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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Bishop Jerry Hutchins, Timothy Baptist Church, Athens, Georgia, offered the following prayer:

Our Father in Heaven, we humbly approach Your throne today.

Your servant Solomon prayed, "Give me an understanding mind so that I can govern Your people well and know the difference between right and wrong; for who, by himself, is able to govern this great nation of Yours?"

You responded to Solomon, "Because you have asked for wisdom in governing My people and have not asked for a long life or riches for yourself or for the death of your enemies, I will give you what you have asked for. I will give you a wise and understanding mind such as no one else has ever had or ever will have."

Our prayer today, O God, is that You grant these men and women wisdom to govern this great Nation. May Your wisdom guide every decision and You be glorified. Send Your Holy Spirit to guide us in Your wisdom.

In His name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING BISHOP JERRY HUTCHINS

The SPEAKER. Without objection, the gentleman from Georgia (Mr. BROUN) is recognized for 1 minute.

There was no objection.

Mr. BROUN of Georgia. All of us are influenced by the people around us, people who come into our lives. Our guest pastor today, Bishop Jerry Hutchins, is one of those warriors who has tremendously influenced me and the people of Athens, Georgia. He is a warrior for righteousness, a warrior to establish the Kingdom here on Earth as our Lord Jesus Christ has charged us to do. He is a great friend; he is a great pastor, and I'm honored to have him here today as our guest pastor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois).

The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

DEATH OF U.S. CONSULATE STAFF

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

Ms. CHU. Mr. Speaker, last weekend a tragedy sent shock waves through the U.S. and Mexico when three U.S. consulate employees and their family were brutally murdered in Mexico by the drug cartels. They were all headed home from a birthday party when gunmen opened fire on the car of Lesley Enriquez, an employee of the U.S. consulate and her husband. Their 7-month-old infant, crying in the back seat, was miraculously unharmed. Minutes later, Jorge Salcido, husband of a consulate

employee, was shot to death. His two young children suffered serious injuries in the back seat of the car.

This is the latest in the string of attacks on innocent American and Mexican citizens, including Bobby Salcedo, an elected official and rising star from my district in El Monte, California, who was recently murdered in a shocking execution in Durango, Mexico.

The murderers of these employees and of Bobby Salcedo must be brought to justice and the U.S. must renew and increase efforts to help Mexico bring an end to the terror of the drug cartels. This violence must be stopped.

THE MONOPOLY OF GOVERNMENT

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

Mr. POE of Texas. Mr. Speaker, when I traveled to the old Soviet Union in the 1980s, nobody walked around smiling or joking or laughing. It was all gloom, doom, and despair.

Living under government tyranny destroys the human spirit, the mind, the soul, and the body. The monopoly of government kills off the notion of individuality. Bureaucracies have an insensitive cookie-cutter solution for everything. It's the same with government-run health care.

Thomas Jefferson was a visionary. He talked about government-run health care. He said, "If the government decides what foods people eat and what medicines they take, their bodies will soon be in as sorry a state as are the souls of those who live under tyranny."

Government-run health care pushes us down the road to "we the subjects" instead of "we the people." Instead of us controlling government, government controls us. That's what tyranny is.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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The monopoly of government-run health care will have the efficiency of the post office, the competency of FEMA, and the compassion of the good old IRS.

And that's just the way it is.

HEALTH CARE REFORM

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

Mr. SIREs. Mr. Speaker, we must not let this historic opportunity slip away. If we do not act, rising health care costs will continue to crush families and businesses, forcing small business owners to choose between health care and jobs. If we do nothing, in 30 years, \$1 out of every \$3 in our economy will be tied up in the health care system. If we fail to pass reform, premiums for both single and family policies could more than double by 2020, continuing to pad the bottom line of insurance companies at the expense of the American workers.

If we can pass health reform, consumers will be able to select their insurance plan and doctors, and they would no longer be denied coverage because of preexisting conditions and they can keep their coverage when they change jobs.

Finally, reforming our health care system will allow us to free up more money for jobs and for economic activity while assisting small businesses to add an estimated 80,000 new jobs.

Mr. Speaker, how long are 46 million uninsured Americans supposed to wait? The American people deserve to take back control over their health care system.

HEALTH CARE REFORM

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

Mr. INGLIS. Mr. Speaker, the government draws its legitimacy from the consent of the governed. I have here over 3,000 letters from the constituents in the Fourth District saying this: I write this letter to emphatically say I do not want this massive health care bill. I believe it costs too much, it taxes too much, and it will kill jobs. Reconciliation is the utmost of partisan maneuvers on such a bill and would be ill-advised. Health care reform needs to be addressed. Getting the economy going and restoring jobs should come first. I'm among those who favor a step-by-step commonsense approach that focuses on lowering costs for families and small business.

Mr. Speaker, reject this bill. Give us the consent of the governed, allow us to pass a bill that has the consent of the governed, and then we restore the legitimacy of this body. Stop the cram-down of health care reform.

HEALTH CARE REFORM

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

Mr. BACA. Mr. Speaker, we must pass health care reform now. A step-by-step approach is not the answer. If we do nothing, Americans will continue to pay higher premiums and higher out-of-pocket costs now and in the future. There are too many Americans that are without health coverage.

In my district in San Bernardino County, California, there are over 220,000 without coverage. We also face a 15 percent unemployment rate and the fourth highest foreclosure rate in the Nation.

Health care reform will lower the costs and hold health insurance companies accountable; end discrimination based on preexisting conditions; cut and eventually close the doughnut hole for thousands of seniors, including 5,200 seniors in my district; cut the national deficit by \$100 billion over 10 years; and produce over 4 million new jobs in the coming decade.

Families, not insurance companies, deserve the right to make their own health care decisions. Congress must not kick the can down the road. We need health care reform now. I state, we need health care reform now. This is a historic moment.

I ask us to support health care reform now—not tomorrow, not in the future, but now.

HEALTH CARE REFORM

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, when you practice law, there is an old expression that goes something like this: If you have the facts, argue the facts; if you have the law, argue the law; if you have neither, attack your opponent. That appears to be what's happening.

There are those of us who have argued that the process that we are engaged in—that is that we will not vote on the Senate bill but we will kind of vote on the Senate bill; we will deem it passed—is unconstitutional. And in response to that, the Speaker of the House has said this: I think it's ridiculous and the people who are telling you it's unconstitutional know better, and you should be very outraged that people who know better would say things like that. They know when they talk they're not telling the truth.

I resent being called a liar by the Speaker of the House. I resent the fact because there are constitutional scholars who have said this is unconstitutional.

Now, I have only argued one case before the Supreme Court—which I won on behalf of the People of the State of California—so I am not considered one of the great practitioners before the Supreme Court, but we have spoken to one of them who will work with us in bringing this case to the Supreme Court if we try this outrage against the American people.

Let's stick to the facts, stick to the law, and stop attacking people personally.

□ 1015

NATIONAL AGRICULTURE WEEK

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

Mr. CHILDERS. Mr. Speaker, I rise today in honor of National Ag Week. This week we honor our farmers and the agriculture industry as a whole for their critical contributions to America's local economies, communities, and families. Agriculture is the backbone of the South and the number one industry in the State of Mississippi. Not only is it responsible for providing the necessities of everyday life, food, fiber, clothing, and fuel, to name a few, but it also plays a key role in spurring local economic development and strengthening American competitiveness in today's global economy.

I'm very honored to serve as the only member of Mississippi's delegation on the House Agriculture Committee. I'm also proud to co-chair the bipartisan Congressional Rural Caucus, which I joined Republican ADRIAN SMITH in re-establishing last year to address important challenges unique to rural America. Together we've reached across party lines to promote universal broadband access, economic development in rural communities, and the creation of a White House Office of Rural Policy.

I urge my colleagues to join the Congressional Rural Caucus in recognizing National Agriculture Week.

NO CLOSER FRIEND THAN ISRAEL

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

Mr. MORAN of Kansas. Despite the diplomatic inconsistencies of the Obama administration, one thing is certain: Support for the U.S.-Israeli alliance remains strong in Congress. Israel is America's closest friend in the most volatile region of the world. It is a democracy that shares our values and hopes for a more peaceful world. Regrettably, the administration's recent misstep undermines our shared goal of peace and distracts from more pressing issues.

Israel has a history of making peace with its neighbors and is prepared to make peace now. But peace is a two-way street, and the Palestinians' commitment to that peace is in doubt. Rather than make demands upon Israel for concession after concession, President Obama should work closely and privately with Israel, recognizing our two Nations' long and trusted alliance. Israeli peace agreements between Egypt and Jordan have been reached in the past when U.S. support for Israel was strong and consistent. The same level of commitment and closeness is now needed.

Make no mistake: Israel is our ally and friend. The administration needs to confirm that fact with its words and deeds.

HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, Congress is on the brink of passing comprehensive health care reform to ensure that all Americans have access to affordable and high quality care, health care that protects consumers and not just insurance companies. We need reform to rein in these companies and to hold them accountable for discriminatory and inhumane practices, policies like gender rating that force women to pay higher premiums than men just because we are women, and denials for preexisting conditions that can even include a history of domestic violence.

We need reform to change the practice of insurance companies denying children with preexisting conditions or dropping someone's coverage if that person falls ill. We can't put it off. We can't wait. If we do nothing, in 30 years, one out of every \$3 will be spent on health care. If we fail, families will see spending on premiums and out-of-pocket costs jump 34 percent in 5 years and 79 percent in 10.

The American people not only want reform, they need reform. They are asking for reform. We made a promise to the American people to pass health care reform. It's time to keep our promise. It's time to get this done, and it's time to pass health care reform.

NO TRUER FRIEND THAN ISRAEL

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

Mr. JORDAN of Ohio. Mr. Speaker, America has no truer friend than Israel. We stand together on freedom, on democracy, and on security. More importantly, America and Israel share the unique ability to trace our roots back to the hopes and dreams of our ancestors. Even before the days of King David and King Solomon, Israel has been the center of the Jewish tradition. Israel is a sovereign nation surrounded by sworn enemies determined to wipe it off the map. Yet Israel remains committed to freedom and democracy.

Mr. Speaker, I'm concerned about the recent counterproductive statements made by the administration that threaten to undermine America's 60-year relationship with Israel. Criticizing Israel for developing its land in Jerusalem is just plain wrong. Directing public demands and unilateral deadlines with Israel while Iran continues its pursuit of nuclear weapons is beyond wrong. It is dangerous.

Mr. Speaker, if America is to be a superpower, we must remain steadfast

when the political winds blow. If America is to lead the world, we must act as a true friend to our ally, the nation of Israel.

HEALTH CARE REFORM

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

Mr. McDERMOTT. Mr. Speaker, I rise today as a physician out of concern for my Republican colleagues, many of whom seem to be suffering from chronic amnesia or chronic ignorance. When we started talking about the possibility of using this "deem and pass" procedure to finish the job on health care reform, Republicans couldn't run fast enough to find a television camera to complain. Fact check: This procedure has been widely used since the 1930s and was, in fact, used no fewer than 202 times under Speakers Gingrich and Hastert, amounting to 30 percent of the rules put forth by the committees under their leadership.

All this hypocrisy is kind of galling. I hope my Republicans can recover from this amnesia in time to watch the Congress pass a bill that the American people need and want. They do not like the health care system that is in this country. They want reform, and we are going to give it to them.

PATH TO CONFLICT

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

Mr. McCLINTOCK. Mr. Speaker, I rise to express my great concern over the recent statements by administration officials regarding Israeli housing construction in that nation's capital city. History warns us that appeasement of mutual enemies is the surest way to destroy alliances and to invite aggression. And yet the rhetoric of this administration is taking us down this dangerous road. Israel has every right to allow construction in its capital city and throughout the West Bank, over which it exercises rightful sovereignty.

The administration seems to have forgotten that Jordan attacked Israel in 1967, not the other way around, and the result was the Israeli acquisition of this land. The Israelis haven't forgotten that, nor have they forgotten the folly of unilaterally giving up the Gaza Strip from which rockets are now routinely launched against Israeli citizens. Imagine the danger to Israel's capital by repeating that mistake in east Jerusalem.

Mr. Speaker, appeasement all but guarantees an escalation of conflict.

AIDS/HIV

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

Ms. WATSON. Mr. Speaker, I rise today to speak out against the HIV-

AIDS epidemic in African-American communities. While African Americans are 12 percent of the United States population, approximately 50 percent of HIV-AIDS patients nationwide are black. Just over the the last 6 months, 452 new cases of HIV were reported in Los Angeles County alone. Our prevention strategy is clearly not working for many of our constituents. That is why I support H.R. 1964, the National Black Clergy for the Elimination of HIV-AIDS Act. They sit up on our right in our gallery, and I welcome them here.

This bill seeks to expand and increase programs for HIV education, prevention, testing, care, and treatment in ways that are responsive to the needs of African-American communities. Moreover, this bill recognizes how important faith-based outreach is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker reminds Members that it is against the rules to refer to guests in the gallery.

HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, over months of debate over the government takeover of health care, a growing list of terms created by the Democrats have been added to the American lexicon, terms such as "Cornhusker kickback," "Louisiana purchase," "Gator aid," the "doc fix," "reconciliation," "nuclear option," "taxpayer-funded abortions," and now worst of all, "deeming a bill passed," "self-executing" and the "Slaughter solution."

The Democrat House members carp that the American people don't care about the process. After speaking to thousands of Americans about this—not only do they absolutely hate this bill 3 to 1 and feel it will damage America forever, they feel the Democrat Party's arrogance of power is unprecedented in American history.

Mr. Speaker, process does matter, especially when Members of Congress and a President get themselves elected to power on the promise of transparency and ethics, and then stoop to a system of bribes and creative parliamentary procedures to ram through a government takeover of one-sixth of the economy, health care, merely to advance their ideology of incremental socialism, which is strongly opposed by the American people.

HEALTH CARE REFORM

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

Mr. COHEN. Mr. Speaker, it's March. That means March madness. Normally it means hoops and basketball, but, no,

in this United States Congress it means more and more false statements made about health care. The other side of the aisle continues in March madness, talking about socialism, comparing our system to England and Canada. Nothing like it at all. What our system proposes is subsidizing people who don't have health care and small businesses to make sure they get health care and can live truly: life, health, liberty, and the pursuit of happiness.

They talk about abortion. It doesn't change the Hyde amendment, which has been on the books forever. They talk about procedure, procedure they used. They talk about creeping socialism. There is nothing about socialism. The fact is this country is the last industrialized country in the world to provide health care for its citizens. It's the right thing to do. We will be proud of this Congress when we pass it. I wish it was bipartisan.

SPECIAL DEALS STILL IN OBAMACARE

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

Mr. PITTS. Mr. Speaker, we have all heard about the Cornhusker kickback and the Louisiana purchase. But there are other special deals in the Senate health care bill that are on the verge of becoming law.

In Connecticut, there is \$100 million for a university hospital inserted by Senator DODD. There is \$500 million in Medicaid to bail out the health care program in Massachusetts. The small State of Vermont gets \$600 million for their Medicaid program. This bill will subsidize New Jersey pharmaceutical companies and will give \$5 billion to union health care plans in Massachusetts and Michigan. It will slash Medicare Advantage programs for every State except Florida. It will exempt Blue Cross-Blue Shield of Michigan and Nebraska from the new annual fee on health insurers. This bill will provide higher Medicare payments in North Dakota and exempt hospitals in Hawaii from cuts.

All of these will become law the moment this House arrogantly "deems this bill passed" to the President. Is it any wonder the American people don't like this bill being crammed through, forced through, and bribed through?

HEALTH CARE REFORM

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

Mr. TONKO. Mr. Speaker, this week we are closer than we have ever been to passing real, comprehensive health insurance reform for the American people.

Reform is simple. It gives consumers, working families, and small businesses

more control and forces insurance companies to do what is right. With respect to Medicare, it extends the life of the Medicare trust fund and improves benefits for our seniors, including improving the prescription drug benefit.

My friends on the other side of the aisle are not interested in passing real reform for the American people. They want to maintain the status quo in which we see health care spending growing exponentially, more and more families losing coverage, and health insurance companies continuing to raise rates free of any restrictions. And they are okay with allowing tens of millions of taxpaying, hardworking Americans to go on without needed health insurance, the same coverage they enjoy as Members of Congress.

They also want to eliminate Medicare as we know it today. They want to privatize Medicare and give seniors a coupon to go out and shop for private insurance plans from the same companies that have been raising rates and dropping customers.

Health insurance reform is not just about insuring the uninsured. It's about also protecting and improving Medicare. Mr. Speaker, I encourage these reforms.

THE RELEASE OF FATHER LY

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

Mr. CAO. Mr. Speaker, I rise today to thank the State Department for finally securing the release of Father Nguyen van Ly. I have advocated and pushed hard for Father Ly's release in the past year, and I'm glad that my hard work has come to fruition.

Father Ly is one of the many Vietnamese citizens who have been harassed for religious and democracy advocacy. He was placed on trial without defense and was imprisoned for almost 17 years for promoting human rights and religious freedom. As a Roman Catholic priest and prominent Vietnamese dissident, Father Ly has become a powerful icon in the ongoing fight for democracy in Vietnam. He is a hero for many Vietnamese worldwide.

While the release of Father Ly is a good start, we still have a long way to go. We as a country must uphold our values and must continue to challenge countries like Vietnam and China on their human rights and religious freedom violations. One day, maybe, my dream then will come true: A free and democratic Vietnam.

