and I know that the President and many here are considering reforms which I may support—but we also must permit robust use of our Federal courts. I think it's disingenuous to claim that after 300 people have been sent to jail for long sentences, we can't safely try terrorists in U.S. courts under Federal law. I agree with Secretary of Defense Gates and Attorney General Holder that such an amendment would make us less safe by removing a critical tool from the Nation's arsenal, and that's the use of our Federal justice system.

In conclusion, we must live our values. When we fail to do that, we offer a huge recruiting tool to those who would attack us. If we live our values by carefully amending expiring PATRIOT Act provisions, by standing up a privacy and civil liberties board and by saying that Federal Courts can try many of those we apprehend for terrorism-related crimes, we have the best chance of winning in this era of terror.

Madam Speaker, I take a backseat to no one in the effort to defeat the terror threat against us. I take the threat very seriously. I read proposed legislation carefully. Today, we could have, as Mr. NADLER suggested, passed a short-term extension and then had a robust public debate about amendments to expiring PATRIOT Act provisions. This is a missed opportunity and I oppose the extension.

Mr. SMITH of Texas. I am prepared to close. I will reserve my time.

Mr. CONYERS. How many minutes remain?

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes remaining.

Mr. CONYERS. I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, extending the expiring provisions of the PATRIOT Act will give our law enforcement officials and intelligence agents the authority they need to meet terrorists' threats. It is unfortunate, though, that some reject a long-term reauthorization. Refusing to reauthorize our national security laws for the long term signals weakness to our enemies. It says we are not serious about protecting American lives.

Repeated extensions of this law create uncertainty for intelligence officials and increase the danger that intelligence is missed and threats unidentified. The PATRIOT Act is not broken. And if it isn't broken, we shouldn't try to fix it.

Congress has already undertaken a sweeping review of the PATRIOT Act following extensive hearings in the Judiciary Committee. We approved a reauthorization in 2006 that made permanent all but three provisions and enhanced important civil liberty protections. The Obama administration, a bipartisan Senate, and House Republicans all support a long-term reauthorization of the PATRIOT Act.

Mr. Speaker, while I support this bill, our national interests would have been better served if we had considered a long-term extension. Mr. Speaker, I urge my colleagues to support this legislation even though a long-term piece of legislation would have been a much-improved situation.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from Ohio, DENNIS KUCINICH.

Mr. KUCINICH. I thank Mr. CONYERS.

I rise in opposition to H.R. 3961, legislation to extend the expired provisions of the PATRIOT Act. The three provisions being extended today include the ''roving wiretaps,'' which allow the Foreign Intelligence Surveillance Court to issue secret orders to wiretap any target without having to specify the target or the device. This extension also includes the ''lone wolf'' surveillance provision, which allows intelligence agencies to conduct investigations of non-U.S. individuals not connected to a foreign power or terrorist group, a provision that the administration has never had to use. Finally, this legislation would extend section 215 powers of the PATRIOT Act, which allows the government to order any entity to turn over ''any tangible things'' as long as it specifies its for ''an authorized investigation.'' Section 215 orders constitute a serious violation of Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records.

Through years of documentation evidencing abuse of these provisions during the Bush administration, the Department of Justice has failed to hold Bush administration officials accountable for illegal domestic spying by barring any lawsuits to be brought against those officials. Months into this administration, The New York Times reported that the National Security Agency had ''intercepted private e-mail messages and phone calls of Americans in recent months on a scale that went beyond the broad legal limits'' and that the practice was ''significant and systematic.''

Passage of this legislation continues to make Congress complicit in the violations of constitutional rights.

A letter written by the American Bar Association in 2005 to Congress expressed grave concern over ''inadequate congressional oversight of government investigations undertaken pursuant to the Foreign Intelligence Surveillance Act'' . . . ''to assure that such investigations do not violate the First, Fourth, and Fifth Amendments.''

As Members of Congress swore to protect the rights and civil liberties afforded to us by the Constitution, we have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act, ensuring that the privacy and civil liberties of all Americans are fully protected. More than 8 years after the passage of the PATRIOT Act, we failed to do so. As National Journal correspondent Shane Harris recently put it, we've witnessed the rise of an ''American Surveillance State.'' We've come to love our fears more than we love our freedoms.

