provided for the past 50 years have been a great service to the community.

Madam Speaker, I am honored to recognize the 50th anniversary of the Ruthe B. Cowl Rehabilitation Center. The Center is celebrating 50 years of service and continuing its mission to assist all disabled, handicapped and physically challenged individuals who deserve quality life and treatment. I thank you for this time.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3288, the Consolidated Appropriations Act for FY 2010.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3288

Account: Military Construction/VA, Department of Defense, Army

Legal Name of Requesting Entity: Fort Riley, Kansas

Address of Requesting Entity: 500 Huebner Road, Fort Riley, KS 66442

Description of Request: Provide $7,100,000 to upgrade the Estes Road access control point at Fort Riley, KS to a primary use gate, to include new guard booths for new entry and exit lanes, perimeter fencing, visitor's center, gatehouse with over-watch position, and additional road extensions for the intersections of Victory Drive, Armistead Road, and Kitty Drive.

IN HONOR AND REMEMBRANCE OF STEPHEN JOHN KOVACIK III

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Stephen John Kovacik III, beloved son, brother, uncle and friend. He lived with great joy and a passionate commitment to the arts, to his family and friends, and to issues of social justice.

Mr. Kovacik had an engaging personality. He was extremely well-read and could spark an interest and a smile from everyone he met. He followed politics, and he was a long-time supporter of progressive candidates and

issues. He had a special interest in issues related to unions and the rights of workers. Mr. Kovacik was known for his compassionate heart and could always be counted on to lend a helping hand.

I extend my deepest condolences to his mother, Landa; to his sister, Lisa; to his brothers, David and Robert; to his niece and nephews, Elizabeth, Walker and Thomas; to his brother-in-law David and sister-in-law Magaly; and to his extended family members and many friends.

Madam Speaker and colleagues, please join me in honor and remembrance of Mr. Stephen John Kovacik III. Stephen John Kovacik's love for life, generous heart and kind demeanor lifted the lives of others. His soulful spirit will live on forever in the hearts and memories of his family and friends.

TRIBUTE TO HARRISON HIGH SCHOOL MARCHING BAND

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. GINGREY of Georgia. Madam Speaker, I would like to congratulate the Harrison High School marching band for being selected to participate in this year's Macys' Thanksgiving Day Parade. The Hoyas were one of 8 high school marching bands chosen nationwide to participate in this once in a lifetime experience.

Being awarded this prestigious distinction for the Macy's Thanksgiving Day Parade is recognition of being one of the very best high school bands in the country. The Hoyas' selection is a testament to their dedication, devotion and hard work. The parade was a perfect opportunity for them to showcase their skills and countless hours of practice, and anyone who saw the parade on TV on Thanksgiving Day knows they did us proud.

I'd also like to commend the parents, faculty, and entire community who worked to make this possible by supporting the 193-member band.

Madam Speaker, on behalf of all my constituents, I am proud to congratulate the Hoyas on their selection and for their success at the parade.

IN HONOR OF MAYOR CHARLES E. MOYER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. MURTHA. Madam Speaker, I rise today to honor the service of Charles E. Moyer, the mayor of Ebensburg, Pennsylvania. He is retiring after 16 years as mayor. His hard work and dedication have had an immense impact on his community.

Mr. Moyer was born and raised in Ebensburg, where he attended Holy Name Grade School and Central Cambria High School before taking classes at Saint Francis University. He lives with his loving wife, Rose, and together they raised their daughter Denise and their late son David.

Mr. Moyer began serving Ebensburg in 1963 as a member of the Dauntless Fire Company and was its captain from 1973 to 1983. He first joined the Ebensburg Borough Council in 1974 and became council president in 1984, an office he held until he became mayor in 1994.

Mr. Moyer has been an officer of the Cambria County Boroughs Association since 1986, is a member of the Pennsylvania State Association of Boroughs Board of Trustees and Directors, and represents the association on the Pennsylvania Department of Transportation's New Product Evaluation Committee. Since 1997, Mr. Moyer has served on the Cambria County Conservation and Recreation Authority, working to develop recreational resources, including playgrounds and trail projects, in Cambria County. For the past 5 years, Mr. Moyer has also been a member of the Cambria County Airport Authority and has served on the board of directors for the Cambria Somerset Council of Governments for 15 years, including 2 years as the president.

Madam Speaker, during his distinguished career, Mr. Moyer received the Thomas F. Chrostwaite Award in 1993, the Distinguished Service Award in 2002, the Board of Directors Award in 2003, and the A.C. Scales Award from the Pennsylvania State Association of Boroughs in 2007 for exceptionally outstanding service.

As mayor and councilman, Mr. Moyer has been instrumental in the many improvements in Ebensburg. Most recently, the borough enacted a $1.3 million Streetscape program to revitalize the downtown, which has allowed for the construction of Penn Eben Park with a gazebo-style band shell, new sidewalks, street lights, benches and trees as well as renovations of many buildings. New businesses have nearly filled all the storefronts in downtown Ebensburg.

Madam Speaker, I conclude my remarks by commending Charles E. Moyer for his service to his community. Through his years as a volunteer fireman, a councilman and finally as mayor, he has continually worked to make Ebensburg Borough a better place. His retirement closes a chapter on a long and fruitful career and the people of Ebensburg, along with those of us who have worked with Charlie, will surely miss him.

IN HONOR AND RECOGNITION OF JEAN ELSNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Jean Elsner, age 90, whose youthful spirit and lifelong quest for learning is being recognized at Cleveland State University's fall commencement ceremony, where she will be awarded the coveted President's Medal.

Mrs. Elsner grew up in Cleveland's Buckeye neighborhood during the Great Depression. Her parents were hardworking and resourceful, despite the harsh economic times. Even when they lost their home to foreclosure, and during a time when young women were not encouraged to further their education, her parents always stuck to their plan for her to go to college. In 1941, she graduated magna cum laude with bachelor's degrees in English and Sociology from Ohio University, and her quest for learning, sparked early on by her parents, never diminished.

In 1982, Mrs. Elsner and a friend signed up to take a class at Cleveland State University, and she has been enrolled ever since. For nearly thirty years, she has taken two to three classes every semester. She holds the record for the most classes taken by any one student at Cleveland State—more than 100. Whether rain, sleet or snow, Mrs. Elsner walks to the bus stop every day she has a class and takes the bus downtown from her home in South Euclid. Mrs. Elsner's positive attitude and boundless energy continue to inspire. Her love of life and devotion to family and friends continues to frame each day. Together, she and her beloved husband, the late Sidney Elsner, raised three sons and instilled within them the same values of hard work and the significance of a solid college education.

Madam Speaker and Colleagues, please join me in honor and recognition of Jean Elsner, whose exuberance for life, quick smile, caring heart and love for learning continues to enrich and inspire students, professors, friends and family. We wish her continued health, peace and happiness in all the years to come.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and that were included in the Consolidated Appropriations Act, 2010, H.R. 3288.

Account: Transportation & Community & System Preservation

Project Name: 5th and 6th Street Reconstruction, OR

Legal Name and Address of Requesting Entity: City of Redmond, 716 SW., Evergreen Avenue, Redmond, Oregon 97756

Project Location: Madras, Oregon

Description of Project: H.R. 3288 appropriates $779,200 for the 5th and 6th Street Reconstruction project located in Redmond, Oregon. According to the requesting entity, funding would be used to remove and replace existing pavement surfacing and sub-grade material and restore the street section to minor arterial standard. According to the City of Redmond, this is a valuable use of taxpayer funds because it will encourage local use and the 5th/6th Street Couplet cannot be properly maintained without reconstruction, as the existing condition cannot accommodate additional maintenance treatments.