□ 1030

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 later.

HONORING SUPREME COURT JUSTICE SANDRA DAY O'CONNOR

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1141) honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1141

Whereas Sandra Day O'Connor was born on March 26, 1930, in El Paso, Texas and spent most of her childhood on her family's ranch, the Lazy B, located in the high deserts outside of Duncan, Arizona;

Whereas Sandra Day O'Connor graduated magna cum laude from Stanford University in 1950 with a Bachelor of Arts degree in economics, and graduated in the top three of her class at Stanford University Law School in 1952;

Whereas Sandra Day O'Connor married John J. O'Connor III, a fellow Stanford Law student, in December 1952 on the Lazy B Ranch and raised three children with him in Paradise Valley, Arizona;

Whereas after practicing law in Frankfurt, Germany, and Phoenix, Arizona, Sandra Day O'Connor began her career in public service as the Arizona Assistant Attorney General in 1965;

Whereas Sandra Day O'Connor was appointed to the Arizona State Senate in 1969 and was subsequently re-elected;

Whereas Sandra Day O'Connor rose to many leadership positions during her 6 years in the legislature, including as the first woman State Senate majority leader in the United States;

Whereas Sandra Day O'Connor was elected judge for Maricopa County Superior Court in 1975;

Whereas Sandra Day O'Connor was appointed to the Arizona Court of Appeals, the State's second-highest court, by Governor Bruce Babbitt in 1979;

Whereas Ronald Reagan nominated Sandra Day O'Connor in 1981 to serve as the first woman on the United States Supreme Court, which was swiftly approved by the Senate by unanimous consent, with the strong support of Arizona Senators Barry Goldwater and Dennis DeConcini;

Whereas Sandra Day O'Connor was sworn in as a United States Supreme Court Justice by Chief Justice Warren Burger on September 25, 1981, commencing her 24 terms on the Supreme Court, a career distinguished by her centrist role and commitment to uphold the law and the Constitution;

Whereas Sandra Day O'Connor's support for the proposed Equal Rights Amendment further strengthened her role as a mentor and leader for women of all generations;

Whereas, on August 12, 2009, President Barack Obama awarded Sandra Day O'Connor the Presidential Medal of Freedom, the highest honor given to a civilian;

Whereas Sandra Day O'Connor has become a nationally recognized leader in the effort to preserve judicial independence through her strong support of selecting judges by nonpartisan commissions;

Whereas Sandra Day O'Connor continues to honor her commitment to public service, most recently through her web-based education project, Our Courts, which strives to engage young people in civics and the democratic process; and

Whereas Sandra Day O'Connor will turn 80 years old on March 26, 2010: Now, therefore, be it

Resolved, That the House of Representatives honors the achievements and distinguished career of Justice Sandra Day O'Connor, and recognizes her impact as an American symbol of hard work and rugged individualism.

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

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise to wish you and all of America a happy St. Patrick's Day, and in support of House Resolution 1141, to honor the accomplishments of Justice Sandra Day O'Connor.

Justice O'Connor blazed paths of history for women throughout her career. In 1969, she was appointed to the Arizona State Senate, and in 1972 she became the first woman to serve as the majority leader of any State senate in the United States.

Later, she became a trial judge for Maricopa County, Arizona, and only a few years later was appointed to the court of appeals. Then in 1981, she was nominated to the Supreme Court, the first woman to sit on the United States Supreme Court, and she did us proud.

Justice O'Connor retired in 2006, but she continues to be actively involved with promoting good government and civic education. For example, she spearheaded "Our Courts," a Web-based education project designed to reinvigorate learning inside and outside the classroom.

There were so many opinions when she was a part of the majority and also when she was a part of the minority to where we know her voice is missed today. Although appointed by a Republican President, she was bipartisan and called them by the book and did a lot to see that this country's Supreme Court was highly respected and not politicized.

This resolution is a way to honor her for service to our country. I commend my colleague, GABBY GIFFORDS of Arizona, for introducing this resolution. I urge my colleagues to support it. I hope we have more Justices like her in the future.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 1141 honors the accomplishments of the Honorable Sandra Day O'Connor, the first woman to serve on the United States Supreme Court.

Justice O'Connor was born in El Paso, Texas, in 1930, and grew up on a cattle ranch called the Lazy-B near Duncan, Arizona. She befriended cowboys who worked on the ranch, learned to drive a car and shoot a gun, and became an expert horseback rider.

Her parents decided that she needed an education, so O'Connor went to live with her maternal grandmother in El Paso. She later studied economics at Stanford University with an eye toward running the Lazy-B or another ranch. However, a legal dispute over the Lazy-B sparked her interest in the law. O'Connor enrolled in Stanford's law school, and graduated in only 2 years, third in her class, that included valedictorian and future Chief Justice of the United States William Rehnquist. One of her other classmates, John Jay O'Connor, became her husband.

This was the early 1950s, and despite her stellar law school record, O'Connor could not find work as a lawyer. But she was determined. She started out as a legal secretary before finding employment as the deputy county attorney for San Mateo, California. When her husband was drafted into the Judge Advocate General's Corps, she joined him in Frankfurt, Germany, where she served as a civilian attorney in the Quartermaster's Corps.

Returning to the United States in 1957, the couple settled in Phoenix and started a family. Three children arrived in the next 6 years. O'Connor eventually hung out a shingle with one partner and began a general law practice. But with the birth of her second child, she devoted herself to homemaker duties, charitable work, and local Republican politics.

Following 5 years as a full-time mother, O'Connor returned to work as an Arizona assistant attorney general. Later, the Governor appointed her to fill a vacant State senate seat, a position she successfully defended twice in two elections. In 1974, O'Connor became the first woman to serve as the majority leader in the State legislature. This achievement propelled her to the bench, first as a Maricopa County Superior Court judge and then in 1978 as a member of the Arizona Court of Appeals, the State's intermediate appellate court. Justice O'Connor distinguished herself as a smart, fair, even-tempered judge.

This compelling story intrigued President Ronald Reagan, who was searching for a successor to replace retiring Justice Potter Stewart at the United States Supreme Court. In Sandra Day O'Connor, he found his nominee.

Senate confirmations are not for the faint-hearted, but O'Connor came through like an experienced pro. She was confirmed by a vote of 99-0 and was sworn in as the 102nd member of the Court on September 21, 1981. Of obvious importance, then and now, she became the first woman to serve as an Associate Justice. So much for glass ceilings.

Justice O'Connor served on the Court for nearly a quarter of a century before retiring in 2006. Early in her tenure, she was known as a conservative jurist who preferred analyzing cases with a narrow fact-specific approach. Later, she acquired the reputation as a swing vote. Law Professor Steven Green once paid her perhaps the ultimate compliment when she "seemed to look at each case with an open mind."

Since retiring from the Court, Justice O'Connor really hasn't retired. She selflessly devoted herself to caring for her husband, John, who was diagnosed with Alzheimer's disease in 1990 and passed away last November.

In addition to travel and spending time with other family members, Justice O'Connor has worked on an American Bar Association project to educate Americans about the role of judges, served as the chancellor of the College of William and Mary, and performed trustee duties for the National Constitution Center.

In recognition of her life's work, President Obama awarded her the Presidential Medal of Freedom, the highest civilian honor of the United States, on August 12, 2009.

Mr. Speaker, Sandra Day O'Connor is a pioneer for women and an inspiration to all Americans. I urge my colleagues to support H. Res. 1141, which honors her many accomplishments.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I would just like to reiterate my extreme commendations of Justice Sandra Day O'Connor's life and the appropriateness of the resolution.

When I was a member of the National Conference of State Legislators, I suggested we give an award each year to the State legislator who had done the most later in their lives, and Sandra Day O'Connor as well as Julian Bond were the two people I put up as examples of people who should be honored by the National Conference of State Legislators to encourage State legislatures to go on beyond that and to do extra in their lives.

And Sandra Day O'Connor was a State senator who did much. And, as Mr. SMITH said, she had an open mind, and that is something we need to commend. And in Arizona, where Representative GIFFORDS is from and sponsored this resolution, we had Barry Goldwater who, like her, came in at a certain posture. But as his career went on, he had an open mind, and he stood up for tolerance and he stood up for diversity.

I am proud to be here to speak in favor of this resolution, and I would

ask that my colleagues vote to support unanimously this resolution and to pass H. Res. 1141.

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

H. Res. 1141 honors the accomplishments of the Honorable Sandra Day O'Connor, the first woman to serve on the United States Supreme Court.

Justice O'Connor was born in El Paso, Texas, in 1930 and grew up on a cattle ranch called the "Lazy-B" near Duncan, Arizona. The ranch was isolated and she did not have a sibling to play with until she turned eight. To compensate, young Sandra demonstrated the initiative and drive that would later propel her to the Court.

She befriended cowboys who worked on the ranch, learned to drive a car and shoot a gun, and became an expert equestrian. She also kept many pets during her childhood, including a bobcat, which probably taught her how to deal with lawyers.

Her parents decided she needed an education, so O'Connor went to live with her maternal grandmother, Mamie Scott Wilkey, in El Paso. Although homesick, O'Connor became an outstanding student and graduated from the Radford School for Girls at age 16. O'Connor always credited Mrs. Wilkey for instilling confidence in her.

She later studied economics at Stanford with an eye toward running the Lazy-B or another ranch. However, a legal dispute over the Lazy-B sparked her interest in the law. O'Connor enrolled in Stanford's law school and graduated in only 2 years, third in her class that included valedictorian and future Chief Justice of the United States William Rehnquist. One of her other classmates, John Jay O'Connor, became her husband.

This was the early 1950s and, despite her stellar law school record, O'Connor could not find work as a lawyer. The legal profession was not an easy place for women at that time.

But O'Connor was determined. She started out as a legal secretary before finding employment as the deputy county attorney for San Mateo, California. When her husband was drafted into the Judge Advocate General's Corps, she joined him in Frankfurt, Germany, where she served as a civilian attorney in the Quartermaster's Corps.

Returning to the United States in 1957, the couple settled in Phoenix and started a family—three children arrived in the next six years. O'Connor eventually hung out a shingle with one partner and began a general law practice. But with the birth of her second child, she devoted herself to homemaker duties, charitable work, and local Republican politics.

Following five years as a full-time mother, O'Connor returned to work as an Arizona assistant attorney general. Later, the governor appointed her to fill a vacant state senate seat, a position she successfully defended twice in successive elections. By 1974, O'Connor had become the first woman to serve as the majority leader in a state legislature. This achievement propelled her to the bench—first as a Maricopa County Superior Court judge and then, in 1978, as a member of the Arizona Court of Appeals, the state's intermediate appellate court.

Justice O'Connor distinguished herself as a smart, fair, even-tempered judge. She had overcome de facto discrimination through persistence, hard work, and a devotion to institutions and causes bigger than herself.

This compelling story intrigued President Ronald Reagan, who was searching for a successor to replace retiring Justice Potter Stewart at the United States Supreme Court. In Sandra Day O'Connor, he found his nominee.

Senate confirmations are not for the faint-hearted, but O'Connor came through like an experienced pro. She was confirmed by a vote of 99–0 and was sworn as the 102nd member of the Court on September 21, 1981. Of obvious importance then and now, she became the first woman to serve as an Associate Justice.

Justice O'Connor served on the Court for nearly a quarter of a century before retiring in 2006. Early in her tenure, she was known as a conservative jurist who preferred analyzing cases with a narrow, fact-specific approach. Later, she acquired the reputation as a "swing vote." Law Professor Steven Green once paid her perhaps the ultimate compliment when he observed that she "seemed to look at each case with an open mind."

Since retiring from the Court, Justice O'Connor really hasn't retired. She selflessly devoted herself to caring for her husband, John, who was diagnosed with Alzheimer's Disease in 1990 and passed away last November.

In addition to travel and spending time with other family members, Justice O'Connor has worked on an ABA project to educate Americans about the role of judges, served as the Chancellor of The College of William & Mary, and performed trustee duties for the National Constitution Center.

In recognition of her life's work, she was awarded the Presidential Medal of Freedom—the highest civilian honor of the United States—on August 12, 2009.

Mr. Speaker, Justice Sandra Day O'Connor is a pioneer for women and an inspiration to all Americans. I urge my colleagues to support H. Res. 1141, which honors her many accomplishments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1141.

The question was taken.

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

Mr. COHEN. Mr. 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.

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2009

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1147) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1147

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Prevent All Cigarette Trafficking Act of 2009" or "PACT Act".

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, makes it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the "Jenkins Act") (referred to in this Act as the "Jenkins Act"), is amended by striking the first section and inserting the following:

"SECTION 1. DEFINITIONS.

"As used in this Act, the following definitions apply:

"(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State.

“(2) CIGARETTE.—

“(A) IN GENERAL.—The term ‘cigarette’—

“(i) has the meaning given that term in section 2341 of title 18, United States Code; and

“(ii) includes roll-your-own tobacco (as defined in section 5702 of the Internal Revenue Code of 1986).

“(B) EXCEPTION.—The term ‘cigarette’ does not include a cigar (as defined in section 5702 of the Internal Revenue Code of 1986).

“(3) COMMON CARRIER.—The term ‘common carrier’ means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise (regardless of whether the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided) between a port or place and a port or place in the United States.

“(4) CONSUMER.—The term ‘consumer’—

“(A) means any person that purchases cigarettes or smokeless tobacco; and

“(B) does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

“(5) DELIVERY SALE.—The term ‘delivery sale’ means any sale of cigarettes or smokeless tobacco to a consumer if—

“(A) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

“(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

“(6) DELIVERY SELLER.—The term ‘delivery seller’ means a person who makes a delivery sale.

“(7) INDIAN COUNTRY.—The term ‘Indian country’—

“(A) has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

“(B) includes any other land held by the United States in trust or restricted status for one or more Indian tribes.

“(8) INDIAN TRIBE.—The term ‘Indian tribe’, ‘tribe’, or ‘tribal’ refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

“(9) INTERSTATE COMMERCE.—

“(A) IN GENERAL.—The term ‘interstate commerce’ means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

“(B) INTO A STATE, PLACE, OR LOCALITY.—A sale, shipment, or transfer of cigarettes or smokeless tobacco that is made in interstate commerce, as defined in this paragraph, shall be deemed to have been made into the State, place, or locality in which such cigarettes or smokeless tobacco are delivered.

“(10) PERSON.—The term ‘person’ means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such a government, or joint stock company.

“(11) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“(12) SMOKELESS TOBACCO.—The term ‘smokeless tobacco’ means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

“(13) TOBACCO TAX ADMINISTRATOR.—The term ‘tobacco tax administrator’ means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

“(14) USE.—The term ‘use’ includes the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.”

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking “cigarettes” each place it appears and inserting “cigarettes or smokeless tobacco”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “CONTENTS.—” after “(a)”;

(ii) by striking “or transfers” and inserting “, transfers, or ships”;

(iii) by inserting “, locality, or Indian country of an Indian tribe” after “a State”;

(iv) by striking “to other than a distributor licensed by or located in such State,”; and

(v) by striking “or transfer and shipment” and inserting “, transfer, or shipment”;

(B) in paragraph (1)—

(i) by striking “with the tobacco tax administrator of the State” and inserting “with the Attorney General of the United States and with the tobacco tax administrators of the State and place”; and

(ii) by striking “; and” and inserting the following: “, as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of the person;”;

(C) in paragraph (2), by striking “and the quantity thereof.” and inserting “the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and”;

(D) by adding at the end the following:

“(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of the memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.”;

(3) in subsection (b)—

(A) by inserting “PRESUMPTIVE EVIDENCE.—” after “(b)”;

(B) by striking “(1) that” and inserting “that”;

(C) by striking “, and (2)” and all that follows and inserting a period; and

(4) by adding at the end the following:

“(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use the memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any per-

sonal information in the memorandum or invoice except as required for such purposes.”.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

“SEC. 2A. DELIVERY SALES.

“(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

“(1) the shipping requirements set forth in subsection (b);

“(2) the recordkeeping requirements set forth in subsection (c);

“(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if the delivery sales occurred entirely within the specific State and place, including laws imposing—

“(A) excise taxes;

“(B) licensing and tax-stamping requirements;

“(C) restrictions on sales to minors; and

“(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

“(4) the tax collection requirements set forth in subsection (d).

“(b) SHIPPING AND PACKAGING.—

“(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: ‘CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS’.

“(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

“(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

“(4) AGE VERIFICATION.—

“(A) IN GENERAL.—A delivery seller who mails or ships tobacco products—

“(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

“(ii) shall use a method of mailing or shipping that requires—

“(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

“(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of

the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

“(iii) shall not accept a delivery sale order from a person without—

“(I) obtaining the full name, birth date, and residential address of that person; and

“(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

“(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

“(c) RECORDS.—

“(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within the State, by the city or town and by zip code, into which the delivery sale is so made.

“(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) until the end of the 4th full calendar year that begins after the date of the delivery sale.