Mr. BLUMENAUER. Mr. Speaker, in 2001, I voted against the USA PATRIOT Act because it granted law enforcement powers too broad, too removed from oversight, and at the expense of Americans' civil rights. I am disappointed that H.R. 3961 simply extends three of these provisions without any additional protections or oversight.

This is a missed opportunity to rebalance the need to pursue violent extremists with the need to respect our own citizens. Continuing to allow the government to obtain ''any tangible thing'' relevant to a terrorism investigation, including library records, is a disturbingly low bar. We can do better.

Committees in the House and Senate have offered drafts to improve the PATRIOT Act, and I strongly suggest that we move forward immediately to amend this law.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1109, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on this motion are postponed.

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 the motion 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.

Any record vote on the postponed question will be taken later.

TEMPORARY EXTENSION ACT OF 2010

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4691

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 ''Temporary Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010'';

(B) in the heading for subsection (b)(2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in subsection (b)(3), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families

Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''February 28, 2010'' and inserting ''April 5, 2010'';

(B) in the heading for paragraph (2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in paragraph (3), by striking ''August 31, 2010'' and inserting ''October 5, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010''; and

(B) in subsection (c), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking ''1009'' and inserting ''1009(a)(1)''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the amendments made by section 2(a)(1) of the Temporary Extension Act of 2010; and''.

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''February 28, 2010'' and inserting ''March 31, 2010''.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: ''or consists of a reduction of hours followed by such an involuntary termination of employment during such period (as described in paragraph (17)(C))''; and

(B) by adding at the end the following:

''(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

''(A) NEW ELECTION PERIOD.—

''(i) IN GENERAL.—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual on or after the date of the enactment of this paragraph shall be treated as a qualifying event.

''(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

''(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

''(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

''(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

''(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred on or after the date of the enactment of this paragraph.''.

(2) CODIFICATION OF CURRENT INTERPRETATION.—Subsection (a)(16) of such section is amended—

(A) by striking clause (ii) of subparagraph (A) and inserting the following:

''(ii) such individual pays, the amount of such premium, after the application of paragraph (1)(A), by the latest of—

''(I) 60 days after the date of the enactment of this paragraph,

''(II) 30 days after the date of provision of the notification required under subparagraph (D)(ii), or

''(III) the end of the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986.''; and

(B) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and''.

(3) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''of the first month''.

(4) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: ''In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than $110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.''.

(5) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g)(9) of section 35 of the Internal Revenue Code of 1986 is amended by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(B) Section 139C of such Code is amended by striking ''section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009'';

(ii) in subsection (c)(3), by striking ''section 3002(a)(1)(A) of such Act'' and inserting ''section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009''; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

''(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

''(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

''(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.''.

(D) Subsection (a) of section 6720C of such Code is amended by striking ''section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsection (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act;

(2) the amendments made by subsection (b)(2) shall take effect as if included in the amendments made by section 1010 of division B of the Department of Defense Appropriations Act, 2010; and

(3) the amendments made by subsections (b)(3) and (b)(4) shall take effect on the date of the enactment of this Act.

SEC. 4. EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), the date specified in section 106(3) of that resolution (Public Law 111–68; 123 Stat. 2045) shall be deemed to be March 28, 2010.

(b) EXCEPTION.—Subsection (a) shall not apply if an extension of the programs and authorities described in that subsection for a longer term than the extension contained in the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), is enacted before the date of enactment of this Act.

SEC. 5. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''February 28, 2010'' and inserting ''March 31, 2010''; and

(2) in subparagraph (B), by striking ''March 1, 2010'' and inserting ''April 1, 2010''.

SEC. 6. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''March 31, 2010''.

SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended by striking ''March 1, 2010'' and inserting ''March 31, 2010''.

SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting March 28, 2010, for the date specified in each such section.''.