Account: Surface Transportation Priorities

Project Name: U.S. Highway 97 and J Street Intersection Project, OR

Legal Name and Address of Requesting Entity: City of Madras, 71 SE "D" Street, Madras, Oregon, 97741

Project Location: Madras, Oregon

Description of Project: H.R. 3288 appropriates $681,800 for the U.S. Highway 97 and J Street Intersection Project located in Madras, Oregon. According to the requestor, funds would be used to modernize and realign the intersection of J Street where it bisects U.S. Highways 26 and 97 within the city limits of Madras, Oregon. According to the City of Madras, this is a valuable use of taxpayer funds because it will improve transportation safety and efficiency, create and preserve jobs, and enable further economic development.

Account: Surface Transportation Priorities

Project Name: Brett Way Extension, OR

Legal Name and Address of Requesting Entity: City of Klamath Falls, 500 Klamath Avenue, Klamath Falls, OR 97601

Project Location: Klamath Falls, Oregon

Description of Project: H.R. 3288 appropriates $292,200 for the Brett Way Extension, OR Project located in Klamath Falls, Oregon. According to the requestor, funds would go towards closure of an unsafe intersection located at Summers Lane and the South Side Bypass and the extension of Brett Way from Summers Lane to Homedale Road, as well as installation of water line and sanitary sewer, construction of a bridge over an existing canal, and elimination of a uncontrolled rail crossing on Summers Lane. According to the City of Klamath Falls, this is a valuable use of taxpayer dollars because it would open access to the underutilized airport industrial park area as well as provide much needed alternate access to the airport.

Account: Economic Development Initiatives

Project Name: For the reconstruction and construction needs of facilities which are critical to the local economy

Legal Name and Address of Requesting Entity: Pendleton Round-Up, 1114 SW Court Avenue, Pendleton, OR, 97801

Project Location: Pendleton, Oregon

Description of Project: H.R. 3288 appropriates $487,000 for the Pendleton Round-Up and Happy Canyon Facilities Improvements located in Pendleton, Oregon. According to the requestor, funds would be used to construct the Centennial Grandstand facility to replace an aging structure that has outlived its useful life and to complete the reconstruction of the four-phase project at Happy Canyon. According to the Pendleton Round-Up, this is a valuable use of taxpayer funds because this project would preserve a world renowned rodeo and Native American cultural event.

RECOGNIZING THE VILLAGE OF HOFFMAN ESTATES' 50TH ANNIVERSARY

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the Village of Hoffman Estates, a town in my district that is celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of Hoffman Estates is celebrating its 50th anniversary. Located in Cook County, Hoffman Estates was established in 1954 when a local farmer sold his 160 acre farm to Sam and Jack Hoffman, owners of the Father and Son Construction Company. The Hoffmans built a development and in 1959, the residents of the subdivision voted to incorporate as the village of Hoffman Estates. In the following decades, Hoffman Estates continued to annex surrounding areas and developments. Business also came to Hoffman Estates including the Sears, Roebuck and Company in 1992.

Madam Speaker, the Village of Hoffman Estates is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of Hoffman Estates for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Hoffman Estates for reaching their 50th anniversary and I wish them continued success in the future.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,081,709,382,532.35.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $1,443,283,636,238.55 so far this year.

According to the non-partisan Congressional Budget Office, the forecast deficit for this year is $1.6 trillion. That means that so far this year, we borrowed and spent an average $4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. LANGEVIN. Madam Chair, I rise in strong support of H.R. 4173, the Wall Street Reform and Consumer Protection Act, which will rebuild our economy and crack down on Wall Street to prevent another economic collapse caused by institutions that are "too big to fail."

Over the past year, I, like many Rhode Islanders, have been angered by the greed exhibited by Wall Street and other companies that took advantage of their investors, preyed on our constituents, and rewarded executives with outrageous pay packages. With this bill, consumer protection will come first, and irresponsible companies will be held accountable for their actions.

H.R. 4173 establishes the Consumer Financial Protection Agency, which will protect families and small businesses by ensuring that bank loans, mortgages, credit cards and other financial products are fair, affordable and transparent. Merchants will be excluded from the oversight of the CFPA, and small banks and credit unions will not be subject to undue regulatory burdens. However, the CFPA will play a backup role if the primary regulators fail in their oversight responsibilities.

This measure also establishes an orderly process for dismantling large, failing financial institutions like AIG or Lehman Brothers, which will protect taxpayers and prevent collapse throughout the rest of the financial system. These large institutions will pay into a fund that will be tapped if a company faces dissolution. There will be no more taxpayer bailouts for these "too big to fail" institutions.

Additionally, H.R. 4173 responds to the failure to detect frauds like the Madoff scheme by ordering a study of the entire securities industry. This measure will also increase investor protections by strengthening the Securities and Exchange Commission and boosting its funding level. For the first time ever, the over-the-counter derivatives marketplace will be regulated under this bill and hedge funds will have to register with the SEC. It also takes steps to reduce market reliance on the credit rating agencies and impose a liability standard on the agencies.

I would like to thank the committees for their work on this bill, and especially want to thank Chairman FRANK for his leadership on this strong reform measure. I encourage all my colleagues to vote for this bill.

RECOGNIZING THE 20TH ANNIVERSARY OF THE VILLAGE OF BEACH PARK

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the village of Beach Park, a town in my district celebrating a milestone anniversary this year. Each of these communities has made a unique contribution to district I represent, and to the State of Illinois.

The village of Beach Park is celebrating its 20-year anniversary. Located on Lake Michigan, Beach Park was a stop on the Chicago-Milwaukee Electric Railroad named "Beach Depot" in the early 1900s. In 1928, F.H. Bartlett Co. of Chicago purchased land near the rail station and sold parcels of land to city residents looking to escape to the country. In 1949, the community adopted the name of Beach Park and put a school district and fire department in place. But it was not until 1989 that the village of Beach Park was incorporated.

Madam Speaker, the village of Beach Park is unique in its history and adds to the vibrant

community of the Eighth District of Illinois. I thank all the past leaders of the village of Beach Park for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Beach Park reaching their 20th anniversary and I wish them continued success in the future.

CONFERENCE REPORT ON H.R. 3288, CONSOLIDATED APPROPRIATIONS ACT, 2010

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 2009

Mr. HOLT. Mr. Speaker, I rise in support of this bill.

Too many of our fellow citizens are suffering as a result of the biggest economic downturn in 75 years. In light of the number of Americans who continue to be unemployed or under-employed, it is essential that we focus our efforts on helping Americans find jobs. H.R. 3288 is responsible legislation which will help employ Americans, assist communities suffering from decreases in tax payments, and provide more stability to our economy.

H.R. 3288 would put an estimated 1.5 million Americans back to work by investing $41.8 billion in improving our transportation infrastructure. The bill also provides 4.5 billion for commuter and passenger rail projects to help reduce congestion and provide more environmentally-friendly ways for Americans to get to work and travel. I am pleased that my colleague from Pennsylvania PATRICK MURPHY and I were able to get language removed from this bill preventing Amtrak from being able to offer discounted fares to commuters on the Northeast Corridor. Since it was first included in the 2006 Fiscal Year, this language prevented Amtrak from being able to offer a more than 50 percent discount off peak fares to commuters on any of its lines. This resulted in a 20 percent fare increase to my constituents. The removal of this provision recognizes the need to make public transportation more affordable and more accessible, and I expect it will result in discounted Amtrak ticket rates.