“(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of the local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

“(d) DELIVERY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

“(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

“(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

“(C) any required stamps or other indicia that the excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

“(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

“(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

“(1) IN GENERAL.—

“(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under

the Prevent All Cigarette Trafficking Act of 2009, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General of the United States pursuant to section 2(a), or that are otherwise not in compliance with this Act, and—

“(i) distribute the list to—

“(I) the attorney general and tax administrator of every State;

“(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

“(III) any other person that the Attorney General of the United States determines can promote the effective enforcement of this Act; and

“(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

“(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

“(i) all names the delivery seller uses or has used in the transaction of its business or on packages delivered to customers;

“(ii) all addresses from which the delivery seller does or has done business, or ships or has shipped cigarettes or smokeless tobacco;

“(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

“(iv) any other information that the Attorney General of the United States determines would facilitate compliance with this subsection by recipients of the list.

“(C) UPDATING.—The Attorney General of the United States shall update and distribute the list described in subparagraph (A) at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

“(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list described in subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (6), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information, and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (6).

“(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list described in subparagraph (A), the Attorney General of the United States shall—

“(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that a delivery seller is not in compliance with this Act;

“(ii) not later than 14 days before including a delivery seller on the list, make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the list, which shall cite the relevant provisions of this Act and the specific reasons for which the delivery seller is being placed on the list;

“(iii) provide an opportunity to the delivery seller to challenge placement on the list;

“(iv) investigate each challenge described in clause (iii) by contacting the relevant Federal, State, tribal, and local law enforce-

ment officials, and provide the specific findings and results of the investigation to the delivery seller not later than 30 days after the date on which the challenge is made; and

“(v) if the Attorney General of the United States determines that the basis for including a delivery seller on the list is inaccurate, based on incomplete information, or cannot be verified, promptly remove the delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of the determination.

“(F) CONFIDENTIALITY.—The list described in subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list and may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with a listed delivery seller the inclusion of the delivery seller on the list and the resulting effects on any services requested by the listed delivery seller.

“(2) PROHIBITION ON DELIVERY.—

“(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list described in paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

“(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

“(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

“(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list described in paragraph (1)(A), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to the corrections or updates.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—Subsection (b)(2) and any requirements or restrictions placed directly on common carriers under this subsection, including subparagraphs (A) and (B) of paragraph (2), shall not apply to a common carrier that—

“(i) is subject to a settlement agreement described in subparagraph (B); or

“(ii) if a settlement agreement described in subparagraph (B) to which the common carrier is a party is terminated or otherwise becomes inactive, is administering and enforcing policies and practices throughout the United States that are at least as stringent as the agreement.

“(B) SETTLEMENT AGREEMENT.—A settlement agreement described in this subparagraph—

“(i) is a settlement agreement relating to tobacco product deliveries to consumers; and

“(ii) includes—

“(I) the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York

and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and FedEx Ground Package Systems, Inc. on or about February 3, 2006, if each of those agreements is honored throughout the United States to block illegal deliveries of cigarettes or smokeless tobacco to consumers; and

“(II) any other active agreement between a common carrier and a State that operates throughout the United States to ensure that no deliveries of cigarettes or smokeless tobacco shall be made to consumers or illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the States and localities where the consumers are located of all taxes on the tobacco products.

“(4) SHIPMENTS FROM PERSONS ON LIST.—

“(A) IN GENERAL.—If a common carrier or other delivery service delays or interrupts the delivery of a package in the possession of the common carrier or delivery service because the common carrier or delivery service determines or has reason to believe that the person ordering the delivery is on a list described in paragraph (1)(A) and that clauses (i), (ii), and (iii) of paragraph (2)(A) do not apply—

“(i) the person ordering the delivery shall be obligated to pay—

“(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

“(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover any extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

“(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall offer to provide the package and its contents to a Federal, State, or local law enforcement agency.

“(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any delivery interrupted under this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

“(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall—

“(i) use the records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco; and

“(ii) keep confidential any personal information in the records not otherwise required for such purposes.

“(5) PREEMPTION.—

“(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

“(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined

by either State or local law at the place of delivery;

“(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

“(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

“(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

“(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

“(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to nullify, expand, restrict, or otherwise amend or modify—

“(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

“(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

“(iii) any provision of State, local, or tribal law regulating common carriers that is described in section 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

“(C) STATE LAWS PROHIBITING DELIVERY SALES.—

“(i) IN GENERAL.—Except as provided in clause (ii), nothing in the Prevent All Cigarette Trafficking Act of 2009, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences.

“(ii) EXEMPTIONS.—No State may enforce against a common carrier a law prohibiting the delivery of cigarettes or other tobacco products to individual consumers or personal residences without proof that the common carrier is not exempt under paragraph (3) of this subsection.

“(6) STATE, LOCAL, AND TRIBAL ADDITIONS.—

“(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

“(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that—

“(I) offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land; and

“(II) has failed to register with or make reports to the respective tax administrator as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

“(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal land.

“(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as the government notifies the Attorney General of the United States in writing that the government no longer desires to submit information to supplement the list described in paragraph (1)(A).

“(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list described in paragraph (1)(A) any persons that are on the list solely because of

the prior submissions of the government of the list of the government of noncomplying delivery sellers of cigarettes or smokeless tobacco or a subsequent update or correction by the government.

“(7) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

“(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (6) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

“(B) distribute any list or update described in subparagraph (A) to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by a government pursuant to paragraph (6).

“(8) NOTICE TO DELIVERY SELLERS.—Not later than 14 days before including any delivery seller on the initial list described in paragraph (1)(A), or on an update to the list for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the list or update, with that notice citing the relevant provisions of this Act.

“(9) LIMITATIONS.—

“(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

“(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

“(ii) determine whether a person ordering a delivery is in compliance with this Act; or

“(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

“(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection—

“(i) shall not be required to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list described in paragraph (1)(A) who is using a different name or address in order to evade the related delivery restrictions; and

“(ii) shall not knowingly deliver any packages to consumers for any delivery seller on the list described in paragraph (1)(A) who the common carrier or other delivery service knows is a delivery seller who is on the list and is using a different name or address to evade the delivery restrictions of paragraph (2).

“(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

“(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list described in paragraph (1)(A);

“(ii) refusing, as a matter of regular practice and procedure, to make any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

“(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

“(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.”

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

“SEC. 3. PENALTIES.

“(a) CRIMINAL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), whoever knowingly violates this Act shall be imprisoned for not more than 3 years, fined under title 18, United States Code, or both.

“(2) EXCEPTIONS.—

“(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

“(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed knowingly—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(b) CIVIL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates this Act shall be subject to a civil penalty in an amount not to exceed—

“(A) in the case of a delivery seller, the greater of—

“(i) \$5,000 in the case of the first violation, or \$10,000 for any other violation; or

“(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of the delivery seller during the 1-year period ending on the date of the violation.

“(B) in the case of a common carrier or other delivery service, \$2,500 in the case of a first violation, or \$5,000 for any violation within 1 year of a prior violation.

“(2) RELATION TO OTHER PENALTIES.—A civil penalty imposed under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

“(3) EXCEPTIONS.—

“(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

“(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

“(ii) the violation consists of an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, taking ac-

tions that are outside the scope of employment of the employee, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).”

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

“SEC. 4. ENFORCEMENT.

“(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for the violations.

“(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce this Act.

“(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) STANDING.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may bring an action in a United States district court to prevent and restrain violations of this Act by any person or to obtain any other appropriate relief from any person for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

“(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

“(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce this Act.

“(3) USE OF PENALTIES COLLECTED.—

“(A) IN GENERAL.—There is established a separate account in the Treasury known as the ‘PACT Anti-Trafficking Fund’. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the Federal Government in enforcing this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing this Act and other laws relating to contraband tobacco products.

“(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General of the United States under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

“(4) NONEXCLUSIVITY OF REMEDY.—

“(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

“(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

“(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

“(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

“(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in an appropriate United States district court to prevent and restrain violations of this Act by any person other than a State, local, or tribal government.

“(e) NOTICE.—

“(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

“(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

“(f) PUBLIC NOTICE.—

“(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting information on the Internet and by other appropriate means, information regarding all enforcement actions brought by the United States, or reported to the Attorney General of the United States, under this section, including information regarding the resolution of the enforcement actions and how the Attorney General of the United States has responded to referrals of evidence of violations pursuant to subsection (c)(2).

“(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, and every year thereafter until the date that is 5 years after such date of enactment, the Attorney General of the United States shall submit to Congress a report containing the information described in paragraph (1).”

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

“§ 1716E. Tobacco products as nonmailable

“(a) PROHIBITION.—

“(1) IN GENERAL.—All cigarettes and smokeless tobacco (as those terms are defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this paragraph.

“(2) REASONABLE CAUSE.—For the purposes of this subsection reasonable cause includes—

“(A) a statement on a publicly available website, or an advertisement, by any person that the person will mail matter which is nonmailable under this section in return for payment; or

“(B) the fact that the person is on the list created under section 2A(e) of the Jenkins Act.

“(b) EXCEPTIONS.—

“(1) CIGARS.—Subsection (a) shall not apply to cigars (as defined in section 5702(a) of the Internal Revenue Code of 1986).

“(2) GEOGRAPHIC EXCEPTION.—Subsection (a) shall not apply to mailings within the State of Alaska or within the State of Hawaii.

“(3) BUSINESS PURPOSES.—

“(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed only—

“(i) for business purposes between legally operating businesses that have all applicable State and Federal Government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research; or

“(ii) for regulatory purposes between any business described in clause (i) and an agency of the Federal Government or a State government.

“(B) RULES.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

“(ii) CONTENTS.—The final rule issued under clause (i) shall require—

“(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is a business or government agency permitted to make a mailing under this paragraph;

“(II) the United States Postal Service to ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails under this paragraph is a business or government agency that may lawfully receive the product;

“(III) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

“(IV) that the identity of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the identity of the business or government entity receiving the mailing are clearly set forth on the package;

“(V) the United States Postal Service to maintain identifying information described in subclause (IV) during the 3-year period beginning on the date of the mailing and make the information available to the Postal Service, the Attorney General of the United States, and to persons eligible to bring enforcement actions under section 3(d) of the Prevent All Cigarette Trafficking Act of 2009;

“(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person; and

“(VII) that any mailing described in subparagraph (A) be delivered only to a verified employee of the recipient business or government agency, who is not a minor and who shall be required to sign for the mailing.

“(C) DEFINITION.—In this paragraph, the term ‘minor’ means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as de-

termined by applicable law at the place the individual is located.

“(4) CERTAIN INDIVIDUALS.—

“(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed by individuals who are not minors for noncommercial purposes, including the return of a damaged or unacceptable tobacco product to the manufacturer.

“(B) RULES.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

“(ii) CONTENTS.—The final rule issued under clause (i) shall require—

“(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is the individual identified on the return address label of the package and is not a minor;

“(II) for a mailing to an individual, the United States Postal Service to require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this paragraph to affirm that the recipient is not a minor;

“(III) that any package mailed under this paragraph shall weigh not more than 10 ounces;

“(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

“(V) that a mailing described in subparagraph (A) shall not be delivered or placed in the possession of any individual who has not been verified as not being a minor;

“(VI) for a mailing described in subparagraph (A) to an individual, that the United States Postal Service shall deliver the package only to a recipient who is verified not to be a minor at the recipient address or transfer it for delivery to an Air/Army Postal Office or Fleet Postal Office number designated in the recipient address; and

“(VII) that no person may initiate more than 10 mailings described in subparagraph (A) during any 30-day period.

“(C) DEFINITION.—In this paragraph, the term ‘minor’ means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

“(5) EXCEPTION FOR MAILINGS FOR CONSUMER TESTING BY MANUFACTURERS.—

“(A) IN GENERAL.—Subject to subparagraph (B), subsection (a) shall not preclude a legally operating cigarette manufacturer or a legally authorized agent of a legally operating cigarette manufacturer from using the United States Postal Service to mail cigarettes to verified adult smoker solely for consumer testing purposes, if—

“(i) the cigarette manufacturer has a permit, in good standing, issued under section 5713 of the Internal Revenue Code of 1986;

“(ii) the package of cigarettes mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes);

“(iii) the recipient does not receive more than 1 package of cigarettes from any 1 cigarette manufacturer under this paragraph during any 30-day period;

“(iv) all taxes on the cigarettes mailed under this paragraph levied by the State and locality of delivery are paid to the State and locality before delivery, and tax stamps or other tax-payment indicia are affixed to the cigarettes as required by law; and

“(v) (I) the recipient has not made any payments of any kind in exchange for receiving the cigarettes;

“(II) the recipient is paid a fee by the manufacturer or agent of the manufacturer for participation in consumer product tests; and

“(III) the recipient, in connection with the tests, evaluates the cigarettes and provides feedback to the manufacturer or agent.

“(B) LIMITATIONS.—Subparagraph (A) shall not—

“(i) permit a mailing of cigarettes to an individual located in any State that prohibits the delivery or shipment of cigarettes to individuals in the State, or preempt, limit, or otherwise affect any related State laws; or

“(ii) permit a manufacturer, directly or through a legally authorized agent, to mail cigarettes in any calendar year in a total amount greater than 1 percent of the total cigarette sales of the manufacturer in the United States during the calendar year before the date of the mailing.

“(C) RULES.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

“(ii) CONTENTS.—The final rule issued under clause (i) shall require—

“(I) the United States Postal Service to verify that any person submitting a tobacco product into the mails under this paragraph is a legally operating cigarette manufacturer permitted to make a mailing under this paragraph, or an agent legally authorized by the legally operating cigarette manufacturer to submit the tobacco product into the mails on behalf of the manufacturer;

“(II) the legally operating cigarette manufacturer submitting the cigarettes into the mails under this paragraph to affirm that—

“(aa) the manufacturer or the legally authorized agent of the manufacturer has verified that the recipient is an adult established smoker;

“(bb) the recipient has not made any payment for the cigarettes;

“(cc) the recipient has signed a written statement that is in effect indicating that the recipient wishes to receive the mailings; and

“(dd) the manufacturer or the legally authorized agent of the manufacturer has offered the opportunity for the recipient to withdraw the written statement described in item (cc) not less frequently than once in every 3-month period;

“(III) the legally operating cigarette manufacturer or the legally authorized agent of the manufacturer submitting the cigarettes into the mails under this paragraph to affirm that any package mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes) on which all taxes levied on the cigarettes by the State and locality of delivery have been paid and all related State tax stamps or other tax-payment indicia have been applied;

“(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

“(V) the United States Postal Service to maintain records relating to a mailing described in subparagraph (A) during the 3-year period beginning on the date of the mailing and make the information available to persons enforcing this section;

“(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted

mailing of otherwise nonmailable tobacco products that may be delivered only to the named recipient after verifying that the recipient is an adult; and

“(VII) the United States Postal Service shall deliver a mailing described in subparagraph (A) only to the named recipient and only after verifying that the recipient is an adult.

“(D) DEFINITIONS.—In this paragraph—

“(i) the term ‘adult’ means an individual who is not less than 21 years of age; and

“(ii) the term ‘consumer testing’ means testing limited to formal data collection and analysis for the specific purpose of evaluating the product for quality assurance and benchmarking purposes of cigarette brands or sub-brands among existing adult smokers.

“(6) FEDERAL GOVERNMENT AGENCIES.—An agency of the Federal Government involved in the consumer testing of tobacco products solely for public health purposes may mail cigarettes under the same requirements, restrictions, and rules and procedures that apply to consumer testing mailings of cigarettes by manufacturers under paragraph (5), except that the agency shall not be required to pay the recipients for participating in the consumer testing.

“(C) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products seized and forfeited under this subsection shall be destroyed or retained by the Federal Government for the detection or prosecution of crimes or related investigations and then destroyed.

“(d) ADDITIONAL PENALTIES.—In addition to any other fines and penalties under this title for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount equal to 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

“(e) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that is nonmailable matter under this section shall be fined under this title, imprisoned not more than 1 year, or both.

“(f) USE OF PENALTIES.—There is established a separate account in the Treasury, to be known as the ‘PACT Postal Service Fund’. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal fines, civil penalties, or other monetary penalties collected by the Federal Government in enforcing this section shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing this subsection.

“(g) COORDINATION OF EFFORTS.—The Postmaster General shall cooperate and coordinate efforts to enforce this section with related enforcement activities of any other Federal agency or agency of any State, local, or tribal government, whenever appropriate.

“(h) ACTIONS BY STATE, LOCAL, OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

“(1) IN GENERAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of this section. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on to-

bacco products mailed in violation of this section to addressees in that State, locality, or tribal land.

“(2) SOVEREIGN IMMUNITY.—Nothing in this subsection shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

“(3) ATTORNEY GENERAL REFERRAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may provide evidence of a violation of this section for commercial purposes by any person not subject to State, local, or tribal government enforcement actions for violations of this section to the Attorney General of the United States, who shall take appropriate actions to enforce this section.

“(4) NONEXCLUSIVITY OF REMEDIES.—The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

“(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of the State.

“(i) DEFINITION.—In this section, the term ‘State’ has the meaning given that term in section 1716(k).”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 83 of title 18 is amended by inserting after the item relating to section 1716D the following:

“1716E. Tobacco products as nonmailable.”

SEC. 4. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

“(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

“(A) any records or information required to be maintained by the person under this chapter; or

“(B) any cigarettes or smokeless tobacco kept or stored by the person at the premises.

“(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).

“(3) Whoever denies access to an officer under paragraph (1), or who fails to comply with an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed \$10,000.”