SEC. 9. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(b) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Business Loans Program Account'', $60,000,000, to remain available through March 28, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

SEC. 10. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(B) in subsection (e), by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''February 28, 2010'', and inserting ''March 28, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(2) in paragraph (3)(C), by striking ''March 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''March 29, 2010''.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 5, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 5, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes Mr. MCDERMOTT.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I yield myself as much time as I may consume.

This bill provides a short-term extension for a number of programs.

When you have the other body basically operating on filibusters continuously on everything, it's not surprising that suddenly somebody wakes up over there and figures out that they're going to have to go to work and pass some legislation.

By the end of March, 1.2 million people will run out of unemployment benefits, so we're extending unemployment benefits through the 8th of April, 2010. That is another month. The Senate likes to have a vote on unemployment about once a month. For whatever reason they want to come out here and do this when they can see the problem and they want to drag the American people through this process over and over again, I cannot understand. The Republicans over there using filibusters to stop the Senate from doing anything simply don't care about workers in this country.

Now, there is also an extension of COBRA assistance. We're extending that until the 28th of March, 2010, so people have health insurance for another month. Thanks a lot. And we're extending surface transportation programs, which makes related expenditures for surface transportation until March 28, 2010.

We're extending the Medicare physician update, which extends the increase in physicians' payments until March 28, 2010. We're extending the Medicare therapy cap exceptions until March 28, 2010. We're extending the poverty guidelines. And I could go on down this list. I have got a whole bunch more.

□ 1730

The fact is, we passed, in December, out of this House, a 6-month extension in unemployment benefits, but somebody decided we had to have a filibuster in the Senate, so they stepped on the bill. And suddenly we come to 5:28 p.m. on the 25th of February and somebody says, oh, my God, there are going to be people in my district with no check. They have been calling my office for the last 2 weeks. Are they going to extend benefits? Will my benefits be extended? What's going to happen to us?

Well, this is their answer. We will give them another month's reprieve, and I urge all my colleagues to vote for this bill.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. This legislation provides for a 1-month extension of several important programs, including unemployment insurance and health coverage for Americans laid off in this recession, a postponement of severe cuts in Medicare payments to physicians and a satellite television law that allows Americans in rural areas to get access to local news and programming.

It's important to realize that this is not a jobs bill. On the contrary, the extension of unemployment insurance is needed because the 2009 stimulus bill didn't create the jobs Democrats promised. Laid-off workers should not be punished for that.

Instead of creating 3.7 million jobs as promised, the stimulus bill was followed by 3.3 million additional job losses. A record 16 million are now unemployed, and Americans are asking ''where are the jobs?''

The legislation before us continues the payment of a record 99 weeks of total unemployment benefits, but millions will soon be exhausting those benefits and wondering what comes next, and they will face a job market that on top of everything else is now burdened by mammoth unemployment payroll tax hikes caused by all the unemployment benefits paid to date. So the need to pass this bill today is the result of the failure of the Democrat stimulus bill to create the jobs they promised. If it had created those jobs, and unemployment were now under 8 percent and falling, as Democrats predicted it would be, we would be in a position to start winding these benefits down.

Instead, unemployment is near 10 percent, and even the administration thinks it will remain so through at least this year.

The CBO has estimated this bill will add over $10 billion to the deficit. Less than 2 weeks after the Democrats' pay-as-you-go bill was signed into law, we

are already seeing billions of dollars designated as ''emergency spending'' so we don't have to pay for it.

With abundant unused TARP and stimulus money that could pay for this bill, it's clear Democrats are not serious about fiscal responsibility.

We also need to craft policies that will actually create jobs so unemployed workers can get back to work. That will require ending the massive taxing, spending, and borrowing plans this Democrat Congress and administration has. These policies have created severe uncertainty among American workers and businesses, causing economic stagnation and discouraging hiring. We could eliminate this uncertainty and get the private-sector American job creation engine humming again by immediately extending all expiring tax cuts, scrapping plans for a government takeover of health care, scrapping plans to impose a national energy tax via a cap-and-trade program, repealing wasteful stimulus spending, and committing to not increasing taxes until the economy has fully recovered.

I reserve the balance of my time.

Mr. McDERMOTT. I yield 3 minutes to my distinguished colleague from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Well, what we face is the highest number of long-term unemployed for over 60 years, 6.3 million people, long-term unemployed. We have 15 million people looking for work.