Our economy nearly collapsed last year because of the combination of reckless and abusive financial services and mortgage-industry practices, and astounding regulatory failures. To help re-establish real oversight and control over our financial markets, the bill provides $1.111 billion to strengthen and enforce rules that govern investments and financial markets and to detect and prosecute fraudulent schemes, and allow the hiring of another 420 investigators, lawyers and analysts to support the mission of the Securities and Exchange Commission. The bill also provides $292 million to strengthen the Federal Trade Commission's capacity to protect consumers and combat anti-competitive behavior. Additionally, the bill allocates $118 million for the Consumer Product Safety Commission to continue implementing bipartisan consumer protection legislation enacted in 2008 in response to massive toxic product scandals, including children's toys from China.

The bill also provides $1.4 billion for training and support services to workers affected by mass layoffs and plant closures, and $125 million for competitive grants to community colleges and partnership with local adult education providers to prepare workers for careers in high-demand and emerging industries. To assist affected parents in ensuring that their children get good meals and quality health care, the bill provides $7.2 billion for Head Start, an investment that will help nearly 1 million children from low-income families.

To help America's students pay for a college education, this bill maintains the discretionary portion of the maximum Pell Grant at $4,860, which, combined with a mandatory supplement of $690, will support a $5,550 maximum Pell Grant in FY 2010. Since January 2007, the maximum Pell Grant has been increased by $1,500 or 37 percent—from $4,050 to $5,550. In FY 2010, more than 8 million college students will receive Pell Grants.

This bill maintains investments in math and science education by providing $180 million toward the Department of Education's Mathematics and Science Partnerships. The program is the only national teacher development program available to teachers across the U.S.

It is widely understood that early language education is the key to language proficiency later on. In order to start addressing the pressing needs for skilled linguists and other language professionals that currently exist, this bill maintains investments in the Foreign Language Assistance Program at $27 million, which is currently the only federal program that supports foreign language education at the elementary and secondary school level.

This bill also contains provision and funding for programs to protect Americans' access to health care coverage until national health care reform is enacted. To that end, the bill provides $2.2 billion to provide primary health care to 17 million patients, of whom 40 percent are uninsured, in 7,500 service delivery sites. These centers provide high quality care in both urban and rural underserved areas across the country. The bill also seeks to increase the number of health care professionals by providing $498 million to support the training of health professionals in fields where there are shortages, such as nursing. And to help find cures for the diseases afflicting Americans, the bill provides $31 billion for NIH-funded biomedical research to improve health and reduce health care expenditures.

At a time when the recession has created a fiscal crisis for state and local governments, requiring them to let go of key law enforcement and related personnel, federal support for state and local law enforcement programs has never been more important. To help keep police on the beat, the bill provides $792 million to support local law enforcement agencies with hiring, technology, training, body armor, and sex-offender enforcement management grants. This includes $298 million specifically for COPS Hiring Grants to hire or retain approximately 1,400 police officers. The bill also provides $519 million for the Byrne Justice Assistance Grant (JAG) program, which helps local law enforcement agencies engage in a broad range of activities to better fight and prevent crime. I'm pleased that this year several municipalities in my district will receive funding for projects under this program, including the Borough of Jamesburg (to modernize communications), the city of Trenton (for an anti-gang program), and the township of North Brunswick (for a video surveillance system).

Meeting our obligations to America's veterans is a national trust. The bill provides over $109 billion for the operation of the Department of Veterans Affairs, with $45.1 billion allocated for medical care. In a breakthrough long sought by veterans, the bill also provides advance appropriations for the VA to ensure a stable and uninterrupted source of funding for medical care for veterans, providing $48.2 billion for FY 2011.

I am very pleased that this bill reflects a strong commitment by this Congress to provide robust, secure funding for science. The bill keeps the U.S. on track to double the funding for basic research by providing over $31 billion for the National Science Foundation, the National Institute of Standards and Technology, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration. An additional $31 billion will support biomedical research through the National Institutes of Health. These investments in our science and innovation infrastructure will help create jobs immediately while stimulating the discoveries and investments that will ensure sustained economic growth in the future.

I am also pleased that this bill includes $17.4 million in disability access funding under the Help America Vote Act, including $12.1 million to help ensure that polling places are accessible and $5.3 million for protection and advocacy funding. The bill also includes $70 million in funding to help States meet the voting system requirements of the Help America Vote Act, and better protect and preserve the integrity of elections. This sum is much less than I requested, and it is less than the $100 million passed in the House, but it will go a long way in helping States improve the administration of elections—the foundation of our Democracy.

Finally, this bill makes much needed investments in our foreign affairs institutions, including funding increases that will allow the State Department and the U.S. Agency for International Development to hire additional foreign service personnel to address the neglected staffing needs of these agencies. Key initiatives continue to receive vigorous support, including efforts to combat HIV/AIDS and other diseases, agriculture and food security programs, basic education programs, microfinance and microcredit, and the Peace Corps. I am especially pleased that the final bill recognizes the important contributions that scientists and scientific engagement can make to our international relations.

Mr. Speaker, I encourage my colleagues to join me in supporting this critical funding bill.

RECOGNIZING THE VILLAGE OF FOX RIVER GROVE'S 90TH ANNIVERSARY

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the Village of Fox River Grove, a town in my district that is celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of Fox River Grove is celebrating its 90th anniversary. Located along the

Fox River in both Lake and McHenry Counties, Fox River Grove was the winter home of the Ojibwa Indians until the 1860s. In 1869, Frank Opatrny purchased 80 acres along the Fox River. In 1905, the Norge Ski Club purchased land in Fox River Grove and erected a ski jump and in the 1950s the site was host to America's first international ski-jumping contest. Today, the Norge Ski Club is the oldest, continuously open ski club in the United States. Since incorporation in 1919, Fox River Grove has grown from a ski destination to a year-round residential community.

Madam Speaker, the Village of Fox River Grove is unique in its history and adds to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of Fox River Grove for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Fox River Grove for reaching their 90th anniversary and I wish them continued success in the future.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. VAN HOLLEN. Madam Chair, I rise in support of the Wall Street Reform and Consumer Protection Act of 2009 and the comprehensive approach it takes to reining in systemic risk, curbing excessive speculation and restoring transparency, accountability and oversight to our financial system.

In the wake of the worst financial crisis since the Great Depression, the Democratic majority has launched a series of deliberate and wide-ranging initiatives to stem that crisis—and those initiatives are clearly working.

Our economy is no longer in free fall. Markets are sharply up. Foreclosures are starting to come down. The vicious spiral of job destruction we inherited from the past Administration is now slowing.

We know we are headed in the right direction—but we also know there is more work to do. We will not stop until our economy has fully recovered, there is a good-paying job for every American who wants one, and we have launched a new era of broadly shared American prosperity.

This legislation represents the next step on our nation's road back to recovery. To make sure we never have another AIG, this bill establishes a Financial Stability Council charged with the exclusive mission of identifying and regulating systemic risk. In the future, a Systemic Dissolution Fund will be able to safely wind down failing firms so that taxpayers aren't left holding the bag. To protect consumers, today's legislation creates a new Consumer Financial Protection Agency to police our markets for abusive financial products and services. We are bringing transparency and oversight to our derivatives markets. Investors will get a better shake, credit rating agencies will face reforms and shareholders will get a "say on pay."

I want to commend Chairman FRANK, Chairman PETERSON and their staffs for their hard work on this legislation. I urge my colleagues' support.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the "Consolidated Appropriations Act for FY2010."

Requesting Member: Congressman JOHN DUNCAN

Account: OJP—Juvenile Justice

Project Amount: $250,000

Legal Name of Requesting Entity: Childhelp of East Tennessee, 2505 Kingston Pike, Knoxville, Tennessee 37919

Description of Request: The funding would assist Childhelp in expanding its services to more children in Knox County and the surrounding region who have suffered abuse. Specifically, the Children Center of East Tennessee will expand its forensic interview capacity and related services to more Knox County children who have, in the past, been turned away, as well as its community based forensic interview and medical examination services.