SEC. 5. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act shall be construed to amend, modify, or otherwise affect—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act

(25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; or

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act shall be construed to authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act shall prohibit, limit, or restrict enforcement by the Attorney General of the United States of this Act or an amendment made by this Act within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

(f) DEFINITIONS.—In this section—

(1) the term “Indian country” has the meaning given that term in section 1 of the Jenkins Act, as amended by this Act; and

(2) the term “tribal enterprise” means any business enterprise, regardless of whether incorporated or unincorporated under Federal or tribal law, of an Indian tribe or group of Indian tribes.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—The amendments made by section 4 shall take effect on the date of enactment of this Act.

SEC. 7. SEVERABILITY.

If any provision of this Act, or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of the Act to any other person or circumstance shall not be affected thereby.

SEC. 8. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was enacted recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

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

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and provide extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 1147, the Prevent All Cigarette Trafficking Act of 2009, or PACT Act, will allow law enforcement to strengthen their efforts to combat illegal smuggling of tobacco products. Every year, tens of billions of cigarettes are illegally smuggled across State lines and across borders, cheating State and local governments out of much-needed tax revenues. In fact, tax evasion is the chief motivator for cigarette smuggling. Buying in a State where the cigarette tax is low and selling illegally in a State with a higher tax, the smuggler can sell at a discount and still turn a nice profit.

Cigarette smuggling costs States \$1 billion in uncollected tax revenue each year. The size of this illicit revenue stream has attracted organized crime and even terrorist groups. Because of the interstate scope of this criminal activity, as well as its sheer magnitude, States cannot adequately address it on their own. It has long been recognized as a Federal matter.

And there are Federal statutes. The Jenkins Act requires reporting inter-

state cigarette sales to tax officials in the buyer's State. And the Contraband Cigarette Trafficking Act prohibits knowingly dealing in contraband cigarettes or smokeless tobacco.

But these statutes in their current form are no match for the Internet. The Internet is being used to shepherd tobacco products across State lines in massive amounts, and the existing Federal statutes are unable to effectively stop them.

Internet-based smuggling operations are so mobile, in fact, that even when the smugglers can be identified and pursued, they can act quickly to shut down and simply reappear under a new name on a new Web site.

The PACT Act addresses the shortcomings in current law by targeting the delivery systems for illegal Internet tobacco sales, the postal system, and commercial delivery services.

First, the bill permanently prohibits, with limited exceptions, sending tobacco products through the U.S. mail.

Second, vendors using commercial delivery services for retail sales are required to notify the tax authorities in the receiving State, conspicuously label all tobacco products, verify the purchasers are of legal age, and keep careful records of all sales.

Third, the bill raises the offense of cigarette trafficking from a misdemeanor to a felony.

Finally, the bill also authorizes the Bureau of Alcohol, Tobacco, Firearms, and Explosives to inspect the premises and files of sellers of significant quantities of cigarettes or smokeless tobacco.

S. 1147 passed the Senate on March 11 and is substantially similar to H.R. 1676, which passed the House under suspension of the rules on May 21, 2009 by a 397-11 roll call vote.

I would like to thank Mr. WEINER for his leadership in sponsoring the House version of this legislation. I also commend our ranking member, LAMAR SMITH of Texas, for his leadership in making this a bipartisan effort.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, S. 1147, the Prevent All Cigarette Trafficking, or PACT, Act of 2009, is bipartisan legislation that will help Federal, State, and local law enforcement officials combat cigarette smuggling and trafficking.

Today, the House considers the Senate version of this legislation. The House passed similar bipartisan legislation last May, which I cosponsored with my colleague from New York (Mr. WEINER).

□ 1045

Tobacco smuggling has become one of the most prevalent forms of smuggling in recent years, and its effects are felt not only in America but around the world. The World Health Organiza-

tion estimates that illegal cigarettes account for over 10 percent, or approximately 600 billion cigarettes, of the almost 6 trillion cigarettes sold globally each year. According to a study by the World Bank, cigarettes are appealing to smugglers because taxes typically account for a large portion of the sale price for cigarettes. Smugglers are, therefore, able to sell contraband cigarettes at a significantly lower price, making it highly profitable to traffic them for resale.

Tobacco smuggling traditionally involves the diversion of large quantities of cigarettes from wholesale distribution into the market. This usually occurs during shipment of the cigarettes, thus allowing the traffickers to avoid most, if not all, of the taxes that will be imposed at retail. The profits from tobacco trafficking can be used to finance illegal activities, such as organized crime and drug trafficking syndicates. In addition, the sale of smuggled tobacco on the market deprives States of significant amounts of tax revenue each year.

California officials estimate that taxes are unpaid on about 15 percent of all tobacco sold in its markets at a cost of \$276 million a year. In a recently released study, the State of New York, for example, put its losses at more than \$576 million per year. Recently, my home State of Texas raised its cigarette taxes. This increase is supposed to generate an additional \$800 million in revenue for the State. This revenue could be lost if smugglers continue to divert cigarettes for resale on the underground market.

The PACT Act will help to ensure that States like California, New York, and Texas receive or recover tax revenue that is due to them. This bipartisan legislation closes loopholes in current tobacco trafficking laws and provides law enforcement officials with ways to combat the innovative methods being used by cigarette traffickers to distribute their products.

Mr. Speaker, S. 1147 is supported by the Lung Cancer Alliance, the Campaign for Tobacco-Free Kids, and more than 20 public health advocacy organizations. A number of tobacco manufacturers and a majority of State attorneys general also support passage of this bill. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as much time as he may consume to the silver-throated Representative from New York's Ninth Congressional District (Mr. WEINER).

Mr. WEINER. I thank you very much, and I thank the ranking member for his informed remarks about this bill. I want to thank also the chairman of our full committee for reaching it to this point.

You know, the fact is that the various States have different levels of tax on their tobacco products. Some States are very high. My State of New York is among the highest. Our city puts an

additional tax. It is one of the prerogatives of the different States—some have chosen to tax more; some have chosen to tax less.

But the fact is that there is an enormous economy around avoiding that tax, essentially violating the law. There are Internet tobacco sites that exist with their sole purpose apparently being to deliver tobacco to people outside the realm of taxation. That's a problem. It's a problem not just because it makes it impossible for States to collect taxes that they've levied, but it's also a problem because the sale of Internet tobacco encourages underage smoking. It also makes it very easy for anyone who wants to commit illicit acts.

When the Government Accounting Office took a look at a smuggling ring that they discovered in the early part of this century, they found that Hezbollah, the international terrorist organization, was using this difference in taxes to fund their illicit activities. Here's how it worked: They would purchase tobacco at a low tax rate in North Carolina; they would ship it to a higher tax State in Michigan; and the difference that they'd save by selling the cheaper tobacco in Michigan would produce millions of dollars.

But it is not just international terrorist organizations and not just underage smokers that are using this gap in the laws to undermine our interstate commerce. It is also just everyday citizens who have become scofflaws by using Internet tobacco sales.

So how does this PACT Act, which was sponsored by Senator KOHL and is sponsored by my Republican friends in the House and passed by a broad margin when we earlier considered this, how does this solve the problem? Well, it does it in a couple of ways.

One, it is already by agreement that UPS, FedEx, DHL, the major common carriers have said, You know what? We think it's wrong to be facilitating this by making deliveries for Internet tobacco companies, so we're not going to do it. They've agreed to it. It's in place in all 50 States. There's only one common carrier that today still delivers tobacco through the mail—the United States Postal Service. They came to us and said, Congress, if you really want us not to mail this, you've got to define what a nonmailable material is, and you've got to add that to the list. That's what the PACT Act does. It says that you can no longer mail tobacco through the mail once this becomes law. So it's going to make it very, very difficult, if not impossible, for Internet tobacco sales to continue.

A second thing that it does is that transaction that I described, where you buy something cheaply and don't pay taxes on it or pay a lower tax than you're supposed to in your State, is already a violation of the law. But effectively, those violations are never prosecuted because under the Jenkins Act, which is the structure of the law that enforces this, it's only a misdemeanor.

Well, that's going to change. In this bill, it's going to become a felony. If you think you're going to skirt the law by driving to your neighborhood Indian reservation, buying boxes and boxes or cases and cases of cigarettes, not paying taxes on it, well, now that's a violation of the Jenkins Act that rises to a felony. So it might make sense for the U.S. Attorney or for an attorney general to say, You know what? We're going to do a stakeout here, and if we find untaxed tobacco is being sold or undertaxed tobacco is being sold, we're going to crack down on it.

A third thing that it does is it increases the enforcement of the act that is supposed to happen. When you buy something in a low tax State, you're supposed to pay the taxes in your home State. So this is going to increase the reporting requirements. Anyone that sells these products is going to have to report back to your home State on the taxes that are owed.

Now, what is this going to mean? In addition to cutting down on underage smoking, this is going to mean that States and localities are going to find that they're going to start collecting the taxes they're supposed to. And again, we have people who support lower tobacco taxes on this bill, people who support higher tobacco taxes on this bill. This is not an issue of whether you think there should or should not be tobacco taxes. I think there is bipartisan agreement that there is, within the right of the 50 States, the ability to levy these taxes, and the sovereignty of those 50 States depend on them being able to collect it. What this is going to be able to do now is we are going to make sure that, in the context of this debate, that these tobacco taxes get collected.

No one knows exactly what was being evaded here, but there was one estimate that said as much as \$1 billion in New York State alone is being evaded, and we are finally going to be able to get control of this problem. All 51 State attorneys general have supported the PACT Act, the National Association of Convenience Stores, the American Wholesalers Association. Even the major tobacco companies who understand that there is a regime that has been set up in the 50 States, they want it to be followed, too. So companies like Altria and Lorillard are saying, You know what? While there are a lot of hot debates about tobacco use in this country, there should not be a hot debate about whether or not we enforce the laws of the 50 States.

I also want to thank my Republican colleagues here. Mr. SMITH and his colleagues and a bipartisan coalition said, You know what? You're going to be tough on crime; we're going to be tough on this crime as well, and have every step of the way made suggestions that have improved this legislation.

And also—this is the part that is the toughest to say—I want to thank my colleagues in the Senate. There have been 290 times that we have sent legis-

lation in their direction, and while I think it was Benjamin Franklin who called the Senate “the cooling saucer of our democracy,” they've been more akin to a meat locker in recent months. And I want to commend Senator KOHL for figuring out a way to extract something from that frigid environment. Hopefully, we'll be getting this to the President's desk.

This is an important thing, what we're doing here. This is going to allow States to collect the revenue they're supposed to have. Every antismoking organization that's concerned about underage smoking has been active in making this happen—27 public health groups, the Campaign for Tobacco-Free Kids, the American Heart Association, American Cancer Society, the American Lung Association. I think all of us who are concerned about keeping tobacco out of the hands of children recognize that this giant gap in our law that allows them to get it on the Internet without any age verification, which is another element of this bill that's going to become law, has a stake in making this bill a reality.

I want to thank Mr. COHEN for so deftly managing this bill.

I would like to thank members of the Democratic and Republican staff of the Judiciary Committee and my staff, who worked tirelessly on this legislation. In particular, I would like to thank Perry Apelbaum, Ted Kalo and Danielle Brown on the House Judiciary Committee, Jesselyn McCurdy, Kimani Little and Caroline Lynch with the Judiciary Subcommittee on Crime, Terrorism and Homeland Security, Marni Karlin on the Senate Judiciary Committee, John Mautz with Congressman Coble's staff and Joe Dunn on my staff.

I would also like to thank Artie Katz, Lenny Schwartz and Steve Rosenthal with the New York Association of Wholesale Marketers, John Hoel and Sarah Knakmuhs with Altria, Eric Lindblom and Brian Hickey with the Campaign for Tobacco Free Kids, Anne Holloway with the American Wholesale Marketers Association, Blair Tinkle with the National Association of Attorneys General, Lyle Beckwith with the National Association of Convenience Stores and Laurie McKay with Dickstein Shapiro.

I urge my colleagues to support this important legislation.

Mr. COHEN. Mr. Speaker, I just want to commend both Ranking Member SMITH and Mr. WEINER. This is bipartisan, bicameral, and bilingually. And since it's tri-bi, I encourage everybody to vote “aye” on S. 1147.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, S. 1147.

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. COHEN. Mr. 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.

**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. 1089, by the yeas and nays;
- H. Res. 1167, by the yeas and nays;
- H. Res. 1184, by the yeas and nays.

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

**RECOGNIZING 150TH ANNIVERSARY
OF AUGUSTANA COLLEGE**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1089, 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 gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1089, as amended.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 9, as follows:

[Roll No. 120]
YEAS—421

Ackerman	Brale (IA)	Costa
Aderholt	Bright	Costello
Adler (NJ)	Broun (GA)	Courtney
Akin	Brown, Corrine	Crenshaw
Alexander	Brown-Waite,	Crowley
Altmire	Ginny	Culberson
Andrews	Buchanan	Cummings
Arcuri	Burgess	Dahlkemper
Austria	Burton (IN)	Davis (AL)
Baca	Butterfield	Davis (CA)
Bachmann	Buyer	Davis (IL)
Bachus	Calvert	Davis (KY)
Baird	Camp	Davis (TN)
Baldwin	Campbell	DeFazio
Barrow	Cantor	DeGette
Bartlett	Cao	Delahunt
Barton (TX)	Capito	DeLauro
Bean	Capps	Dent
Becerra	Capuano	Diaz-Balart, L.
Berkley	Cardoza	Diaz-Balart, M.
Berman	Carnahan	Dicks
Berry	Carney	Dingell
Biggert	Carson (IN)	Doggett
Bilbray	Carter	Donnelly (IN)
Bilirakis	Cassidy	Doyle
Bishop (GA)	Castle	Dreier
Bishop (NY)	Castor (FL)	Driehaus
Bishop (UT)	Chaffetz	Duncan
Blackburn	Chandler	Edwards (MD)
Blumenauer	Childers	Edwards (TX)
Blunt	Chu	Ehlers
Bocchieri	Clarke	Ellison
Boehner	Clay	Ellsworth
Bonner	Cleaver	Emerson
Bono Mack	Clyburn	Eshoo
Boozman	Coble	Etheridge
Boren	Coffman (CO)	Fallin
Boswell	Cohen	Farr
Boucher	Cole	Fattah
Boustany	Conaway	Filner
Boyd	Connolly (VA)	Flake
Brady (PA)	Conyers	Fleming
Brady (TX)	Cooper	Forbes

Fortenberry	Linder	Reichert	Wittman	Woolsey	Yarmuth
Foster	Lipinski	Reyes	Wolf	Wu	Young (AK)
Fox	LoBiondo	Richardson			
Frank (MA)	Loebsack	Rodriguez			
Franks (AZ)	Loftgren, Zoe	Roe (TN)			
Frelinghuysen	Lowey	Rogers (AL)	Barrett (SC)	Deal (GA)	Schrader
Fudge	Lucas	Rogers (KY)	Brown (SC)	Engel	Stark
Gallely	Luetkemeyer	Rogers (MI)	Cuellar	Perriello	Young (FL)
Garamendi	Luján	Rohrabacher			
Garrett (NJ)	Lummis	Rooney			
Gerlach	Lungren, Daniel	Ros-Lehtinen			
Giffords	E.	Roskam			
Gingrey (GA)	Lynch	Ross			
Gohmert	Mack	Rothman (NJ)			
Gonzalez	Maffei	Roybal-Allard			
Goodlatte	Maloney	Royce			
Gordon (TN)	Manzullo	Ruppersberger			
Granger	Marchant	Rush			
Graves	Markey (CO)	Ryan (OH)			
Grayson	Markey (MA)	Ryan (WI)			
Green, Al	Marshall	Salazar			
Green, Gene	Matheson	Sánchez, Linda			
Griffith	Matsui	T.			
Grijalva	McCarthy (CA)	Sanchez, Loretta			
Guthrie	McCarthy (NY)	Sarbanes			
Gutierrez	McCaul	Scalise			
Hall (NY)	McClintock	Schakowsky			
Hall (TX)	McCollum	Schauer			
Halvorson	McCotter	Schiff			
Hare	McDermott	Schmidt			
Harman	McGovern	Schock			
Harper	McHenry	Schwartz			
Hastings (FL)	McIntyre	Scott (GA)			
Hastings (WA)	McKeon	Scott (VA)			
Heinrich	McMahon	Sensenbrenner			
Heller	McMorris	Serrano			
Hensarling	Rodgers	Sessions			
Herger	McNerney	Sestak			
Herseth Sandlin	Meek (FL)	Shadegg			
Higgins	Meeks (NY)	Shea-Porter			
Hill	Melancon	Sherman			
Himes	Mica	Shimkus			
Hinchee	Michaud	Shuler			
Hinojosa	Miller (FL)	Shuster			
Hirono	Miller (MI)	Simpson			
Hodes	Miller (NC)	Sires			
Hoekstra	Miller, Gary	Skelton			
Holden	Miller, George	Slaughter			
Holt	Minnick	Smith (NE)			
Honda	Mitchell	Smith (NJ)			
Hoyer	Mollohan	Smith (TX)			
Hunter	Moore (KS)	Smith (WA)			
Inglis	Moore (WI)	Snyder			
Inlee	Moran (KS)	Souder			
Israel	Moran (VA)	Space			
Issa	Murphy (CT)	Speier			
Jackson (IL)	Murphy (NY)	Spratt			
Jackson Lee	Murphy, Patrick	Stearns			
(TX)	Murphy, Tim	Stupak			
Jenkins	Myrick	Sullivan			
Johnson (GA)	Nadler (NY)	Tanner			
Johnson (IL)	Napolitano	Taylor			
Johnson, E. B.	Neal (MA)	Teague			
Johnson, Sam	Neugebauer	Terry			
Jones	Nunes	Thompson (CA)			
Jordan (OH)	Nye	Thompson (MS)			
Kagen	Oberstar	Thompson (PA)			
Kanjorski	Obey	Thornberry			
Kaptur	Olson	Tiahrt			
Kennedy	Olver	Tiberi			
Kildee	Ortiz	Tierney			
Kilpatrick (MI)	Owens	Titus			
Kilroy	Pallone	Tonko			
Kind	Pascarell	Towns			
King (IA)	Pastor (AZ)	Tsongas			
King (NY)	Paul	Turner			
Kingston	Paulsen	Upton			
Kirk	Payne	Van Hollen			
Kirkpatrick (AZ)	Pence	Velázquez			
Kissell	Perlmutter	Viscosky			
Klein (FL)	Peters	Walden			
Kline (MN)	Peterson	Walz			
Kosmas	Petri	Wamp			
Kratovil	Pingree (ME)	Wasserman			
Kucinich	Pitts	Schultz			
Lamborn	Platts	Waters			
Lance	Poe (TX)	Watson			
Langevin	Polis (CO)	Watt			
Larsen (WA)	Pomeroy	Waxman			
Larson (CT)	Posey	Weiner			
Latham	Price (GA)	Welch			
LaTourette	Price (NC)	Westmoreland			
Latta	Putnam	Whitfield			
Lee (CA)	Quigley	Wilson (OH)			
Lee (NY)	Radanovich	Wilson (SC)			
Levin	Rahall				
Lewis (CA)	Rangel				
Lewis (GA)	Rehberg				

NOT VOTING—9

□ 1127

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 of the resolution was amended so as to read: "Recognizing the 150th anniversary of Augustana College in Rock Island, Illinois."