I came in just in the middle of the statement from my friend from California. I don't think this is the time for us to be arguing over past programs. I have never understood what the minority was thinking about in terms of job creation. They have voted against Recovery Act bills.

But this isn't the time to be using the plight of the unemployed to try to make points about previous actions. This is the time for us to once again face up to the fact that we have huge numbers of people who are looking for work and can't find it. This is the time for us to understand the pain for individuals in this circumstance. We passed a jobs bill here some months ago, unfortunately, without bipartisan support. But I don't want to argue about that. We should be talking about providing. It's really not a safety net; it's a subsistence issue. It's people who have been laid off through no fault of their own who need a continuation of unemployment compensation.

If we do not do this, the estimate is that over 1 million people nationally will lose their unemployment benefits in March. That's 1 month alone, 1.2 million people. If that isn't sobering enough to get us to focus on an extension of unemployment compensation and health benefits for these people, I don't know what else we will do.

So I hope we will come here and pass this bill and not use it as a vehicle to be talking about something other than the plight of the unemployed of this country who can't find a job, 6 or 7 people looking for a job for every job that might open up.

I urge that we pass this overwhelmingly.

Mr. HERGER. Mr. Speaker, I reluctantly support this legislation. While it has major flaws, which I outlined earlier, the current job market in so many parts of the country, including my own congressional district in northern California, is so bad that the help, especially for long-term unemployed individuals, in this bill is both needed and merited during the weeks covered by this legislation at the very least.

I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, as I listened to my friend from Michigan (Mr. LEVIN) talk about the situation, it brings you almost beyond anger to realize that one person in the other body has stopped the unemployment extension for several months. We don't know, even as we pass this bill over there today, what will happen if that gentleman does not lift his restriction on the Senate bill. We may be into a cloture situation again. Now what they did before, they held up unemployment insurance, they held it up and held it up, and then, when it came to the end, everybody voted for it.

It is clear, from the first words out of my colleague from California's mouth, that this is about trying to prove to the people that the Democrats can't run the Congress. They can't run the Congress with the filibuster in the Senate stopping issues like this that are going to go through here unanimously. Nobody in his right mind is going to vote against health care and unemployment benefits for people who are out there struggling, and nobody is going to vote against flood insurance for people and nobody is going to vote against small business loan guarantees and a lot of other things that are in this extension bill because of the filibuster in the Senate.

I urge my colleagues to vote for this, and I urge the other body to think about changing the filibuster.

Mr. LINDER. Mr. Speaker, I rise in opposition to this legislation.

This bill would increase Federal spending by $10 billion, or $125 per family of four in the U.S. None of which would be paid for. And that's just a fraction of $1,000 per family of four it will cost to extend these programs through the end of the year, as is already in the works. That, too, will get added to our children's already enormous tab of government debt. They deserve far better.

Ironically, just two weeks ago the President signed Democrats' "paygo" bill into law. He said "the PAYGO bill . . . says very simply that the United States of America should pay as we go and live within our means again—just like responsible families and businesses do."

Yet today, with this bill, we're not living within our means, yet again.

A second flaw of this bill has to do with jobs. This legislation simply won't create any.

Some say that extending unemployment benefits stimulates job creation. If that were so, we would be at full employment already. Today record numbers of Americans—over 11 million—collect unemployment checks instead of paychecks. They collect record weeks of benefits—up to 99 weeks per person. And Congress added another $100 per month to those checks, for the first time ever. Yet since these programs started in 2008, the unemployment rate has jumped from 5.5 percent to over 10 percent as almost 8 million jobs disappeared.

So if these unemployment benefits are creating jobs, they are sure hard to see. But what we can see are mammoth payroll tax hikes this year in most States, as they struggle to pay for these benefits. As employer after employer has said, those tax hikes will further harm job creation when businesses and workers are already hurting.

In fact, some respected scholars argue these record unemployment benefit expansions actually are resulting in more unemployment, not less. That seems more than plausible.