RECOGNIZING THE 50TH ANNIVERSARY OF THE VILLAGE OF LAKE BARRINGTON

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the Village of Lake Barrington, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of Lake Barrington is celebrating its 50-year anniversary. Believed to be first populated by the Potowanami Indians, recent discovery of burial grounds suggest an established Native American presence in the Lake Barrington area. Lake Barrington remained rural and minimally populated until the 20th century when Chicago businessmen began turning the farms into estates. Incorporated in 1959, local residents voted Jorgen Hubschman as the first village president. Lake Barrington has grown over the past 50 years from a community of just 200 residents to a village of 5,000. Recently, the Village of Lake Barrington established a Tree Preservation Code and is currently recognized by the Arbor Day Foundation as a "Tree City U.S.A" community. Though the village has grown, Lake Barrington has sought to preserve its scenic charm that continues to make the village an attractive place to live.

Madam Speaker, the Village of Lake Barrington is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of Lake Barrington for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Lake Barrington for reaching their 50th anniversary and I wish them continued success in the future.

NATIONAL PRADER-WILLI SYNDROME AWARENESS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. JACKSON-LEE of Texas. Mr Speaker, I rise before you today in support of H. Res. 55, "Expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder." I would like thank my colleague, Rep. EDWARD ROYCE, for introducing this act of solidarity, as well as the co-sponsors.

Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births, and is the most commonly known genetic cause of life-threatening obesity.

It affects males and females with equal frequency and affects all races and ethnicities, causing an extreme and insatiable appetite, often resulting in morbid obesity, which is the major cause of death for individuals with the syndrome. The syndrome also causes cognitive and learning disabilities, and behavioral difficulties, such as obsessive-compulsive disorder and difficulty controlling emotions.

The hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment; Studies have shown that there is a high morbidity and mortality rate for individuals with Prader-Willi syndrome, and there is no known cure.

Early diagnosis allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome. Recently discovered treatments, such as human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated.

Increased research into this disease can lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome, and is likely to improve our understanding of common public health concerns, including childhood obesity and mental health.

That is why I join this body in supporting raised awareness and educating the public about Prader-Willi syndrome. I also join in applauding the efforts of advocates and organizations that encourage awareness, promote

research, and provide education, support, and hope to those impacted by Prader-Willi syndrome.

This resolution does all this, as well as recognizing the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome; supporting increased funding for research into the causes, treatment, and cure for Prader-Willi syndrome; and expressing support for the designation of a National Prader-Willi Syndrome Awareness Month.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the ''Consolidated Appropriations Act for FY2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: Salaries and Expenses

Project Amount: $750,000

Legal Name of Requesting Entity: City of Alcoa, 223 Associates Boulevard, Alcoa, Tennessee 37701

Description of Request: The funding will be utilized to develop infrastructure servicing the new Pellissippi Research Center on the Oak Ridge Corridor.

RECOGNIZING THE 50TH ANNIVERSARY OF THE VILLAGE OF NORTH BARRINGTON

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the Village of North Barrington, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of North Barrington is celebrating its 50-year anniversary. Located 35 miles northwest of Chicago, North Barrington's first settlers arrived in the 1830s. In 1854, the Chicago & Northwestern Railroad built its first station in the Village of Barrington, just south of the community. The first homes in North Barrington include Kimberly House, built in 1857, which was visited on several occasions by President Theodore Roosevelt, cousin of the Kimberly's daughter-in-law. North Barrington continued to develop and in 1959 area residents voted to incorporate as the Village of North Barrington.

Madam Speaker, the Village of North Barrington is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of North Barrington for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate North Barrington for reaching their 50th anniversary and I wish them continued success in the future.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. HOLT. Madam Chair, I rise in support of H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, and to commend Chairman FRANK, Chairman PETERSON, and the broad coalition of Members who have worked to craft this financial services reform legislation.

The American Recovery and Reinvestment Act was an important first step, but we are still in the throes of recovery from the worst financial crisis since the Great Depression, which was caused m large part by more than a decade of regulatory failures. Reckless, abusive and irresponsible practices on the part of some in the mortgage issuance and financial services industries combined to create a perfect storm, resulting in a catastrophic economic collapse. The country had fallen into recession by the end of 2007, which exploded into an economic crisis as the subprime mortgage crisis unwound, Lehman Brothers filed for bankruptcy and AIG collapsed.

The impact on the American people has been profound. Household net worth dropped by more than $14 trillion from 2007 to mid-2009, the value of retirement assets dropped by 22 percent between 2006 and in mid-2008, total home equity dropped from $13 trillion in 2006 to $8.8 trillion by mid-2008, and as of today, almost one in four homeowners owes more on their mortgage than their home is worth. In addition, Americans in every income strata have simply not been protected from even the most egregious behavior. The Securities and Exchange Commission utterly failed to discover and prevent the collapse of a $65 billion Ponzi scheme, as well as several others which also resulted in billions in losses to investors. Meanwhile, millions of Americans who live paycheck to paycheck and rely on payday loans are being charged annual interest rates of 400 percent or more, totaling nearly $5 billion per year.

The Wall Street Reform and Consumer Protection Act is an aggressive and comprehensive response to the broad spectrum of problems the recent economic crisis brought to light. It creates a new Consumer Financial Protection Agency to ensure that bank loans, mortgages, payday loans, overdraft fees and credit card policies are fair, affordable, understandable, and transparent. It establishes a new Financial Services Oversight Council to monitor and respond to systemic risk, to prevent the sort of tidal wave of catastrophic interconnected developments that brought down the economy in 2008. It puts measures in place to ensure that there will never again be a company deemed ''too big to fail,'' and it establishes an industry-funded dissolution fund to ensure that taxpayers will not be asked to bail out any such company if it goes into collapse. The bill also includes legislation passed in the House earlier in the year, to regulate the type of incentive-based executive compensation that provoked some of the riskiest and most reckless behavior in the financial services markets, and to prohibit the sorts of fraudulent and abusive mortgage issuance practices that caused the subprime mortgage crisis.

I am also pleased that the bill includes several strengthening amendments I offered, and I thank Chairman FRANK again for his support of those amendments and for including them in the Manager's Amendment. My amendments would clarify that the newly-created Financial Services Oversight Council, rather than one dominant member thereof (the Federal Reserve Board), is the systemic risk regulator empowered under the Act. The amendments would also ensure that the Council is a broad-minded think tank staffed equitably by all of its Voting Members, rather than predominantly by one (the Department of the Treasury). The staff would remain on the payrolls of the detailing agency, pre-empting a budgetary problem for the Council.

In addition, the bill includes two good government amendments I offered, which clarify that financial companies cannot be compelled by the systemic risk regulator to waive any privilege (such as attorney-client privilege) when providing data at the request of the systemic risk regulator, and that the same protection against compelled waiver of privilege applies to private funds, investment advisors and others. In times of crisis and crisis response, we must exercise heightened diligence in protecting and preserving our foundational rights and principles.

The Committee has taken bold steps to confront the failures of our financial services regulatory system, and I urge my colleagues to support this bill.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the ''Consolidated Appropriations Act for FY2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: COPS Law Enforcement Technology

Project Amount: $750,000

Legal Name of Requesting Entity: City of Maryville, 404 W. Broadway Avenue, Maryville, Tennessee 37801

Description of Request: The Blount County Communications System will provide interoperable communications of all departments in Blount County; interoperable communications

with surrounding counties; an increase in range covering parts of Blount County that is currently deficient; portable radio coverage within buildings; and, reduced maintenance costs by operating one instead of many independent systems.