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

H. Con. Res. 249. Concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965.

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

S. 1782. An act to provide improvements for the operations of the Federal courts, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) "An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes."

**ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE**

The SPEAKER pro tempore (Mr. WEINER). Without objection, 5-minute voting will continue.

There was no objection.

**SUPPORTING SOCIAL WORK
MONTH AND WORLD SOCIAL
WORK DAY**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1167, 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 gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1167.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 11, as follows:

[Roll No. 121]

YEAS—419

Ackerman Davis (KY) Jordan (OH)
 Aderholt Davis (TN) Kagen
 Adler (NJ) DeFazio Kanjorski
 Akin DeGette Kaptur
 Alexander Delahunt Kennedy
 Altmire DeLauro Kildee
 Andrews Dent Kilpatrick (MI)
 Arcuri Diaz-Balart, L. Kilroy
 Austria Diaz-Balart, M. Kind
 Baca Dicks King (IA)
 Bachmann Dingell King (NY)
 Bachus Doggett Kingston
 Baird Donnelly (IN) Kirk
 Baldwin Doyle Kirkpatrick (AZ)
 Barrow Dreier Kissell
 Bartlett Driehaus Klein (FL)
 Barton (TX) Duncan Kline (MN)
 Bean Edwards (MD) Kosmas
 Becerra Edwards (TX) Kratovil
 Berkley Ehlers Kucinich
 Berman Ellison Lamborn
 Berry Ellsworth Lance
 Biggert Emerson Langevin
 Bilbray Eshoo Larsen (WA)
 Billirakis Etheridge Larson (CT)
 Bishop (GA) Fallin Latham
 Bishop (NY) Farr LaTourette
 Bishop (UT) Fattah Latta
 Blackburn Filner Lee (CA)
 Blumenauer Flake Lee (NY)
 Blunt Fleming Levin
 Boccieri Forbes Lewis (CA)
 Boehner Fortenberry Lewis (GA)
 Bonner Foster Linder
 Bono Mack Foxx Lipinski
 Boozman Frank (MA) LoBiondo
 Boren Franks (AZ) Loebsack
 Boswell Frelinghuysen Lofgren, Zoe
 Boucher Fudge Lowey
 Boustany Gallegly Lucas
 Boyd Garamendi Luetkemeyer
 Brady (PA) Garrett (NJ) Luján
 Brady (TX) Gerlach Lummis
 Braley (IA) Giffords Lungren, Daniel
 Broun (GA) Gingrey (GA) E.
 Brown, Corrine Gonzalez Lynch
 Brown-Waite, Goodlatte Mack
 Ginny Gordon (TN) Maffei
 Buchanan Granger Maloney
 Burgess Graves Manullo
 Burton (IN) Grayson Marchant
 Butterfield Green, Al Markey (MA)
 Buyer Green, Gene Marshall
 Calvert Griffith Matheson
 Camp Grijalva Matsui
 Campbell Guthrie McCarthy (CA)
 Cantor Gutierrez McCarthy (NY)
 Cao Hall (NY) McCaul
 Capito Hall (TX) McClintock
 Capps Halvorson McCollum
 Capuano Hare McCotter
 Cardoza Harman McDermott
 Carnahan Harper McGovern
 Carney Hastings (FL) McHenry
 Carson (IN) Hastings (WA) McIntyre
 Carter Heinrich McKeon
 Cassidy Heller McMahan
 Castle Hensarling McMorris
 Castor (FL) Herger Rodgers
 Chaffetz Herseth Sandlin McNerney
 Chandler Higgins Meek (FL)
 Childers Hill Meeks (NY)
 Chu Himes Melancon
 Clarke Hinchey Mica
 Clay Hinojosa Michaud
 Cleaver Hirono Miller (FL)
 Clyburn Hodes Miller (MI)
 Coble Hoekstra Miller (NC)
 Coffman (CO) Holden Miller, Gary
 Cohen Holt Miller, George
 Cole Honda Minnick
 Conaway Hoyer Mitchell
 Connolly (VA) Hunter Mollohan
 Conyers Inglis Moore (KS)
 Cooper Inslee Moore (WI)
 Costa Israel Moran (KS)
 Costello Issa Moran (VA)
 Courtney Jackson (IL) Murphy (CT)
 Crenshaw Jackson Lee Murphy (NY)
 Crowley (TX) Murphy, Patrick
 Culberson Jenkins Murphy, Tim
 Cummings Johnson (GA) Myrick
 Dahlkemper Johnson (IL) Nadler (NY)
 Davis (AL) Johnson, E. B. Napolitano
 Davis (CA) Johnson, Sam Neal (MA)
 Davis (IL) Jones Neugebauer

Nunes Roskam Stearns
 Nye Ross Stupak
 Oberstar Rothman (NJ) Sullivan
 Obey Roybal-Allard Sutton
 Olson Royce Tanner
 Olver Ruppersberger Taylor
 Ortiz Rush
 Owens Ryan (OH) Teague
 Pallone Ryan (WI) Terry
 Pascrell Salazar Thompson (CA)
 Pastor (AZ) Sánchez, Linda Thompson (MS)
 Paul T. Thompson (PA)
 Paulsen Sanchez, Loretta Thornberry
 Payne Sarbanes Tiahrt
 Pence Scalise Tierney
 Perlmutter Schakowsky Titus
 Perriello Schauer Tomko
 Peters Schiff Towns
 Peterson Schmidt Tsongas
 Petri Schock Turner
 Pingree (ME) Schwartz Upton
 Pitts Scott (GA) Van Hollen
 Platts Scott (VA) Velázquez
 Poe (TX) Sensenbrenner Visclosky
 Polis (CO) Serrano Walden
 Pomeroy Sessions Walz
 Posey Sestak Wamp
 Price (CA) Shadegg Wasserman
 Price (NC) Shea-Porter Schultz
 Putnam Sherman Waters
 Quigley Shimkus Watson
 Radanovich Shuler Watt
 Rahall Shuster Waxman
 Rangel Simpson Weiner
 Rehberg Sires Welch
 Reichert Skelton Westmoreland
 Reyes Slaughter Whitfield
 Richardson Smith (NE) Wilson (OH)
 Rodriguez Smith (NJ) Wilson (SC)
 Roe (TN) Smith (TX) Wittman
 Rogers (AL) Smith (WA) Wolf
 Rogers (KY) Snyder Woolsey
 Rogers (MI) Souder Wu
 Rohrabacher Space Yarmuth
 Rooney Speier Young (AK)
 Ros-Lehtinen Spratt

132, answered "present" 6, not voting 13, as follows:

[Roll No. 122]

YEAS—279

NOT VOTING—11
 Barrett (SC) Deal (GA) Schrader
 Bright Engel Stark
 Brown (SC) Gohmert Young (FL)
 Cuellar Markey (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1135

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.

Stated for:
 Mr. BRIGHT. Madam Speaker, on rollcall No. 121, had I been present, I would have voted "yea."

CONGRATULATING UNIVERSITY OF MARYLAND MEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1184, 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 gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1184.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 279, nays

Ackerman Gonzalez Murphy, Tim
 Adler (NJ) Myrick
 Alexander Goodlatte Nadler (NY)
 Andrews Graves Napolitano
 Arcuri Grayson Neal (MA)
 Baca Green, Al Nye
 Bachus Gutierrez Obey
 Baird Hall (NY) Oliver
 Baldwin Hall (TX) Ortiz
 Barrow Halvorson Owens
 Bartlett Hare Pallone
 Barton (TX) Harman Pascrell
 Bean Hastings (FL) Pastor (AZ)
 Becerra Heinrich Payne
 Berkley Herseth Sandlin Perlmutter
 Berman Higgins Perriello
 Berry Hill Peters
 Bilirakis Himes Peterson
 Bishop (GA) Hinchey Pingree (ME)
 Bishop (NY) Hinojosa Pitts
 Bishop (UT) Blumenauer Hirono
 Blackburn Hodes
 Blumenauer Boccieri Holden
 Blunt Bonner Holt
 Boccieri Boren Price (NC)
 Boehner Bowers Quigley
 Bonner Boswell Radanovich
 Bono Mack Inslee Rangel
 Boozman Israel Jackson (IL)
 Boren Jones Jackson Lee
 Boswell Kanjorski (TX)
 Boucher Kaptur Reichert
 Boustany Kennedy Reyes
 Boyd Capuano Johnson (GA)
 Brady (PA) Cardoza Johnson, E. B.
 Brady (TX) Carnahan Jones
 Braley (IA) Butterfield
 Broun (GA) Cao Kanjorski
 Brown, Corrine Capito Kaptur
 Brown-Waite, Capps Kennedy
 Ginny Gordon (TN) Capuano Ruppersberger
 Buchanan Granger Kilpatrick (MI)
 Burgess Graves Kilroy
 Burton (IN) Grayson Kind
 Butterfield Green, Al Kirk
 Buyer Green, Gene Kirkpatrick (AZ)
 Calvert Griffith Matheson T.
 Camp Grijalva Matsui Sanchez, Loretta
 Campbell Guthrie McCarthy (CA) Sarbanes
 Cantor Gutierrez McCarthy (NY) Schakowsky
 Cao Hall (NY) McCaul Schauer
 Capito Hall (TX) McClintock Schmidt
 Capps Halvorson McCollum Schwartz
 Capuano Hare McCotter Scott (GA)
 Cardoza Harman McDermott Scott (VA)
 Carnahan Harper McGovern Serrano
 Carney Hastings (FL) McHenry Skelton
 Carson (IN) Hastings (WA) McIntyre Slaughter
 Carter Heinrich McKeon Smith (NJ)
 Cassidy Heller McMahan Smith (WA)
 Castle Hensarling McMorris Snyder
 Castor (FL) Herger Rodgers Space
 Chaffetz Herseth Sandlin McNerney Speier
 Chandler Higgins Meek (FL) Spratt
 Childers Hill Meeks (NY) Stupak
 Chu Himes Melancon Sutton
 Clarke Hinchey Mica Tanner
 Clay Hinojosa Michaud Taylor
 Cleaver Hirono Miller (FL) Teague
 Clyburn Hodes Miller (MI) Terry
 Coble Hoekstra Miller (NC) Thompson (CA)
 Coffman (CO) Holden Miller, Gary Thompson (MS)
 Cohen Holt Miller, George Thompson (PA)
 Cole Honda Minnick Tierney
 Conaway Hoyer Mitchell Titus
 Connolly (VA) Hunter Mollohan Towns
 Conyers Inglis Moore (KS) Tsongas
 Cooper Inslee Moore (WI) Van Hollen
 Costa Israel Moran (KS) Velázquez
 Costello Issa Moran (VA) Visclosky
 Courtney Jackson (IL) Murphy (CT) Walz
 Crenshaw Jackson Lee Murphy (NY) Wasserman
 Crowley (TX) Murphy, Patrick Schultz
 Culberson Jenkins Murphy, Tim Waters
 Cummings Johnson (GA) Myrick Watson
 Dahlkemper Johnson (IL) Nadler (NY) Watt
 Davis (AL) Johnson, E. B. Napolitano Weiner
 Davis (CA) Johnson, Sam Neal (MA) Welch
 Davis (IL) Jones Neugebauer Wilson (OH)

Wilson (SC)	Wolfe	Wu
Wittman	Woolsey	Yarmuth

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

This bill was introduced by the gentlewoman from California, Representative MARY BONO MACK, on December 7, 2009. It was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on March 4, 2010.

NAYS—132

Aderholt	Gohmert	Moran (KS)
Akin	Granger	Neugebauer
Altmire	Griffith	Nunes
Austria	Guthrie	Olson
Bachmann	Harper	Paul
Biggart	Hastings (WA)	Paulsen
Bilbray	Heller	Petri
Bishop (UT)	Hensarling	Poe (TX)
Blackburn	Herger	Posey
Boehner	Hoekstra	Price (GA)
Bono Mack	Hunter	Putnam
Boozman	Inglis	Rahall
Boustany	Issa	Roe (TN)
Brady (TX)	Jenkins	Rogers (AL)
Broun (GA)	Johnson (IL)	Rogers (KY)
Brown-Waite,	Johnson, Sam	Rogers (MI)
Ginny	Jordan (OH)	Rohrabacher
Burgess	King (IA)	Rooney
Burton (IN)	King (NY)	Ros-Lehtinen
Buyer	Kingston	Roskam
Calvert	Kline (MN)	Royce
Camp	Lance	Ryan (WI)
Campbell	Latta	Scalise
Carter	Lee (NY)	Schock
Cassidy	Lewis (CA)	Sensenbrenner
Chaffetz	Linder	Sessions
Coffman (CO)	Lucas	Shadegg
Cole	Luetkemeyer	Shimkus
Conaway	Lummis	Shuster
Davis (KY)	Lungren, Daniel	Simpson
Diaz-Balart, L.	E.	Smith (NE)
Diaz-Balart, M.	Mack	Smith (TX)
Dreier	Manzullo	Souder
Duncan	Marchant	Stearns
Ehlers	McCarthy (CA)	Sullivan
Fallin	McClintock	Thornberry
Flake	McCotter	Tiahrt
Fleming	McHenry	Tiberi
Forbes	McKeon	Turner
Fortenberry	McMorris	Upton
Foxo	Rodgers	Walden
Franks (AZ)	Mica	Wamp
Frelinghuysen	Miller (FL)	Westmoreland
Gallely	Miller (MI)	Whitfield
Gingrey (GA)	Miller, Gary	Young (AK)

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 later.

ROY WILSON POST OFFICE

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4214) to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4214

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

SECTION 1. ROY WILSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, shall be known and designated as the "Roy Wilson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Roy Wilson Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. 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 Missouri?

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4214, a bill to designate the facility of the U.S. Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office." The late Roy Wilson devoted his career to public service, serving as county supervisor for Riverside County, California, for 15 years. This followed 17 years of service on the Palm Desert City Council.

His passing last August brought a great deal of sadness to his colleagues, his staff, and his community. He is remembered for working with his colleagues to find common ground and to seek compromise. His hard work earned the respect and trust of his colleagues and constituents, and today, with this measure, we honor his life and service.

Madam Speaker, I urge my colleagues to join me in supporting this measure.

I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 4214, designating the facility of the United States Post Office located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office."

I think my illustrious colleague from Missouri said it very well. I think there is no reason to repeat more. Mr. Wilson served his community in many ways. As a former county supervisor myself, I think it is very appropriate to recognize how important that level of government, the county government, especially in California, is, and the many years of service that Mr. Wilson gave his community, not just as a county supervisor but in many other forms that are quite appropriate.

I am proud to join the gentleman from Missouri and the gentlelady, MARY BONO MACK, from California, in supporting this resolution.

I reserve my time.

Mr. CLAY. Madam Speaker, I have no speakers, so I will continue to reserve.

Mrs. BONO MACK. Madam Speaker, I rise today to honor the memory and legacy of a dear friend and selfless public leader. Serving one of our State's fastest growing regions, Riverside County Supervisor Roy Wilson passed away in August after many years of service to our community. I consider it a great privilege to honor this remarkable and humble man by naming a post office located in Supervisor Wilson's home town of Palm Desert, CA, as the Roy Wilson Post Office.

Some of my colleagues representing nearby Districts in southern California may remember Roy Wilson and his many years of outstanding work on behalf of residents of our region. His integrity and steady leadership was invaluable and he has been missed by all who knew and loved him. Our thoughts and prayers continue to be with his loving wife, Aurora, and the rest of his family.