At this time I would request ask unanimous consent to insert in the RECORD an article from the November 17, 2009 New York Post, which states:

As Larry Summers, the president's top assistant for economic policy, noted in July, ''the unemployment rate over the recession has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP''. . . Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: ''Unemployment insurance lengthens unemployment spells.'' . . . (T)he evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. Chairman, we have tried extending unemployment benefits again and again. And we have only gotten more unemployment. Yet what unemployed workers really want are jobs and paychecks. We need to start over and do the things that really help create jobs for unemployed workers. That means eliminating uncertainty by scrapping Democrats' government health care takeover and cap and tax energy plans, extending expiring tax cuts on businesses and individuals, repealing wasteful stimulus spending, and committing to not increasing any tax until the economy has fully recovered.

Until we do that, additional extensions of unemployment benefits will simply spend even more money we don't have without truly helping unemployed workers find jobs, which must be our real goal.

[From the New York Post, Nov. 17, 2009]

THE 'STIMULUS' FOR UNEMPLOYMENT

(By Alan Reynolds)

Why did the unemployment rate rise so rapidly—from 7.2 per cent in January to 10.2 percent in October? It was clearly the administration's ''stimulus'' bill—which in February provided $40 billion to greatly extend jobless benefits at no cost to the states.

As Larry Summers, the president's top assistant for economic policy, noted in July, ''the unemployment rate over the recession

has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP.'' And the rate has moved nearly a percentage point higher since then, even though GDP increased. Countries with much deeper declines in GDP, such as Germany and Sweden, have unemployment rates far below ours.

Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: ''Unemployment insurance lengthens unemployment spells.''

That is: When the government pays people 50 to 60 percent of their previous wage to stay home for a year or more, many of them do just that.

And the stimulus bribed states to extend benefits—which have now been stretched to an unprecedented 79 weeks in 28 states and to 46 to 72 weeks in the rest. Before mid–2008, by contrast, only a few states paid jobless benefits for even a month beyond the standard 26 weeks.

When you subsidize something, you get more of it. Extending unemployment benefits from 26 to 79 weeks was guaranteed to leave many more people unemployed for many more months.

And longer unemployment translates to higher unemployment rates—because the relatively small numbers of newly unemployed are added to stubbornly large numbers of those who lost their jobs more than six months ago.

Until benefits are about to run out, many of the long-term unemployed are in no rush to make serious efforts to find another job—or to accept job offers that may involve a long commute, relocation or disappointing salary and benefits.

(Incidentally, the ''mercy'' of longer benefits does no long-term favors: The literature is quite clear that a prolonged period on unemployment tends to depress income for years after you finally go back to work.)

The median length of unemployment hovered around 10 weeks for six months before February's ''stimulus'' plan. Since half the unemployed found jobs within 10 weeks, more than half of those counted among the unemployed in one month would no longer be included three months later. In other words, more frequent turnover among the unemployed held down monthly unemployment.

But after February, with jobless benefits stretched out to 46 to 79 weeks, the median duration of unemployment nearly doubled, reaching 18.7 weeks by October.

The unemployment rate has not been rising because of growing numbers of newly jobless people. Indeed, initial claims for unemployment benefits are way down. And the number of unfilled private job openings increased by 9.3 percent from the end of April to the end of September.

The unemployment rate has been rising because unprecedented numbers of those who became unemployed six to 19 months ago are remaining ''on the dole'' until their benefits are nearly exhausted.

Summers isn't the only administration economist who understands this very well. Assistant Secretary of the Treasury for Economic Policy Alan Krueger co-authored a 2002 survey of the topic with Bruce Meyer of the University of Chicago. They found that ''unemployment insurance and worker's compensation insurance . . . tend to increase the length of time employees spend out of work.'' Last August, Krueger and Andreus Miller of Princeton also found that ''job search increases sharply [from 20 minutes a week to 70] in the weeks prior to benefit exhaustion.''

Similarly, Meyer found ''the probability of leaving unemployment rises dramatically just prior to when benefits lapse.'' In other words: If you extend benefits to 79 weeks, many people won't find an acceptable job offer until the 76th or 78th week.