RECOGNIZING THE 50TH ANNIVERSARY OF OLD MILL CREEK

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize Old Mill Creek, a town in my district that is celebrating a milestone anniversary this year. This community has made a unique contribution to district I represent, and to the State of Illinois.

The town of Old Mill Creek is celebrating its 50-year anniversary. Located five miles south of the Wisconsin border, Old Mill Creek was first settled by Scottish immigrants as a small agricultural community in the 1830s. One immigrant, Jacob Miller, built a sawmill along the Des Plaines River naming it Millburn, ''burn'' being the Scottish word for creek. The village of Old Mill Creek was incorporated in 1959. Old Mill Creek remains a rural community with a population of 251.

Madam Speaker, Old Mill Creek is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the town of Old Mill Creek for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Old Mill Creek for reaching their 50th anniversary and I wish them continued success in the future.

CONFERENCE REPORT ON H.R. 3288, CONSOLIDATED APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 2009

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H.R. 3288, the Consolidated Appropriations for FY 2010. Our commitment to a strategy of aggression rather than a strategy of dialogue is evident in the State and Foreign Operations portion of this legislation that includes billions of dollars in military aid, sanctions and funds for policies in the Middle East that undermine the Administration's call for a commitment to diplomacy. There are many laudable provisions in this bill but I cannot support legislation that includes funding for programs and support for the failed policies of aggression and disregard for international human rights.

I oppose the inclusion of the Export-Import Bank provision regarding Iran. This section calls on the President to implement the Iran Sanctions Act of 1996 and encourages all foreign governments to require state-owned and private entities to cease all investment in Iran's energy sector. In June of this year, I joined the House of Representatives in voting to express support for the people of Iran who embrace the values of freedom, civil liberties and human rights. Sanctions are meant to destabilize economies and have disastrous effects on the citizens at the receiving end. This provision will not harm the leadership in Iran; it will harm the people of Iran we claim to support.

I oppose the inclusion of $239 million in foreign military financing for Pakistan. More unmanned drone attacks have been authorized in the first few months of this Administration than in the last year of the Bush Administration. Hundreds of innocent civilians have been killed by these predator drones that contravene international law and cement anti-American sentiment. Military operations in the region will only serve to further destabilize a faltering Pakistan and undermine our national security.

This legislation includes provisions that further undermine the image of the United States in the Middle East as an honest broker. It includes language that places conditions on aid to the West Bank and Gaza that cannot be satisfied in the immediate future. At the same time, the bill provides military aid to Israel without investigating credible accusations that Israel is using weapons provided by the U.S. in an offensive posture in contravention of U.S. law and international law. The perception of the U.S. as an honest broker is necessary for good-faith negotiations.

I support many provisions in this bill, such as the $4.8 billion investment in transportation infrastructure and $1.4 billion allocated for dislocated worker programs. I fully support the $2.2 billion authorized for Community Health Centers that provide primary health care to almost 17 million patients, forty-percent of whom are uninsured. The $14.5 billion appropriated for Title 1 grants for 20 million disadvantaged children in school districts across the country and high-quality early learning programs are to be supported.

Regrettably, these essential services were folded into a continuing resolution with programs that I cannot support. We cannot claim to travel the path toward peace when funding for a strengthened diplomatic core is paralleled by funding for policies of isolation and aggression.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the ''Consolidated Appropriations Act for FY2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: Health Resources and Services Administration (HRSAA)—Health Facilities and Services

Project Amount: $1,350,000

Legal Name of Requesting Entity: UT Medical Center, 1924 Alcoa Highway, Knoxville, TN 37920

Description of Request: The funding would be used for renovation and expansion of the Family Medicine Building and Clinic at the UT Medical Center.

RECOGNIZING THE VILLAGE OF ROUND LAKE'S 100TH ANNIVERSARY

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize Round Lake, a village in my district celebrating a milestone anniversary this year. This community has made a unique contribution to district I represent, and to the State of Illinois.

The Village of Round Lake is celebrating its 100th anniversary. In the 1890s, when officials of the Chicago, Milwaukee, & St. Paul Railroad announced an extension of the Milwaukee-Chicago line, landowners near Hainesville, IL knew a railroad station would increase property values. One such resident, Amarias White, offered the railroad free land in exchange for a station. White succeeded and Round Lake, named after the nearby lake, became the area station. In 1909, the village incorporated with White as the first village president. Through the beginning of the 20th Century, Round Lake's population remained predominately agricultural and the lake acted as a summer retreat for Chicago residents. Today, Round Lake continues to develop as a suburban community.

Madam Speaker, the Village of Round Lake is unique in its history and adds to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of Round Lake for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Round Lake for reaching their 100th anniversary and I wish them continued success in the future.

PERSONAL EXPLANATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. NORTON. Madam Speaker, on December 11, 2009, I was not able to be present for votes on four amendments to H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009. Had I been present, I would have voted ''aye'' rollcall vote 963 and rollcall vote 964, and I would have voted ''no'' on rollcall vote 965 and rollcall vote 966.

HONORING TONY PINI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor Tony Pini, a popular leader and a family man, who served as Fire Chief in Santa Rosa, California, for 18 years. Tony passed away December 8, 2009, at the age of 62.

Born in San Francisco and raised in that city and in South San Francisco, Tony joined the Navy after high school. He served aboard the destroyer USS *Radford* off Vietnam, and while still in the service, met his future wife Elaine in Honolulu where she was vacationing.

He returned to the Bay Area and, in 1970, became a firefighter in South San Francisco. He was soon promoted to captain, moved on to a division chief position in Campbell, CA, and became fire chief in Santa Cruz in 1981 at the age of 34.

During this time, Tony married Elaine; they had 2 daughters; and Tony earned degrees at the College of San Mateo, the University of San Francisco, and San Jose State University (Masters of Public Administration). Despite his hectic schedule, he made sure he had time for traveling and camping with his family.

In 1985, Tony was hired as Santa Rosa Fire Chief, a job he loved. He worked hard to develop solid relationships with union firefighters, upgrade the engines and equipment, and promote diversity in the department. His friendly, outgoing style suited the city, and he stayed till he retired at the age of 55.

After retirement, Tony continued to enjoy time with family, which grew to include 5 grandchildren. He was a man of wide ranging interests and active disposition who learned languages, played guitar, and studied art through both books and visits to museums.

He is survived by his mother Florene and his brother Rick, as well as his wife, 2 daughters and 5 grandchildren.

Madam Speaker, Tony Pini's passing has left an empty space in the Santa Rosa community, and for his wide circle of friends and his family. We thank Tony for his years of inspirational leadership and appreciate all he has given.

RECOGNIZING THE 50TH ANNIVERSARY OF THE VILLAGE OF SOUTH BARRINGTON

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the Village of South Barrington, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of South Barrington is celebrating its 50-year anniversary. Into the late 1950s, the area was still largely agricultural. In 1959, a group of property owners saw the need for a local government and came together to form a village. Following incorporation, South Barrington continued to build and develop. A parcel of land was donated to the Audubon Society of Chicago by Alex Stillman in 1976, creating the 80-acre Stillman Nature Center.

Madam Speaker, the Village of South Barrington is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of South Barrington for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate South Barrington for reaching their 50th anniversary and I wish them continued success in the future.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the ''Consolidated Appropriations Act for FY2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: Buses & Bus Facilities

Project Amount: $500,000

Legal Name of Requesting Entity: Knoxville-Knox County Community Action Committee, Post Office Box 51650, Knoxville, TN 37950

Description of Request: The funding would be used to purchase transit vehicles in order to provide reliable transportation to the residents of Knox County.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. COLE. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmark in H.R. 3288.