Roy Wilson represented the 4th District of Riverside County for 15 years, following 17 years of service on the Palm Desert City Council. Roy worked on many issues important to members of our community such as improving air quality, providing valuable education, and reducing spending to help strengthen the county's budget.

For many years, Roy Wilson taught at our local community college, College of the Desert, in Palm Desert, California. This campus has for decades been an important educational resource to local residents wishing to pursue higher education. Roy was instrumental in helping the campus grow and excel.

In addition, Roy Wilson worked to help protect the environment in our region through his

ANSWERED "PRESENT"—6

Chandler	Green, Gene	Marshall
DeFazio	Kagen	Oberstar

NOT VOTING—13

Barrett (SC)	Doyle	Stark
Brown (SC)	Engel	Waxman
Cantor	Grijalva	Young (FL)
Cuellar	Pence	
Deal (GA)	Schrader	

□ 1143

Messrs. ROGERS of Michigan, LANCE, and SMITH of Texas changed their vote from "yea" to "nay."

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.

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 11 o'clock and 44 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1347

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Ms. MCCOLLUM) at 1 o'clock and 47 minutes p.m.

service of 22 years on the governing board of the South Coast Air Quality Management District. Our desert community attracts residents and visitors through its natural beauty, hiking trails and mountainous views. Through Roy Wilson's leadership, he truly helped preserve the health and well-being of our unique environment.

In recent years, as our County faced significant financial challenges, Roy moved to rein in spending in order to help improve the budget—difficult, but necessary in these financially troubling times.

The many capacities in which Roy worked to the betterment of our community are clear, but his humble leadership is what truly made him so unique and effective. Roy was able to engage in both sides of any discussion and truly earned the trust and respect of many local residents and leaders.

As a cherished member of our community, where many residents called him a friend and neighbor, this postal naming would be a special tribute to the late Supervisor Roy Wilson.

I ask that my colleagues join me in honoring this exceptional man and helping me and residents living in our community honor his life and legacy.

I'd like to thank Subcommittee Chairman LYNCH and Ranking Member CHAFFETZ for their help in moving this bill forward.

Mr. BILBRAY. Madam Speaker, in the spirit of cooperation with the leadership, I will at this time yield back my time, and I ask for support of the bill.

Mr. CLAY. I thank my friend from California (Mr. BILBRAY) for joining me in urging our colleagues to recognize the life and work of Roy Wilson by supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4214.

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. CLAY. 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.

PLAIN WRITING ACT OF 2010

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 946

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 "Plain Writing Act of 2010".

SEC. 2. PURPOSE.

The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) COVERED DOCUMENT.—The term "covered document"—

(A) means any document that—

(i) is relevant to obtaining any Federal Government benefit or service or filing taxes;

(ii) provides information about any Federal Government benefit or service; or

(iii) explains to the public how to comply with a requirement the Federal Government administers or enforces;

(B) includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction; and

(C) does not include a regulation.

(3) PLAIN WRITING.—The term "plain writing" means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) PREPARATION FOR IMPLEMENTATION OF PLAIN WRITING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the head of each agency shall—

(A) designate 1 or more senior officials within the agency to oversee the agency implementation of this Act;

(B) communicate the requirements of this Act to the employees of the agency;

(C) train employees of the agency in plain writing;

(D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this Act;

(E) create and maintain a plain writing section of the agency's website that is accessible from the homepage of the agency's website; and

(F) designate 1 or more agency points-of-contact to receive and respond to public input on—

(i) agency implementation of this Act; and

(ii) the agency reports required under section 5.

(2) WEBSITE.—The plain writing section described under paragraph (1)(E) shall—

(A) inform the public of agency compliance with the requirements of this Act; and

(B) provide a mechanism for the agency to receive and respond to public input on—

(i) agency implementation of this Act; and

(ii) the agency reports required under section 5.

(b) REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.—Beginning not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) GUIDANCE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop and issue guidance on implementing the requirements of this section. The Director may designate a lead agency, and may use interagency working groups to assist in developing and issuing the guidance.

(2) INTERIM GUIDANCE.—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

(A) the writing guidelines developed by the Plain Language Action and Information Network; or

(B) guidance provided by the head of the agency that is consistent with the guidelines referred to in subparagraph (A).

SEC. 5. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 9 months after the date of enactment of this Act, the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this Act.

(b) ANNUAL COMPLIANCE REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this Act.

SEC. 6. JUDICIAL REVIEW AND ENFORCEABILITY.

(a) JUDICIAL REVIEW.—There shall be no judicial review of compliance or noncompliance with any provision of this Act.

(b) ENFORCEABILITY.—No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 7. BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR THIS ACT.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. 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 Missouri?

There was no objection.

Mr. CLAY. In recognition of Sunshine Week, today we are considering H.R. 946, legislation aimed at making the government more open and accessible. H.R. 946, the Plain Language Act, was introduced by Representative BRUCE BRALEY of Iowa. This bill requires agencies to use plain writing in government documents.

The administration recently issued a directive on open government. One of the simple principles of the directive is that information should be accessible. This is the aim of this bill. This bill will make information more accessible by requiring agencies to write documents in a way that is clear and easily understood. We often focus on the need to make information available, but even if the information is available, it isn't useful unless it can be understood.

AARP wrote a letter supporting this bill. And it says, "the use of plain language in documents issued to the public will save the Federal Government

an enormous amount of time now spent helping citizens understand the correspondence they receive. It will also reduce errors in the public's response to the information the government sends out, as well as minimize complaints from frustrated citizens trying to decipher overly dense and nontransparent communications."

Madam Speaker, I urge my colleagues to support this worthy bill.

I reserve the balance of my time.

Mr. BILBRAY. Madam Speaker, I rise in support of the bill. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I want to join with my colleague from Missouri in supporting this bill. I really think that we need to see more bills like this. Plain language sounds so simple, but for so long the American people have been asking for Washington to do what it tells everyone else to do, and that is reform itself. You shouldn't have to hire a lawyer to be able to understand what the government is telling you or doing, and sadly that has been historically the fact. And I want to thank the author of this bill for bringing this forward.

I hope that this is the beginning of the melting of the gridlock of always trying to not change the way Washington operates. I hope this is the beginning of saying, before we ask the private citizens to change the way they live their lifestyle, the way they act, before we start asking the private sector to reform their way of operation, we should lead through example by changing the way Washington operates and the way the Federal Government relates not just to its services but to its constituency. And I think this bill does that.

I think one of the greatest frustrations that we find in the American people today is the fact that they feel that Washington is disconnected. And a bill like this points out how disconnected, that when we can't even send out notices to inform our citizens of what is going on, what they need to do, or what is possible—we can't even do it in plain language. We have to do it in a legalese that may sound good here in Washington, but it is not understood out in the real streets of America.

So I ask my colleagues, again, to use this as an example of just the first of many. And so we can look at not just reforming how we communicate, but how we govern, how we represent, and how we tell the American people we really do finally care enough to change the way we are operating, and that for once, Washington is going to lead through example rather than edict.

I would again compliment the author and the Representative of the majority for bringing this forward.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield to the chief sponsor of this legislation, my friend from Iowa, Representative BRALEY, as much time as he may consume.

Mr. BRALEY of Iowa. I thank my friend from Missouri for giving me time to speak on this bill. I thank my colleague from California for his impassioned support of this bill, because I believe this is the little-engine-that-could in terms of how we change the way that the Federal Government communicates with American citizens. And I think the people would find it surprising to know that somebody who spent his life practicing law would be introducing this bill. But the amazing thing is I was introduced to the concept of plain language in the Iowa Supreme Court's 1983 decision requiring all jury instructions to be written in plain language so that people could understand how their laws impact things.

That's why this bill is so important, because it gives the government the responsibility to communicate effectively with the citizens that we serve.

One of the things that is so amazing is that when you look at most government publications, you would think they were not written for their intended audience. And that is the basic premise of the plain language movement. It's when you write, you think about your intended audience and how you communicate effectively with them in words they can understand.

□ 1400

This bill requires the Federal Government to write documents, such as letters from the Social Security Administration, notices from the Department of Veterans Affairs, in simple, easy-to-understand language.

When I first introduced this bill in the 110th Congress, I was pleased when it passed the House floor by a vote of 376-1. Unfortunately, it was never taken up by the Senate. I am hopeful and confident that this time around it will be considered by the Senate and signed into law so that the public will get the kind of government service they deserve.

As my colleague has pointed out, a large array of organizations who deal with our constituents that are impacted by Federal policies support this movement. And I want to thank the Oversight and Government Reform chairman, my colleague, ED TOWNS, and Ranking Member DARRELL ISSA for their support of this important bill and also thank Oversight Government Reform staffer Krista Boyd for all of her help in making this happen.

Anyone who has done their own taxes knows the headache of trying to understand pages and pages of confusing forms and instructions. There is no reason why this bill can't eliminate Federal gobbledygook. And we can honor our friend and former colleague, Maury Maverick, Sr., who coined the phrase "gobbledygook" in describing bureaucratic language that is as hard to understand as the call of wild turkeys in his native Texas.

I would also remind my colleagues that this plain language in government communications has been incorporated

into the Senate-passed health care bill, it was incorporated into the House-passed health care bill, and it is important that we move forward from this point in changing the way that government speaks to its citizens.

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

Again, I would like to thank the author. And let me clarify: there are many of us who could explain what the turkeys are talking about in Texas, but I don't think it is appropriate on this floor.

But I have to say that you are right, so much of this documentation is written where the public can't understand it. And, to be blunt about it, as somebody who has worked in government since I was 24, they don't want the public to understand. They purposely think that legalese and elite discussion and text is some way to be able to safeguard traditional government structures; and I think that this breaks down that, and I think you would agree.

I will say this as a former mayor. If a city manager sent out a letter to a constituent of a mayor or city council member in the manner that the Federal Government sends it out, that city manager wouldn't be employed for very long. I think that is the same standard that we should hold for the Federal Government. If it isn't appropriate for our council members or mayors or our school district representatives to send out those kinds of information, to have that kind of relationship between the constituency and the taxpayer and the government, then, doggone it, it shouldn't be appropriate for the Federal Government to think that somehow we are so high and mighty that we can't break down and finally start using plain speech and straight talk. And I think that is what your bill starts with, and I think it is a step in the right direction. I just hope to see us follow through.

And I will say this personally: my wife is a tax consultant, and I would love to see the day that we make the IRS and tax consultants obsolete so I can see more of my wife during certain times, put them both out of business. And maybe this is one step there.

I yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. I think you have hit on a very important point and, that is, we don't realize how much time and money are wasted by people trying to figure out forms that they can't understand. They call Federal agencies, they go into phone trees where they go on hold and they wait and wait and wait. This can be small business owners. It can be elected officials at the level that you are talking about, because a lot of the policy we set intersects with local and State government agencies. And, because of that, by improving the quality of information we are providing at the outset, it is going to greatly reduce the demands on many Federal employees.

And that is another side effect of this legislation.

I can't agree more with you that it is important to take this step now so that we can start to send a message that we are serious about improved transparency in our communications with our constituents, and I think that it is great that we are moving forward in a bipartisan step to do that.

Mr. BILBRAY. Reclaiming my time, I would actually even ask the gentleman to take a look at the fact that it is sad that in the United States, that if you go to the translated interpretations of our government regs, they tend to be much more simply put and much easier to understand than the so-called English legalese that is being put out there. So I think the challenge is really one that is long and weighty, and so I thank you very much for it.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Members are gently reminded to address their remarks to the Chair.

Mr. CLAY. Madam Speaker, I would like to now yield 3 minutes to the distinguished chairman of the House Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Madam Speaker, I would like to first thank the chair of the subcommittee, and of course the ranking member of the full committee, Congressman ISSA, and of course Congressman CLAY who chairs the subcommittee, and Congressman BILBRAY who is the ranking member of the subcommittee, and Congressman BRALEY who was really responsible for us being here today to move this legislation forward.

This is Sunshine Week, and this is sunshine legislation. This bill requires government documents to be in plain writing. The bill defines plain writing as writing that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain writing.

Requiring government documents to be written clearly will make it easier for Americans to understand government communications, and it will make the Federal Government more accountable.

President Clinton issued a memo in 1998 directing the agencies to write documents in plain language. Twelve years have passed since that memo was written, and most agencies are still not taking the issue very seriously. But I think this legislation will let them know that this is something that we are not going to walk away from. It is important that they follow through.

In a letter supporting this bill, the American College of Physicians Foundation wrote: "We frequently hear from our members that they have trouble understanding some government letters and forms. Our intent is to ensure that government documents cre-

ated for consumers are clearly and plainly written."

H.R. 946 was amended during committee consideration to focus the scope of the bill on the type of documents that are most in need of attention. As amended, the bill requires agencies to use plain writing in documents that deal with the Federal benefits or services. This means, for example, that the Department of Health and Human Services will have to use plain writing when it issues instructions under the Medicare prescription drug program; and I think that is so important.

The bill also requires the IRS to write tax documents in plain writing, and it requires agencies to use plain writing in documents that explain how to comply with the Federal requirements. This will make it easier for Americans, especially small businesses, to comply with the law.

In a letter supporting H.R. 946, a group of small business organizations wrote: "Small business owners strive to adhere to a vast array of Federal obligations but often have difficulty deciphering what is being required of them."

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

Mr. CLAY. Madam Speaker, I yield an additional 30 seconds.

Mr. TOWNS. The use of plain language is a commonsense approach to saving the Federal Government money, and small business owners time, effort, and money. This legislation makes good sense, it is good government, and I encourage my colleagues to support it.

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

I just want to use this instance to thank Chairman TOWNS. At a time when the American people are crying out for bipartisan effort, I think his leadership on a very critical committee, the Oversight Committee, has been stellar in a manner that the rest of America I think would love to see the rest of this town operate as well as your committee does, Mr. Chairman. And thank you very much for that bipartisan effort, including everyone in the process.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I am prepared to close.

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

Again, I call on all of us to vote together to support this bill and to use it as a marker for more progress at clarifying and opening up the government process and allowing the average citizen to participate. And the only way to do that is for Washington to change the way we do business.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, in closing, let me first thank the gentleman from California for his comments and remarks about common sense and disclosure.

The bill requires each agency to train its employees in plain writing and to report annually on the agency's efforts to comply with this act.

Under this bill, each agency must devote a section of its Web site to its plain writing efforts. Agencies also must provide a way for members of the public to provide input. This will allow small businesses or other members of the public to highlight particular documents that are complex or confusing. This bill will make the government more transparent and efficient, and I urge my colleagues to support it.

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 Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 946, as amended.

The question was taken.

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

Mr. CLAY. 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.

ELECTRONIC MESSAGE PRESERVATION ACT

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1387) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1387

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 "Electronic Message Preservation Act".

SEC. 2. PRESERVATION OF ELECTRONIC MESSAGES.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—

(1) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

"§ 2911. Electronic messages

"(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic messages that are records. Such regulations shall, at a minimum—

"(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33 of this title;

"(2) require that such electronic records are readily accessible for retrieval through electronic searches;

"(3) establish mandatory minimum functional requirements for electronic records

management systems to ensure compliance with the requirements in paragraphs (1) and (2);

“(4) establish a process to certify that Federal agencies’ electronic records management systems meet the functional requirements established under paragraph (3); and

“(5) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

“(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

“(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

“(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

“(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

“(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency’s compliance with the regulations promulgated under this section.

“(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 44, United States Code, is amended by adding after the item relating to section 2910 the following new item:

“2911. Electronic messages.”.

(b) DEFINITIONS.—Section 2901 of title 44, United States Code, is amended—

(1) by striking “and” at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(16) the term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

“(17) the term ‘electronic records management system’ means software designed to manage electronic records, including by—

“(A) categorizing and locating records;

“(B) ensuring that records are retained as long as necessary;

“(C) identifying records that are due for disposition; and

“(D) ensuring the storage, retrieval, and disposition of records.”.

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following:

“(5) provisions for establishing standards necessary for the economical and efficient management of electronic Presidential records during the President’s term of office, including—

“(A) records management controls necessary for the capture, management, and preservation of electronic messages;

“(B) records management controls necessary to ensure that electronic messages are readily accessible for retrieval through electronic searches; and

“(C) a process to certify the electronic records management system to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).”.

(2) DEFINITION.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraphs:

“(5) The term ‘electronic messages’ has the meaning provided in section 2901(16) of this title.

“(6) The term ‘electronic records management system’ has the meaning provided in section 2901(17) of this title.”.

(b) CERTIFICATION OF PRESIDENT’S MANAGEMENT OF PRESIDENTIAL RECORDS.—

(1) CERTIFICATION REQUIRED.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

“§ 2208. Certification of the President’s management of Presidential records

“(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the electronic records management controls established by the President meet requirements under sections 2203(a) and 2206(5) of this title.

“(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

“2208. Certification of the President’s management of Presidential records.”.

(c) REPORT TO CONGRESS.—Section 2203(f) of title 44, United States Code, is amended by adding at the end the following:

“(4) One year following the conclusion of a President’s term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

“(A) the volume and format of electronic Presidential records deposited into that President’s Presidential archival depository; and

“(B) whether the electronic records management controls of that President met the requirements under sections 2203(a) and 2206(5) of this title.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall apply to all National Archives and Records Administration facilities authorized to store classified records and include the following prohibitions:

(1) No person, other than covered personnel, shall view classified records in any room that is not secure except in the presence of National Archives and Records Administration personnel or under video surveillance.