Meyer and Lawrence Katz of Harvard estimated that ''a one-week increase in potential benefit duration increases the average duration of the unemployment spells . . . by 0.16 to 0.20 weeks.'' Apply that formula to the 20-to-53-week extension we've seen, and you get an average of three to ten more weeks spent on unemployment. And, sure enough, the average unemployment spell has risen by seven weeks this year—to nearly 27 weeks by October.

Katz also found that extended benefits, by making it easier for workers to wait and see whether they get their old jobs back, also makes it easier for employers to delay recalling laid-off workers. Just before unemployment benefits run out, Katz found ''large positive jumps in both the recall rate and new job finding rate.''

The White House recently made the mysterious claim of having ''saved'' 640,329 jobs, at a cost of only $531,250 per job ($340 billion).

In reality, the evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 4691, Temporary Extensions Act of 2010, which temporarily extends a number of important expiring provisions to assist workers hit hard by the economy as well as averts the impending cuts under Medicare for physician services. These are important policies that we should not let lapse.

However, there are also a number of critical rural health payment adjustments under Medicare that expired last year which are not included in this package. These payment adjustments were created under the Medicare Modernization Act to correct flaws in Medicare payments and have made a tremendous difference to rural hospitals, physicians, ambulances, and laboratories and the seniors they serve. Congress has a long record of extending these important rural health care provisions. Most recently the House found it appropriate to include extensions of these critical rural health care provisions in legislation passed last year.

These provisions have not yet been signed into law and I am deeply concerned that failing to extend these important policies could impact the ability of rural providers to continue delivering much-needed care to our seniors. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. That is why 69 bipartisan members of the bipartisan Rural Health Care Coalition have joined me in urging leadership to extend these important policies. A copy of this letter will follow my remarks.

I am committed to retroactively extending these important provisions which help preserve access to quality health care services in rural America and will fight to ensure that they are addressed.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 24, 2010.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.
Chairman CHARLES B. RANGEL,
House Committee on Ways and Means,
Washington, DC.
Chairman HENRY A. WAXMAN,
House Committee on Energy and Commerce,
Washington, DC.
Minority Leader JOHN A. BOEHNER,
House of Representatives, Washington, DC.
Ranking Member DAVE CAMP,
House Committee on Ways and Means,
Washington, DC.
Ranking Member JOE BARTON,
House Committee on Energy and Commerce,
Washington, DC.

DEAR SPEAKER PELOSI, MINORITY LEADER BOEHNER, CHAIRMAN RANGEL, RANKING MEMBER CAMP, CHAIRMAN WAXMAN, AND RANKING MEMBER BARTON: As members of the House Rural Health Care Coalition, we are writing on behalf of our rural health care providers and the patients that they serve to urge Congress to retroactively extend critical rural health payment adjustments under Medicare that recently expired. These rural support payments help preserve access to quality health care services in rural America and failing to swiftly extend them could impact the ability to continue delivering much-needed care to our constituents.

The Medicare Modernization Act (MMA) made important corrections to flaws in Medicare payments that have made a tremendous difference to the hospitals, doctors, nurses and other providers in our states and throughout rural America. Congress has a long record of extending these important rural health care provisions. Most recently, the House found it appropriate to include extensions of many of these critical rural health care provisions in legislation it passed last year. However, these provisions have not yet been signed into law. Therefore, we ask for your continued support to improve rural health care by including in legislation Congress may consider in the coming weeks an extension of the critical rural health provisions described below:

Rural Hospitals: Our rural hospitals provide essential inpatient, outpatient and post-acute care to nearly 9 million Medicare beneficiaries. We support an extension of the geographical wage index reclassifications for the more than 100 ''Section 508 Hospitals,'' in order to continue to providing greater wage parity within a state in order to address increasingly competitively labor markets. In addition, it is critical that Congress ensures that small rural hospitals continue to be reimbursed for their costs for their laboratory services and preserves outpatient hold harmless payments for sole community and small rural hospitals. We also support an extension of direct billing under Medicare for certain grandfathered labs for the technical component of pathology services provided to certain rural hospitals. Lastly, we support extending the recently expired Rural Community Hospital Demonstration project, which tests the feasibility and advisability for reasonable cost reimbursement for small rural hospitals.