Requesting Member: Rep. TOM COLE (OK–4)

Bill Number: H.R. 3288

Account: Air Force, Military Construction

Legal Name of Requesting Entity: Vance AFB

Address of Requesting Entity: Vance, AFB, OK

Description of Request: Construct an air traffic control tower for $10.4 million. The current control tower at Vance AFB was constructed in 1972. The tower is in need of critical upgrades to remain effectively operational and to comply with base architectural standards. New upgrades will allow Vance AFB to continue safe and efficient aerial military operations. The current control tower at Vance AFB was constructed in 1972. The tower is in need of critical upgrades to remain effectively operational and to comply with base architectural standards. New upgrades will allow Vance AFB to continue safe and efficient aerial military operations.

RECOGNIZING THE VILLAGE OF THIRD LAKE'S 50TH ANNIVERSARY

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the Village of Third Lake, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of Third Lake is celebrating its 50-year anniversary. The area of Third Lake first saw growth with the development of Sunshine Subdivision in the late 1920s. In 1959, residents of the subdivision incorporated to control the pollution of the lake. Development emerged once again in the 1980s and continues today as Third Lake has grown into a suburban community. Uniquely, Third Lake is also home to the North American headquarters for the Free Serbian Orthodox Church.

Madam Speaker, the Village of Third Lake is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of Third Lake for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Third Lake for reaching their 50th anniversary and I wish them continued success in the future.

TRIBUTE TO MS. LYNDA DIXON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to Lynda Dixon. Her successes are many, but it is her outstanding service to our beloved state that truly sets her apart. I am proud to honor Lynda Dixon for her lifetime of service to her community, our state and our country.

Lynda Dixon was born in Tulare, California and her family moved to Atkins, Arkansas when she was two years old. She is the youngest of four children. She attended Atkins Public Schools and graduated in 1961.

Dixon is retiring from her current position as the Director of Special Services at the Clinton Presidential Library Foundation. Throughout her career, Lynda has been involved in politics. She began her political career in 1976 in Russellville, Arkansas, working for a Prosecuting Attorney. In 1983, she left to serve as personal secretary to Governor Bill Clinton. In 1992 when Governor Clinton was elected President of the United States, she managed his Arkansas office and served as travel companion to his mother, the late Virginia Kelley. Lynda began working for the Clinton Presidential Foundation in 2001.

Dixon remains active with the Arkansas Democratic Party and is a lifetime member of the Arkansas Democratic Women and Senior Democrats of Arkansas. She is also a past-member of the Board of Directors of United Cerebral Palsy; volunteers with the Arkansas Foodbank Network; is a member of Volunteers in Public Schools; served on the Partners in Education Committee sponsored by the Little Rock Chamber of Commerce; mentors at Clinton Elementary Magnet School and is often fundraising for political and charitable organizations she supports. She is a member of Second Baptist Church and McKinney/Maloch Sunday School Class.

Lynda Dixon embodies the values of service, leadership and commitment to community that has made our state and our nation the

great place it is today. She has dedicated her life to serving people and we are grateful for the impact she has made. On behalf of the United States Congress I ask my colleagues to join me in celebrating and honoring the lifetime and career achievements of Lynda Dixon.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the ''Consolidated Appropriations Act for FY2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: Buses & Bus Facilities

Project Amount: $750,000

Legal Name of Requesting Entity: Blount County, 341 Court Street, Maryville, TN 37804

Description of Request: The project seeks to improve 2.23 miles of Morganton Road by widening the road to 12 foot wide travel lanes with 3 feet wide improved shoulders on either side, to make intersection improvements at certain roads to enhance sight distance and to facilitate turning movements, to add acceleration and turn lanes at specific intersections, to make needed drainage improvements, and to improve rideability and safety by restructuring.

PERSONAL EXPLANATION

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. LARSEN of Washington. Madam Speaker, during rollcall vote No. 963 on H.R. 4173, I mistakenly recorded my vote as ''nay'' when I should have voted ''aye.'' I ask unanimous consent that my statement appear in the record immediately following rollcall vote No. 963.

RECOGNIZING THE CITY OF WAUKEGAN'S 150TH ANNIVERSARY

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. BEAN. Madam Speaker, I rise to recognize Waukegan, a city in my district that is celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The City of Waukegan is celebrating its 150 year anniversary. Located 36 miles north of Chicago, Waukegan was first established in 1725 as a trading post known as Little Fort. In 1849, residents approved the name of Waukegan, the Potawatomi equivalent of Little Fort and incorporated in 1859. Waukegan continued to grow through the 19th century as a center of industry—Waukegan harbor was one of the busiest on the Great Lakes and several major railroads traveled through the city. These railroads became indispensable to the larger industries which appeared in Waukegan in the later part of the century. Today, Waukegan is largely a residential community, though has continued its tradition of industry with companies such as Abbott Laboratories, Baxter International, and National Gypsum.

Madam Speaker, this city is unique in its history and adds to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the City of Waukegan for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Waukegan for reaching their 150th anniversary and I wish them continued success in the future.

RECOGNIZING A. PHILIP RANDOLPH, A LEADER IN THE CIVIL RIGHTS MOVEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. RANGEL. Madam Speaker, I rise today to recognize A. Philip Randolph for his great life's work, demonstrating an unyielding struggle for human rights that impacted all marginalized groups in society during his time. He was an influential leader who had a hand in the civil rights and labor movements.

A. Philip Randolph firmly believed that workers' rights and civil rights went hand in hand. He was influential in speaking out for African American rights during the 1930s and 1940s, focused particularly on labor and employment issues, and he was the leading force behind the March on Washington for Jobs and Freedom.

Not only did he lead a 10-year campaign to organize the Pullman Porters and served as the organization's first president, but Randolph directed the March on Washington movement to end employment discrimination. He was also elected a vice president of the newly merged AFL–CIO in 1955. Mr. Randolph was instrumental in changing the way Black Americans were treated in the workplace, and workers today are still benefiting from his efforts. A. Phillip Randolph realized the importance of organizing Black workers and used this position to advocate for desegregation and respect for civil rights inside the labor movement.

It is only fitting that we recognize Randolph for his contributions as a founding father of the early civil rights movement. A. Philip Randolph struggled for social, political, and economic justice for all working Americans, and recognizing him in Congress is a long overdue honor that Randolph's legacy deserves.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the ''Consolidated Appropriations Act for FY2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: Higher Education (includes FIPSE)

Project Amount: $300,000

Legal Name of Requesting Entity: Maryville College, 502 E. Lamar Alexander Parkway, Maryville, TN 37804

Description of Request: Maryville College proposes to develop an innovative, experiential-based program in science education that will benefit undergraduate students, faculty, pre-secondary/secondary students and their teachers throughout the Southern Appalachian region. Through initiatives that range from tightly focused out-reach programming to summer research-based opportunities for students and teachers, the college will significantly expand involvement in basic research, the education of undergraduate scientists, and the education of younger students and their teachers.

PERSONAL EXPLANATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, last week I was unavoidably absent due to the health condition of a family member in California. Had I been present I would have voted:

Thursday, December 10, 2009: rollcall No. 952 ''yea''; rollcall No. 953 ''yea''; rollcall No. 954 ''no''; rollcall No. 955 ''yea''; rollcall No. 956 ''no''; rollcall No. 957 ''yea''; rollcall No. 958 ''yea''; rollcall No. 959 ''yea.''

Friday, December 11, 2009: rollcall No. 960 ''yea''; rollcall No. 961 ''no''; rollcall No. 962 ''yea''; rollcall No. 963 ''yea''; rollcall No. 964 ''yea''; rollcall No. 965 ''no''; rollcall No. 966 ''no''; rollcall No. 967 ''no''; rollcall No. 968 ''yea.''