(2) No person, other than covered personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than covered personnel, shall conduct any review of classified records while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to review classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons other than covered personnel during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility until such notes and other writings are determined to be unclassified, are declassified, or are securely transferred to another secure facility.

(b) DEFINITIONS.—In this section:

(1) The term “records” has the meaning provided in section 3301 of title 44, United States Code.

(2) The term “covered personnel” means any individual—

(A) who has an appropriate and necessary reason for accessing classified records, as determined by the Archivist; and

(B) who is either—

(i) an officer or employee of the Federal Government with appropriate security clearances; or

(ii) any personnel with appropriate security clearances of a Federal contractor authorized in writing to act for purposes of this section by an officer or employee of the Federal Government.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

“(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) of this title if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.”.

SEC. 6. BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR THIS ACT.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 1387, the Electronic Message Preservation Act, is another open-government bill that we are considering in celebration of Sunshine Week. This bill modernizes the requirements of the Federal Records Act and the Presidential Records Act to ensure that Federal agencies and the White House preserve emails and other electronic messages. H.R. 1387 was introduced by Representative HOLT, and it is substantially similar to H.R. 5811, a bill that passed the House last year with bipartisan support.

This bill requires agencies and the White House to adopt and maintain records management and retention policies that are consistent with modern technology. Under current law, Federal agencies have broad discretion to determine how electronic messages are preserved.

In a 2008 report, the Government Accountability Office found that many agencies rely on unreliable "print and file" systems for preserving electronic records, including email. GAO reviewed the practices of senior agency officials and determined that emails were not retained in adequate recordkeeping systems, making the email records easier to lose or delete and harder to find and use.

Last week, the National Security Archive awarded its sixth annual Rosemary Award for worst open-government performance to the Chief Information Officers Council. The council was chosen because it has never addressed the failure of the government to save its email electronically.

H.R. 1387 directs the Archivist of the United States to issue regulations requiring agencies to preserve emails in an electronic format. These regulations must cover, at a minimum, the capture, management, preservation, and electronic retrieval of electronic messages.

□ 1415

The bill requires the Archivist to establish a process to certify the electronic records management systems used by the agencies.

At this time, Madam Speaker, I would urge my colleagues to join in passage of this bill, and I reserve the balance of my time.

Mr. BILBRAY. Madam Speaker, I rise in support of the bill. I yield myself such time as I may consume.

Madam Speaker, this is a classic example of trying to work together to open up the system, allow the transparency that the American people are demanding, and I strongly support its intention and its execution.

Madam Speaker, you may remember, when we got here in 1995, that there were Members of Congress who could not understand the concept of sending

electronic emails between offices or outside. It was alien to Washington to be so technologically plugged in. It just shows you how times have changed. Now we're finally starting to address the technology. I think the gentleman from Missouri even recognized that we need to really push harder at opening up the system, embracing the new technologies that allow not only the public to know better, but also the representatives of the public to be able to function in a much more efficient manner.

This bill is truly one that we have been trying to work on for years. It's one that was controversial in certain circles, but I think it's one that we need to move forward with. I hope, again, that this is another one of those steps that the Government Oversight Committee is looking to to set an example for the rest of the Congress and the rest of Washington to find reasons to get to "yes," to find reasons to work together, and to find reasons to do it better. I think that that is one thing we can do here.

Madam Speaker, I have to say while speaking on this item that it's sad that, on the down side, we have been trying for over a decade to do something the new President has talked a lot about, and that's using e-technology for electronic medical records. And the fact is, the Federal Government has been trying to develop that for our veterans and our active duty military for over a decade and still has not been able to implement it. So I hope this is one step towards becoming comfortable with reviving, restoring, and really redesigning the way we approach e-technology and new technology and that we will embrace it rather than being terrified by it, like some people were in the nineties when we showed up.

I reserve the balance of my time.

Mr. CLAY. I couldn't agree more with my friend from California. We hope this is the impetus to spur the development—the successful development of electronic medical records, because we know what the savings would mean to our health care system and we know that it can possibly save lives by reducing errors.

So at this time, Madam Speaker, I'd like to yield 2 minutes to the distinguished chairman of the Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I thank the chair of the subcommittee for yielding and thank Congressman BILBRAY from California for his work on this committee, and Congressman HODES, and of course the ranking member of the full committee, Congressman ISSA. I think that when you work together, you can come up with strong legislation that can truly make a difference. I also would like to thank the staff who worked on this legislation as well.

I think that when we look at electronic records, when we look at infor-

mation that needs to be preserved, I really feel that this legislation gets us to where we need to go. I think now, more than ever, we have to make certain that this information is held at least for a certain period of time so people can make an assessment to see in terms of where we might have made mistakes, they can now correct them.

So I want to salute you for the work you have done, Chairman CLAY, and of course Ranking Member BILBRAY, and of course all the staff members who worked so hard to bring us to where we are today.

Mr. BILBRAY. Madam Speaker, I would like to close by thanking the ranking member and full committee chairman for allowing the minority to participate in the formation of this bill. There are so many committees that aren't allowing the minority to participate. I think this is really a nice example of the cooperation that I think the American people want to see and don't see enough of. I want to thank the chairman and ranking member for allowing us to participate in the process.

I yield back the balance of my time.

Mr. CLAY. Let me also thank the ranking member for his participation. As we have stated earlier, this is Sunshine Week. It's time for openness and accountability. I appreciate participating with you in these series of bills.

In closing, let me also mention that in this bill we are also considering an amendment that makes a number of drafting corrections suggested by the National Archives. For example, the amendment clarifies that the bill addresses electronic Presidential records rather than all Presidential records. H.R. 1387 will make the government more accountable by protecting an important part of the historical record, and I urge every Member to join me in supporting this legislation.

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 Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1387, 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.

SENSIBLE STEPS TOWARD A BALANCED BUDGET ACT

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4825) to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4825

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

SECTION 1. REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.

(a) IN GENERAL.—Notwithstanding any other provision of law, any amounts appropriated for Members' Representational Allowances for the House of Representatives for a fiscal year which remain after all payments are made under such Allowances for the year shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

Mr. BRADY of Pennsylvania. I'm delighted now to bring to the floor this worthy bill offered by my colleague, and yield 3 minutes to the gentleman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. I'm pleased to have the opportunity to discuss the bill I introduced with Mr. PETERS, the Sensible Steps Toward a Balanced Budget Act, legislation that requires that money left over in a Member's Representational Allowance, or MRA, at the end of the fiscal year be deposited in the Treasury and used to reduce the budget deficit or national debt.

As a lifelong resident of greater Arizona, I grew up around hardworking families who knew that, when times get tough, you tighten up your belt and make every dollar count. I brought this sort of thinking with me when I came to Washington last year to represent those same hardworking families. By emphasizing efficiency in my office and focusing on the most critical items, I managed to spend over \$100,000 less than what was authorized of my MRA. I was proud to save the taxpayers money and looked forward to seeing that money used to lower the national debt in this year and for years to come.

Every year, the Legislative Branch Appropriations Subcommittee includes language in its appropriations bill to

require that unspent allowances are used toward the national debt. Given these times, it is important that we make this requirement permanent.

The Sensible Steps Toward a Balanced Budget Act would do three important things. First, it would make the requirement to use unspent MRA funds toward the national debt automatic so that congressional action would no longer be necessary for this important provision to be put into place. Second, it would make the requirement permanent so that Congress does not have to pass another provision year after year. Finally, it would put the power of Federal statute behind this requirement rather than depending upon appropriations language.

In these tough times, we must get on a path of finding every opportunity, big and small, to put our fiscal house in order, and I believe that this bill is a concrete first step the Congress can take in that direction.

Thank you again, Chairman BRADY, for the opportunity to discuss the Sensible Steps Toward a Balanced Budget, and I urge its passage.

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

Today, I rise in support of this bill, which will require unspent funds in a Member's Representational Allowance to be used for deficit reduction, or in the case that no deficit exists, to be used for reduction of an ever-growing Federal debt.

Just as we expect households to manage their budgets well and reduce personal debt, the Federal Government must be prudent in the use of taxpayer dollars and make diligent efforts to reduce the annual deficit and, ultimately, the Federal debt. This bill is one small step toward achieving that purpose; however, I hope, Madam Speaker, that this legislation is only the first step in an effort by this Congress to get our government's fiscal house back in order.

We all know that it is imperative for us to take a serious look at entitlement spending. We cannot wait for another generation to take up this mantle. We were elected to make wise and sometimes difficult decisions, and I hope that the difficulty of the task will not prevent wisdom from prevailing in this matter.

I would like to recognize the tireless efforts of my colleague from Michigan (Mr. CAMP), upon whose leadership we have relied for more than 14 years to carry this issue in the House. Last year, it was Mr. CAMP's provision in the Legislative Branch appropriations bill that required the return of unspent funds to the Treasury for deficit reduction, and I know that his efforts paved the way for this measure to come before the House today.

I am pleased to support this bill and encourage the support of my colleagues.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I'd now like to yield 2 minutes to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. I rise today in strong support of H.R. 4825, and I am proud to have worked closely with Representative KIRKPATRICK on this important issue. We share the belief that government needs to do more with less.

The Sensible Steps Toward a Balanced Budget Act simply requires that all unused funds from each congressional office account, known as the Members Representational Allowance, or MRA, be given back to taxpayers to help reduce the Federal deficit. As our Nation faces a significant budget deficit and a growing national debt, we must look for commonsense solutions to cut spending. As Members of Congress, we must—and can—lead by example.

As a State senator in Michigan, I ran my office so efficiently during my 8 years that I was able to return the equivalent of a full year's operating budget back to Michigan taxpayers. When I came to Congress at the beginning of 2009, I made it a priority to run my office here efficiently, as well, and came in under budget in order to return the difference to taxpayers. Last year, my office came in \$135,000 under budget, and I'm continuing my efforts to save taxpayer dollars at every opportunity.

I was surprised to learn, however, that the money I saved each year would not necessarily be returned to the Treasury to help offset the deficit. This legislation would fix that, so that funding from more frugal Members of Congress can be saved and put back into the Treasury to reduce the deficit.

I believe that fiscal restraint should not be a partisan issue and that we must work together to find every opportunity to slash spending and forge a path toward a balanced budget and a shrinking national debt. This legislation is an important step towards our goal of a balanced budget.

I would, again, like to thank my colleague Representative KIRKPATRICK for her hard work and leadership on this issue, and thank you, Chairman BRADY, for the opportunity to speak about the Sensible Steps Toward a Balanced Budget Act.

I urge its passage.

□ 1430

Mr. HARPER. Madam Speaker, I yield 3 minutes to Representative FLAKE, the distinguished gentleman from Arizona.

Mr. FLAKE. I thank the gentleman for yielding. I want to commend my colleague from Arizona (Mrs. KIRKPATRICK) for introducing this legislation. This would simply turn over to the Treasury for deficit reduction anything left over in our account that is used to run our offices. This is good legislation. It should move forward. I must say, however, that we should go much further than this.

Part of the reason there is money in a lot of people's accounts to turn back is that we are given more than we need, typically because most Members

choose to send out thinly veiled campaign mail, I would assert, under the frank, or using taxpayer dollars. If I were to hold up in an election year—now there are blackout dates, so you can't send too close to an election. But still, spending goes up considerably in Member offices during a campaign year or an election year. If I were to hold up one of my campaign pieces of mail that I pay for with my campaign and something that's sent out that has the little words on there, Paid for at taxpayer expense, they're both four color, they're both colorful, nice pieces, lauding the Member of Congress for what he or she is doing, I defy anybody to tell the difference between regular campaign mail paid by campaign funds and somebody's taxpayer mailings. We shouldn't be doing this. And it seems that we get in our offices just an increased amount that is used because nearly every office does it.

We ought to lower that amount that every office receives or in some way ban the use of these colorful four-color mailings that go out. I am certainly not asserting that Members of Congress shouldn't be able to use the frank, and a lot of the mass mailings that go out are simply to inform constituents of town hall meetings or other events that are coming up. That is proper and right. But when Members of Congress are able to send out what is basically campaign mail at taxpayer expense, that's simply not right, and it's a practice that we ought to get away from.

I should note that over the past several years, it seems to be more blatant and more blatant and more blatant. There are certain words you cannot use describing yourself. There are things that are supposedly in there to prevent this from being blatant campaign mail. But again, if I held up two pieces, one piece of campaign literature and one piece mailed at taxpayer expense, I think the average constituent would have a hard time telling the difference. And that money that we save from getting rid of that practice should be applied against the deficit as well. Again, I thank the gentlelady for introducing this legislation. I hope that in the future we can go further.

Mr. BRADY of Pennsylvania. Madam Speaker, I reserve the balance of my time.

Mr. HARPER. Madam Speaker, I yield 3 minutes to Representative HELLER, the distinguished gentleman from Nevada.

Mr. HELLER. I thank my friend for yielding. Madam Speaker, I rise in support of H.R. 4825. I commend my colleague from Arizona for bringing this legislation to the floor. Our \$12 trillion debt will burden future generations, and this legislation before us today is a good start. But I think Congress must and can do more.

You don't have to go any further than the unemployment rates in this country. As you well know, Madam Speaker, the unemployment rate na-

tionwide is around 10 percent. In my State, it's closer to 13 percent. In fact, in some counties in my district, it exceeds 17 percent. Foreclosure rates are high. Families in my district and throughout my State are losing their homes. Foreclosure rates in Nevada were four times higher than the national average. Families are making tough, tough decisions in the State of Nevada, and they're asking the question, Why aren't we making these same tough decisions here in Washington? And the reason is is that Washington feels no pain. We are in a recession-proof zone here in Washington, D.C. As we have in the last year hired more than 120,000 new Federal employees across this country, States and local governments are cutting their budgets, families are cutting their budgets, small businessmen are cutting their budgets, medium-sized businessmen are cutting their budgets. And yet here in Washington, D.C., we feel no pain. I think sending the unused congressional budget account funds to pay down the debt is one thing, but stopping the growth of this account is another.

The MRA account has grown nearly 50 percent since 2000. I introduced the reduction of irresponsible MRA, or the TRIM Growth Act, to prevent the MRA from increasing during times of high unemployment or public debt. My legislation would prevent the MRA from increasing unless national unemployment is under 6 percent or less for at least 6 months, consistent with the unemployment levels of the 1990s, or unless Congress reduces the national debt to less than \$5.5 trillion, which was a reduction of 50 percent at the time this bill was drafted.

Congress ultimately needs to feel the same pain as the American people. Financial challenges facing our Nation cannot be solved in one day. And as public servants, Members of Congress must lead by example. In addition to passing this legislation today, I urge my colleagues to join me in supporting the TRIM Growth Act. Let's show the Americans who are figuring out their family budgets at the kitchen table today that they are not alone.

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

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself the remaining time.

I strongly support this bill, and I thank my colleagues from Arizona and Michigan for offering it. Not only is it an excellent proposal, but the timing is perfect, as the 2011 appropriations process begins. The annual bill that funds the House usually includes this language, but only if offered in the Appropriations Committee or on the floor, and even then, as legislation, the language is technically subject to a point of order that could block it. Our two colleagues rightly asked, Why should Congress have to enact this provision every year, and why not make it permanent?

So with that, I urge an "aye" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 4825.

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. BRADY of Pennsylvania. 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.

STATE ADMISSION DAY RECOGNITION ACT OF 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3542) to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3542

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 "State Admission Day Recognition Act of 2009".

SEC. 2. FLYING STATE FLAG OVER CAPITOL ON ANNIVERSARY OF STATE'S ADMISSION TO UNION.

(a) IN GENERAL.—To honor the anniversary of each State's admission to the Union, the Architect of the Capitol shall fly the flag of the State over the Capitol each year on the anniversary of the date of the State's admission to the Union.

(b) EFFECTIVE DATE.—The Architect of the Capitol shall fly the first flag of a State over the Capitol under this section on the first December 7 which occurs after the date of the enactment of this Act, in honor of the anniversary of the admission of Delaware, the first State admitted to the Union.

SEC. 3. REGULATIONS.

The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate may promulgate jointly such regulations as may be appropriate to carry out this Act, including regulations permitting the Architect of the Capitol to honor the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana Islands by flying the flag of each such jurisdiction over the Capitol each year on an appropriate date for that jurisdiction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that

all Members have 5 legislative days to revise and extend their remarks in the RECORD on H.R. 3542.

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

There was no objection.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

This bill, introduced by my colleague and ranking member Mr. LUNGREN of California, would commemorate each State's admission to the Union. The bill directs the Architect of the Capitol to fly each State's flag annually on the anniversary date of the State's admission to the Union over the Capitol, beginning with the first State admitted, the State of Delaware.

During markup, the committee by voice vote adopted a perfecting amendment that I offered so that the committee may issue a regulation to provide recognition of the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana Islands by flying the flag of each of these jurisdictions over the Capitol annually on the appropriate date. This amended bill passed through committee by unanimous vote voice and was reported favorably.

I urge its passage.

I reserve the balance of my time.

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

Today I rise in support of this bill, commemorating each of the unique States in our Union. This bill directs the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of that State's admission into the Union. Madam Speaker, the United States of America truly lives up to the motto found on our Great Seal, "e pluribus unum"—out of many, one.