Rural Doctors and Practitioners: Only ten percent of physicians practice in rural America even though more than a quarter of the population lives in these areas. In order to help recruit and retain physicians where they are needed most, it is imperative that we continue to maintain the 1.0 floor on

the physician work geographic practice cost index (GPCI).

Rural Ambulance: In providing critical emergency health care to patients, it costs rural ambulance service providers more per transport than their urban counterparts because of the greater distances rural providers travel and their lower transport volume. In fact, many of our rural ambulance service providers are staffed primarily by volunteers to stay afloat. That is why it is necessary to ensure that rural ambulance providers continue to receive an additional 3 percent in Medicare reimbursement, and for super rural ambulance service providers to continue to receive 22.6 percent to their base rate which helps cover the costs of serving patients located in these extremely rural areas.

These rural equity policy provisions are critical to the ability of our rural health care providers to continue to provide quality care to rural Americans. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. We urge your continued leadership in championing these important rural issues.

Sincerely,

Earl Pomeroy, *Co-Chair, Rural Health Care Coalition,* Greg Walden, Chet Edwards, Rick Boucher, Dennis Moore, Michael H. Michaud, Timothy Walz, Leonard L. Boswell, Cathy McMorris Rodgers, David Loebsack, Bruce Braley, Jim Marshall, Kathleen A. Dahlkemper, Brett Guthrie, Don Young, Scott Murphy, Carolyn Kilpatrick, Carol Shea-Porter, John Boozman, Ben Chandler, Michael Arcuri, Ron Paul, Frank Kratovil, Kevin Brady, Heath Shuler, Phil Hare, Charlie Melancon, Marion Berry, Jim Matheson, Mike Ross, Jo Ann Emerson, Shelley Moore Capito, Rubén Hinojosa, Michael K. Simpson, Gene Taylor.

Jerry Moran, *Co-chair, Rural Health Care Coalition*, James L. Oberstar, Chaka Fattah, Peter Welch, Raúl M. Grijalva, Ron Kind, Bill Foster, Eric Massa, Dennis Cardoza, Blaine Luetkemeyer, Bob Etheridge, Adrian Smith, Brad Ellsworth, Larry Kissell, Donald A. Manzullo, John W. Olver, Sam Graves, Gabrielle Giffords, Deborah L. Halvorson, Rick Larsen, Charles A. Wilson, John Barrow, Rodney Alexander, Stephanie Herseth Sandlin, John Salazar, Christopher P. Carney, Lincoln Davis, Harold Rogers, Sanford D. Bishop, Jr., Mike McIntyre, Todd Tiahrt, Bill Delahunt, Nick J. Rahall II, Ike Skelton, Bart Stupak.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 4691.

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

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 5 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1838

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HIMES) at 6 o'clock and 38 minutes p.m.

MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion offered by the gentleman from Michigan (Mr. CONYERS) to concur in the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion by the gentleman from Michigan.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 315, nays 97, not voting 20, as follows:

[Roll No. 67]

YEAS—315

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
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
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clay
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Eshoo
Etheridge
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Halvorson
Harper
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Neugebauer
Nunes
Nye
Obey
Olson
Ortiz
Owens
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Petri
Platts
Poe (TX)
Pomeroy
Posey
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Walden
Walz
Wamp
Wasserman Schultz
Watson
Weiner
Whitfield
Wilson (OH)
Wittman
Wolf
Yarmuth
Young (FL)

NAYS—97

Abercrombie
Baldwin
Bartlett
Becerra
Berman
Bishop (UT)
Blumenauer
Boccieri
Braley (IA)
Capuano
Chaffetz
Chu
Clarke
Cleaver
Cohen
Costello
Crowley
Cummings
DeFazio
Dingell
Doggett
Duncan
Edwards (MD)
Ehlers
Ellison
Engel
Farr
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Hare
Harman
Hastings (FL)
Heller
Hinchey
Hirono
Holt
Honda
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Luján
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Minnick
Moore (WI)
Nadler (NY)
Neal (MA)
Oberstar
Olver
Pallone
Pastor (AZ)
Paul