CAMP ASHRAF DISPLACEMENT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. POE of Texas. Madam Speaker, on December 10, 2009 the Iraqi government announced that it is going to forcibly displace thousands of Iranian dissidents living in Camp Ashraf to a remote prison in the Iraqi desert. The Iraqi government knows the world recognizes Camp Ashraf as a refuge for those who stand tall for freedom and democracy, so it is demolishing their homes they have lived in for over 20 years and moving them to southern Iraq, where the Iraqi government thinks it can do whatever it wants to them and the world won't notice.

The families in Camp Ashraf's biggest crime is that they love freedom and oppose the oppressive Iranian regime. Tehran has for months now pressured the Iraqi government to hand over Camp Ashraf residents so it can imprison and torture them just like they do to all

who dare speak out against the regime. This is no secret: Iranian Parliament Speaker Ali Larijani explicitly asked Iraqi lawmakers in early November to expel these dissidents from Iraqi soil.

Iraqi Prime Minister Nouri Al-Maliki, wanting to better relations with Iran, sent Iraqi government forces to brutally attack Camp Ashraf residents in July. It was a humanitarian catastrophe leaving 11 unarmed residents dead, 500 wounded, and 36 abducted.

We cannot ignore any perpetrator, whether friend or foe, who seeks to violently and brutally oppress innocent people. America cannot forget the people of Camp Ashraf.

Prime Minister Al-Maliki should stand by repeated and written assurances he has given to the United States and the United Nations to respect the fundamental rights of the residents of Ashraf. These are ''protected persons'' under the Fourth Geneva Convention. President Obama should honor the U.S. government's repeated promises to protect these people.

The President and Secretary Clinton should undertake whatever steps necessary to ensure the safety and well-being of the residents of Camp Ashraf. The increasingly vulnerable regime in Tehran must not be allowed to extend its repressive tentacles beyond Iran's border and crack down on its principal opposition. Someone must stand up for those who cannot stand up for themselves.

It's bad enough that Iran brutalizes Iranian dissidents in Iran; the world cannot ignore Iran's intent to brutalize its own people in Camp Ashraf in the foreign country of Iraq as well.

And that's just the way it is.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, the ''Consolidated Appropriations Act for FY2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: Health Resources and Services Administration (HRSAA)—Health Facilities and Services

Project Amount: $200,000

Legal Name of Requesting Entity: Clinics of Hope, USA, 1064 Hayslope Drive, Knoxville, TN 37919

Description of Request: The funding would be used to develop three free medical clinics in the Knoxville, Tennessee area. The clinics would serve those who are under two-times the federal poverty level. The requested funds will be used for initial start-up of the three clinics and for the first year of operation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 15, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 16

Time to be announced

Veterans' Affairs

Business meeting to consider the nominations of Robert A. Petzel, of Minnesota, to be Under Secretary for Health, and Raul Perea-Henze, of New York, to be Assistant Secretary for Policy and Planning, both of the Department of Veterans Affairs.

Room to be announced

10 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider S. 1102, to provide benefits to domestic partners of Federal employees, S. 1830, to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, S. 2868, to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments, H.R. 2711, to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties, S. 2865, to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), S. 2872, to reauthorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014, H.R. 1345, to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act'', H.R. 2877, to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office'', H.R. 3667, to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building'', H.R. 3788, to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building'', H.R. 1817, to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building'', H.R. 3072, to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building'', H.R. 3319, to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building'', H.R. 3539, to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building'', H.R. 3767, to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building'', and the nominations of Grayling Grant Williams, of Maryland, to be Director of the Office of Counternarcotics Enforcement, and Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, both of the Department of Homeland Security.

SD–342

10:30 a.m.

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine United States implementation of human rights treaties.

SD–226

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

1:30 p.m.

Armed Services

To hold hearings to examine the assessment by the Joint Estimating Team of the F–35 Joint Strike Fighter Program.

SDG–50

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine tools to combat deficits and waste, focusing on enhanced rescission authority.

SD–342

3 p.m.

Judiciary

To hold hearings to examine the nominations of James A. Wynn, Jr., of North Carolina, and Albert Diaz, of North Carolina, both to be United States Circuit Judge for the Fourth Circuit.

SD–226

DECEMBER 17

Time to be announced

Small Business and Entrepreneurship

Business meeting to consider S. 2826, to amend the Internal Revenue Code of 1986 to extend the renewable production credit for wind and open-loop biomass facilities, and S. 2869, Small Business Job Creation and Access to Capital Act of 2009.

SR–485

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Douglas B. Wilson, of Arizona, to be Assistant Secretary for Public Affairs, Malcolm Ross O'Neill, of Virginia, to be Assistant Secretary of the Army for Acquisition, Logistics and Technology, Mary Sally Matiella, of Arizona, to be Assistant Secretary of the Army for Financial Management and Comptroller, Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy, and Jackalyne Pfannenstiel, of California, to be Assistant Secretary of the Navy for Installations and Environment, all of the Department of Defense, and Donald L. Cook, of Washington, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy.

SD–G50

Banking, Housing, and Urban Affairs

Business meeting to consider the nominations of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System, Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration, Marisa Lago, of New York, to be Assistant Secretary of the Treasury, and Steven L. Jacques, of Kansas, to be Assistant Secretary of Housing and Urban Development.

SD–538

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Homeland Security and Governmental Affairs

To hold hearings to examine prospects for our economic future and proposals to secure it.

SD–342

Judiciary

Business meeting to consider S. 714, to establish the National Criminal Justice Commission, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 678, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, S. 1789, to restore fairness to Federal cocaine sentencing, S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States, H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, and the nominations Barbara L. McQuade, to be United States Attorney for the Eastern District of Michigan, Christopher A. Crofts, to be United States Attorney for the District of Wyoming, Michael W. Cotter, to be United States Attorney for the District of

Montana, Mark Anthony Martinez, to be United States Marshal for the District of Nebraska, and James L. Santelle, to be United States Attorney for the Eastern District of Wisconsin, all of the Department of Justice, and O. Rogeriee Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit.

SD–226

2 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine an overview of Afghanistan contracts.

SD–342

Commission on Security and Cooperation in Europe

To receive a briefing on Russia's Muslims.

1539, Longworth Building

2:15 p.m.

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine the Cobell v. Salazar settlement agreement.

SD–628

2:30 p.m.

Commerce, Science, and Transportation

Consumer Protection, Product Safety, and Insurance Subcommittee

To hold hearings to examine carbon monoxide poisoning.

SR–253

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1470, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, S. 1719, to provide for the conveyance of certain parcels of land to the town of Alta, Utah, S. 1787, to reauthorize the Federal Land Transaction Facilitation Act, H.R. 762, to validate final patent number 27–2005-0081, and H.R. 934, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

SD–366

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH–219

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S13143–S13202

Measures Introduced: Two bills and two resolutions were introduced, as follows: S. 2880–2881, and S.J. Res. 374–375. **Page S13190**

Measures Passed:

Amateur Radio Emergency Communications Enhancement Act: Senate passed S. 1755, to direct the Department of Homeland Security to undertake a study on emergency communications. **Page S13201**

Second Session of the 111th Congress Convening Day: Senate passed H.J. Res. 62, appointing the day for the convening of the second session of the One Hundred Eleventh Congress, clearing the measure for the President. **Page S13201**

Honoring Stefanie Spielman: Senate agreed to S. Res. 375, honoring the life and service of breast cancer advocate, Stefanie Spielman. **Page S13202**

Appointments:

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Republican Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappointed the following individual to the United States-China Economic Security Review Commission: Daniel Blumenthal of Maryland, for a term beginning January 1, 2010 and expiring December 31, 2011. **Page S13202**

United States-China Interparliamentary Group: The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appointed the following Senator as Vice Chairman of the United States-China Interparliamentary Group conference during the 111th Congress: Senator Bond. **Page S13202**

Service Members Home Ownership Tax Act—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 10 a.m., on Tuesday, December 15, 2009, and following the Leader's time, Senate resume consideration of H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and there then be a period of five hours of debate, with the time divided as follows: two hours equally divided between Senators Baucus and Crapo, or their designees; and two hours equally divided between Senators Dorgan and Lautenberg, or their designees, and one hour under the control of the Republican Leader, or his designee; that during this debate time, it be in order for Senator Baucus to offer a side-by-side amendment to the Crapo motion to commit; and Senator Lautenberg be recognized to offer Amendment No. 3156, as a side-by-side to Dorgan-McCain Amendment No. 2793, as modified; that no further amendments or motions be in order during the pendency of this agreement, except as noted in this agreement; that upon the use or yielding back of all time, Senate vote on or in relation to the aforementioned amendments and motion in this order: Baucus, Crapo, Dorgan, and Lautenberg; with each subject to an affirmative 60 vote threshold, and that if they achieve that threshold, then they be agreed to; that if they do not achieve that threshold they then be withdrawn; provided further, that the cloture motion with respect to the Crapo motion be withdrawn; provided further, that upon disposition of the above referenced amendments and motion; the next two Senators to be recognized to offer a motion and amendment be Senator Hutchison to offer a motion to commit regarding taxes and implementation, and Senator Sanders to offer Amendment No. 2837; that no amendments be in order to the Hutchison motion or Sanders Amendment No. 2837; that upon their disposition, the Majority Leader be recognized. **Page S13177**

Messages from the House: **Page S13189**

Measures Referred: **Page S13189**

Executive Communications: **Pages S13189–90**

Additional Cosponsors: **Pages S13190–92**

Statements on Introduced Bills/Resolutions: Page S13192

Additional Statements: Page S13189

Amendments Submitted: Pages S13192–S13201

Privileges of the Floor: Page S13201

Adjournment: Senate convened at 2 p.m. and adjourned at 8:15 p.m., until 10 a.m. on Tuesday, December 15, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13202.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 7 public bills, H.R. 4301–4307; and 2 resolutions, H.J. Res. 63; and H.Res. 969 were introduced. Page H14877

Additional Cosponsors: Page H14877

Reports Filed: Reports were filed today as follows:

H.R. 1517, to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, with an amendment (H. Rept. 111–373, Pt. 1);

H.R. 1084, to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany, with an amendment (H. Rept. 111–374); and

H.R. 1147, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, with an amendment (H. Rept. 111–375). Pages H14876–77

Speaker: Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. Page H14829

Recess: The House recessed at 12:37 p.m. and reconvened at 2 p.m. Page H14830

Recess: The House recessed at 2:04 p.m. and reconvened at 4:04 p.m. Pages H14830–31

Suspensions: The House agreed to suspend the rules and pass the following measures:

Extending the Generalized System of Preferences and the Andean Trade Preference Act: H.R. 4284, to extend the Generalized System of Preferences and the Andean Trade Preference Act; Pages H14831–35

Federal Financial Assistance Management Improvement Act of 2009: S. 303, amended, to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; Pages H14835–39

Recognizing and supporting the goals and ideals of National Runaway Prevention Month: H. Res. 779, amended, to recognize and support the goals and ideals of National Runaway Prevention Month, by a 2/3 yea-and-nay vote of 341 yeas with none voting "nay", Roll No. 969; and Pages H14839–40, H14843–44

Agreed to amend the title so as to read: "Recognizing the importance of youth runaway prevention and at-risk youth programs.". Page H14844

Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup: H. Res. 942, to commend the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup, by a 2/3 yea-and-nay vote of 347 yeas with none voting "nay", Roll No. 970. Pages H14840–41, H14844

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Honoring the American Kennel Club on its 125th anniversary: H. Con. Res. 160, amended, to honor the American Kennel Club on its 125th anniversary. Pages H14841–43

Recess: The House recessed at 5:19 p.m. and reconvened at 6:30 p.m. Page H14843

Senate Message: Message received from the Senate today appears on page H14830.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H14843–44, H14844. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:01 p.m.

Committee Meetings

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 15, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Julie Simone Brill, of Vermont, and Edith Ramirez, of California, both to be a Federal Trade Commissioner, David L. Strickland, of Georgia, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation, Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner, and Nicole Yvette Lamb-Hale, of Michigan, to be Assistant Secretary of Commerce, 3:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine S. 2052, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and S. 2812, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, 10 a.m., SD–366.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine re-evaluating United States policy in Central Asia, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine efforts to improve management integration at the Department of Homeland Security, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine ensuring the effective use of DNA evidence to solve rape cases nationwide, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, to mark up H. Res. 924, Directing the Secretary of Defense to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of Defense, or any portion of such communication, that refers or relates to the trial or detention of Khalid Sheikh Mohammed, Walid Muhammad Salih Murarek Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, or Mustafa Ahmed Adam al Hawsawi, 2 p.m., 210 HVC.

Committee on Energy and Commerce, Subcommittee on Communications, Technology, and the Internet, hearing on the following bills: H.R. 3125, Radio Spectrum Inventory Act; and H.R. 3019, Spectrum Relocation Improvement Act of 2009, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Covered Bonds: Prospects for a U.S. Market Going Forward," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Europe, hearing on the Lisbon Treaty: Implications for Future Relations Between the European Union and the United States, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled "Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?" 10 a.m., 311 Cannon.

Committee on the Judiciary, Task Force on Judicial Impeachment, to continue consideration of Possible Impeachment of United States District Judge G. Thomas Porteous, Jr., Part IV, 10:30 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, hearing entitled " Iran Sanctions: Options, Opportunities, and Consequences," 10 a.m., 2154 Rayburn.

Committee on Ways and Means, Subcommittee on Social Security and the Subcommittee on Economic Development, Public Buildings and Emergency Management of the Committee on Transportation and Infrastructure, joint hearing on Recovery Act Project to Replace the Social Security Administration's National Computer Center, 9:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, to mark up H. Res. 923, Requesting the President to transmit to the House of Representatives all documents in the possession of the President related to the effects on foreign intelligence collection of the transfer of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States, 10 a.m., 304 HVC.

Next Meeting of the SENATE

10 a.m., Tuesday, December 15

Senate Chamber

Program for Tuesday: Senate will resume consideration of H.R. 3590, Service Members Home Ownership Tax Act, and after five hours of debate, Senators should expect a series of four roll call votes on or in relation to certain amendments and a motion at approximately 6 p.m.

(Senate will recess from 12:45 p.m. until 3:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, December 15

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H.R. 1517—To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years to be converted to a permanent appointment in the competitive service; (2) H.R. 3978—First Responder Anti-Terrorism Training Resources Act; (3) H. Res. 894—Honoring the 50th anniversary of the recording of the album ''Kind of Blue''; (4) S. 1472—Establishing a section within the Criminal Division of the Department of Justice to enforce human rights laws; (5) H. Res. 150—Expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership; (6) H.R. 1110—PHONE Act; (7) H.R. 1147—Local Community Radio Act; (8) H.R. 1084—Commercial Advertisement Loudness Mitigation Act; (9) H.R. 3714—Daniel Pearl Freedom of the Press Act; and (10) H.R. 2194—Iran Refined Petroleum Sanctions Act.

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