We are a people of many backgrounds, of many ethnicities, and of many characteristics. We are spread out over 50 unique, diverse, and special entities we call States. States allow us to organize ourselves and also give us identities that relate to our geographic and cultural tendencies. Communal bonds are formed over time through just such means. We now have 50 States in this wonderful Union. The first, Delaware, was admitted as a State on December 7, 1787. The last, Hawaii, was admitted August 21, 1959. There were 16 States admitted in the 18th century, 29 States in the 19th century, and five were admitted in the 20th century.

Each flag tells a unique story of its State's history, culture, and inhabitants, which is why my colleague, Representative LUNGREN, the author of this legislation who was unfortunately unable to be here this afternoon, thought we should honor our States in this special way, enumerated in this legislation. I urge my colleagues to support this bill.

I reserve the balance of my time.

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

Mr. BRADY of Pennsylvania. I thank the gentleman from Mississippi. I thank him for his participation on the committee, and I thank the ranking member, Mr. LUNGREN, for his participation in the committee on this bill. I urge a "yes" vote on this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3542, as amended.

The question was taken.

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

Mr. BRADY of Pennsylvania. 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.

AGRICULTURAL CREDIT ACT OF 2009

Mr. BACA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3509) to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3509

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 "Agricultural Credit Act of 2009".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2010" and inserting "2015".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill H.R. 3509.

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

There was no objection.

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

I rise today in support of H.R. 3509, the Agricultural Credit Act of 2009. This bill would reauthorize funding for the State agricultural mediation grant program, which operates under title V

of the Agricultural Credit Act of 1987. The grant program for the agricultural mediation program was established more than 20 years ago to respond to the agricultural crisis of the 1980s. Mediation helped agricultural producers, their creditors, and USDA agencies address disputes through a confidential and nonadversarial process that takes place outside the traditional legal system of foreclosure, appeals or litigation. This bypasses a lot of the bureaucratic red tape that usually comes with resolving these conflicts, saving taxpayers money in the process.

Earlier in the month, the House Agriculture Committee approved this bipartisan legislation by unanimous voice vote. I urge my colleagues to support the extension of this successful initiative.

I reserve the balance of my time.

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

I rise today in support of H.R. 3509, the Agricultural Credit Act of 2009. I'm an original cosponsor of this bill, and I ask my colleagues to join me in voting for this legislation to reauthorize the State agricultural mediation program. The State mediation program provides our farmers and ranchers with a voluntary and low-cost service to mediate disputes that may arise between their creditors and themselves and to address adverse decisions with the USDA. The State programs do this in a confidential and nonadversarial setting outside of the traditional legal process of foreclosure, bankruptcy, appeals, and litigation.

Like most of the country, the agricultural sector is currently experiencing increased financial stress, which has created a greater need for the services of the agricultural mediator program. The Agriculture Committee favorably considered this bill with no opposition, and I ask my colleagues to join me today in supporting the continuation of the USDA agricultural mediation program.

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

Mr. BACA. Madam Speaker, I want to thank the gentleman from Oklahoma for carrying this legislation. I think it's good bipartisan legislation. I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 3509.

The question was taken.

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

Mr. BACA. 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.

□ 1445

FLORIDA NATIONAL FOREST LAND
ADJUSTMENT ACT OF 2009

Mr. BACA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3954) to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes, as amended.

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

H.R. 3954

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 "Florida National Forest Land Adjustment Act of 2009".

SEC. 2. RELEASE OF DEED RESTRICTIONS ON CERTAIN LANDS ACQUIRED UNDER THE BANKHEAD-JONES FARM TENANT ACT IN FLORIDA.

(a) FINDINGS.—Congress finds the following:

(1) Certain lands in the State of Florida were conveyed by the United States to the State under the authority of section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)), and now are part of the Blackwater River and Withlacoochee State Forests.

(2) The lands were conveyed to the State subject to deed restrictions that the lands could be only used for public purposes.

(3) The deed restrictions impede the ability of the State to remedy boundary and encroachment problems involving the lands.

(4) The release of the deed restrictions by the Secretary of Agriculture (hereafter referred to as the "Secretary") will further the purposes for which the lands are being managed as State forests and will alleviate future Federal responsibilities with respect to the lands.

(b) RELEASE REQUIRED.—Subject to valid existing rights, and such reservations as the Secretary considers to be in the public interest, the Secretary shall release, convey, and quitclaim to the State of Florida, without monetary consideration, all rights, title, and remaining interest of the United States in and to those lands within or adjacent to the Blackwater River and Withlacoochee State Forests that were conveyed to the State under the authority of section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)) or under any other law authorizing conveyance subject to restrictions or reversionary interests retained by the United States.

(c) TERMS AND CONDITIONS.—The conveyances authorized by subsection (b) are subject to the following terms and conditions.

(1) The State shall cover or reimburse the Secretary for reasonable costs incurred by the Secretary to make the conveyances, including title searches, surveys, deed preparation, attorneys' fees, and similar expenses. The Secretary may not seek reimbursement for administrative overhead costs.

(2) By accepting the conveyances authorized by this section, the State agrees—

(A) that all net proceeds from any sale, exchange, or other disposition of the real property subject to deed restrictions shall be used by the State for the acquisition of lands or interests in lands within or adjacent to units of the state forest and park systems;

(B) to affirmatively address and resolve boundary encroachments in accordance with State law for the affected State forests; and

(C) to indemnify and hold the United States harmless with regard to any boundary disputes related to any parcel released under this section.

SEC. 3. INTERCHANGE INVOLVING NATIONAL FOREST SYSTEM LAND AND STATE LAND IN FLORIDA.

(a) FINDINGS.—The Congress finds the following:

(1) There are intermingled Federal and State lands within units of the National Forest System in Florida that are of comparable quantity and quality and of approximately equal value.

(2) Interchanging these lands would be in the public interest by facilitating more efficient public land management.

(b) APPROXIMATELY EQUAL VALUE DEFINED.—In this section, the term "approximately equal value" means a comparative estimate of the value between lands to be interchanged, regarding which, without the necessity of an appraisal, the elements of value, such as physical characteristics and other amenities, are readily apparent and substantially similar.

(c) LAND INTERCHANGE AUTHORIZED.—

(1) AUTHORIZATION.—Subject to valid existing rights, if the State of Florida offers to convey to the United States those State lands designated for interchange on the two maps entitled "State of Florida—U.S. Forest Service Interchange—January, 2009" and title to such lands is otherwise acceptable to the Secretary of Agriculture, the Secretary shall convey and quitclaim to the State those National Forest System lands in the Ocala National Forest and the Apalachicola National Forest designated for interchange on the maps.

(2) MAPS.—The maps referenced in paragraph (1) shall be available for public inspection in the office of the Chief of the Forest Service and in the office of the Supervisor of the National Forests in Florida for a period of at least five years after completion of the land interchanges authorized by this section.

(d) TERMS AND CONDITIONS.—Any land interchange under this section shall be subject to such reservations and rights-of-way as may be mutually acceptable to the Secretary and the authorized officer of the State.

(e) REPLACEMENT LAND.—In the event that any of the designated lands are in whole or part found to be unacceptable for interchange under this section due to title deficiencies, survey problems, the existence of hazardous materials, or for any other reason, the Secretary and the authorized officer of the State may substitute or modify the lands to be interchanged insofar as it is mutually agreed that the lands are of comparable quality and approximately equal value.

SEC. 4. ADDITIONAL LAND DISPOSAL UNDER FLORIDA NATIONAL FOREST LAND MANAGEMENT ACT OF 2003.

(a) DISPOSAL AUTHORIZED.—In accordance with the provisions of the Florida National Forest Land Management Act of 2003 (Public Law 108-152; 117 Stat. 1919), the Secretary of Agriculture may convey, by means of sale or exchange, all right, title, and interest of the United States in and to a parcel of land comprising approximately 114 acres, located within Township 1 South, Range 1 West, section 25, Leon County, Florida, and designated as tract W-1979.

(b) USE OF PROCEEDS.—

(1) TRACT W-1979.—The Secretary shall use the proceeds derived from any sale of tract W-1979, as authorized by subsection (a), only—

(A) to acquire lands and interests in land for inclusion in the Apalachicola National Forest; and

(B) to cover the disposal costs incurred by the Secretary to carry out the sale of such tract.

(2) CERTAIN OTHER TRACTS.—With respect to tract A-943, tract A-944, and tract C-2210, as described in paragraphs (5), (6), and (16) of subsection (b) of section 3 of the Florida National Forest Land Management Act of 2003 and authorized for sale by subsection (a) of such section, being lands having permanent improvements and infrastructure, the Secretary may use the net proceeds derived from any sale of such tracts to acquire, construct, or maintain administrative improvements for units of the National Forest System in Florida.

SEC. 5. REQUIRED DESIGNATION IN PAYGO ACTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-39; 124 Stat. 8), 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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this bill, H.R. 3954.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 3954, the Florida National Forest Land Adjustment Act. This bill would authorize the conveyance of 114 acres in Leon County, Florida, that would allow the U.S. Forestry to make equivalent land exchange within the Ocala and the Apalachicola National Forests to better and more efficiently manage the land. The bill would also clarify some boundary issues by allowing a survey to be conducted on certain areas of Florida State forest land.

This bill has the support of the Democratic and Republican members of the Florida delegation; I state, members of the Florida delegation, bipartisan, as well as the U.S. Forestry. The Congressional Budget Office has indicated that this bill has no significant impact on the Federal budget; and it was passed by the House Agriculture Committee by a voice vote earlier. I urge my colleagues to support its passage.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 3954, a bill to address several public land issues in the great State of Florida. This legislation helps resolve

significant title and boundary issues on State and Federal lands in the State of Florida. The bill promotes better efficiency in public land management by allowing the State and Federal governments to exchange land that is better managed by each other.

This bill also allows the proceeds from the sale of certain tracts of land in the Apalachicola National Forest to be used to build a much needed administrative facility to manage the land.

This bill has the support of the Forestry Service. It has no budgetary impact. And I urge my colleagues to support this bill.

I reserve the balance of my time, Madam Speaker.

Mr. BACA. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD) who has vision and outstanding leadership in this area, and cares very much about this issue.

Mr. BOYD. Madam Speaker, I thank my friend, Mr. BACA, and also Mr. LUCAS for their help and support of this bill. I also want to thank Chairman COLIN PETERSON and members and staff of the Agriculture Committee, and particularly my friends JEFF MILLER and ANDER CRENSHAW for all the work they've put into moving this legislation.

Madam Speaker, I introduced this legislation to help the State of Florida make some much needed land exchanges between State and Federal governments. In many parts of Florida, State and Federal lands are intermingled. This patchwork of ownership adds much expense and confusion in the management of public lands. This legislation will help both Federal and State agencies take better care of several lands throughout the State, including the Apalachicola National Forest, which is in Florida's Second Congressional District.

This exchange will also help protect the environment as well. I am very fortunate to represent a place called Wakulla Springs, which is one of Florida's cleanest and most beautiful spring locations. Wakulla Springs is also a popular outdoor recreation site for many in north Florida and others who come to visit.

Believe it or not, glass bottom boat rides are still very popular at this spring and offer families a chance to enjoy the outdoors and see how beautiful north Florida is.

Most recently, the springs have been under the threat of pollution. By exchanging these lands, we will have a better ability to keep the springs clean. This legislation will help the Forest Service better protect lands around the springs, which impact water flow to the springs and will help keep them crystal clear.

Protecting Florida's natural environment is very important to me. This exchange will protect pristine forest land in the State of Florida for future generations. And I am very proud to support this legislation, and would urge a "yes" vote.

Mr. LUCAS. Madam Speaker, I yield to the gentleman from Florida (Mr. CRENSHAW) such time as he may consume.

Mr. CRENSHAW. Madam Speaker, the National Forest Service does a fantastic job of managing our Nation's natural resources. They manage them in Florida as well as all across the Nation, and they deserve to have the tools that they need to give them the flexibility to efficiently accomplish this job.

So that's why I've joined with my fellow colleagues from Florida, ALLEN BOYD and JEFF MILLER, to introduce the bipartisan Florida National Forest Land Adjustment Act, and I strongly urge its passage. Each of us has focused on a portion of this bill to ensure this comprehensive measure represents a strong public policy which will enable the Forest Service to embolden its mission.

Now, in Leon County, that's the capital of Florida, there's a 114-acre parcel known as W-1979. And it's evolved—it's a tract of land that has evolved into a kind of unmanageable problem for the Apalachicola National Forest, which is right outside Tallahassee. Because of its configuration and because of the commercial development around it, the vegetation can't be managed very well. They can't use prescribed fire, and so although it's very important from a commercial standpoint and a developmental standpoint, it has really lost its national forest character.

And so in an effort to provide the Forest Service with a method to manage this land, my provision of our joint bill would simply add this tract of land to the list that the Secretary of Agriculture is empowered to sell. And any proceeds from that prospective sale would allow the Forest Service to purchase other lands within the forest; and they'd be more manageable, and that would enhance the national forest.

So, Madam Speaker, this is the kind of flexibility that we think the National Forest Service ought to have. They can manage our Nation's precious resources, not only for us, but for generations to come. And so I am grateful for the work that my colleagues have put in on this and urge its adoption.

Mr. BACA. Madam Speaker, I submit the following exchange of letters between the Committee on Agriculture and the Committee on Natural Resources for inclusion in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 17, 2010.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 3954, the Florida National Forest Land Adjustment Act of 2009, for provisions regarding public domain national forests which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and

my staff in developing these provisions, I will not seek a sequential referral of H.R. 3954 based on their inclusion in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the Congressional Record during consideration of H.R. 3954 on the House floor.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am,

Sincerely,

NICK J. RAHALL II,

Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, March 17, 2010.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR CHAIRMAN RAHALL: Thank you for your letter regarding H.R. 3954, the "Florida National Forest Land Adjustment Act of 2009.

H.R. 3954 was favorably reported by the House Agriculture Committee on March 3. The legislation contains provisions that are of jurisdictional interest to the Committee on Natural Resources.

I appreciate the willingness of your committee to discharge the bill without further consideration and understand that this action will in no way waive your committee's jurisdictional interests in the subject matter of the legislation or serve as a precedent for future referrals. In the event that a conference with the Senate is requested on this matter, I would support naming House Natural Resources Committee members to the conference committee.

A copy of our letters regarding this bill will be inserted into the Congressional Record during floor consideration of the legislation.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

COLLIN C. PETERSON,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. LUCAS. Madam Speaker, I have one additional speaker, and I wish to yield such time as he may consume to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Madam Speaker, this bill does, in fact, make important and much-needed adjustments to the Federal land provisions to allow for better management of both Federal and State lands.

This bill provides for the interchange of Federal and State land to make land management more contiguous for both the State of Florida and the U.S. Department of Forestry because, within our national forest system, adjacent land has become intermingled over the years, and allowing Florida to interchange land with Federal land would make land management much more efficient for both sides.

The Florida National Forest Land Adjustment Act permits both the U.S.

Department of Forestry and the State of Florida to, in fact, better manage their forest systems.

As the vice chair of the Congressional Sportsmen's Caucus, I do know how vital Federal and State land management is in the protection of wildlife and resource conservation. So H.R. 3954 is a significant step toward better forest management, and I do urge my colleagues to vote in support of this bill.

Mr. LUCAS. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. BACA. Madam Speaker, I want to thank the ranking member, minority ranking member, Mr. LUCAS, for his bipartisan support. I also want to thank Chairman Collins, along with Congressmen CRENSHAW and MILLER, on this bipartisan legislation that's important to a lot of us as we look at moving forward.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 3954, as amended.

The question was taken.

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

Mr. BACA. 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.

CONTINUING EXTENSION ACT OF 2010

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4851

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 "Continuing 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 "April 5, 2010" each place it appears and inserting "May 5, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "MAY 5, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "October 2, 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 "April 5, 2010" and inserting "May 5, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "MAY 5, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "November 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 "April 5, 2010" each place it appears and inserting "May 5, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "October 2, 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 "September 4, 2010" and inserting "October 2, 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 (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and"

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 2 of the Temporary Extension Act of 2010 (Public Law 111-144).

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

Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "April 30, 2010".

SEC. 4. 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) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking "March 31, 2010" and inserting "April 30, 2010"; and

(2) in subparagraph (B), by striking "April 1, 2010" and inserting "May 1, 2010".

SEC. 5. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 6 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2009" and inserting "April 30, 2010".

SEC. 6. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of

Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

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

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "April 30, 2010".

SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking "by substituting" and all that follows through the period at the end and inserting "by substituting April 30, 2010, for the date specified in each such section."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 9. 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 "March 28, 2010" and inserting "April 30, 2010"; and

(B) in subsection (e), by striking "March 28, 2010" and inserting "April 30, 2010".

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking "March 28, 2010", and inserting "April 30, 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 "March 28, 2010" and inserting "April 30, 2010"; and

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

SEC. 10. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111-117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be

deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

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 4, 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 4, 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 Kentucky (Mr. **DAVIS**) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. **McDERMOTT**. Madam Speaker, I ask unanimous consent that Members 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**. Madam Speaker, I ask unanimous consent that Mrs. **CAPPS** be allowed to control 10 minutes of the time allocated to me and be allowed to yield time.

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

There was no objection.

Mr. **McDERMOTT**. Madam Speaker, I yield myself as much time as I may consume.

This bill, Madam Speaker, provides another short-term extension for a number of programs that are expiring at the end of the month. If we fail to act on this bill, Americans around the country will begin running out of unemployment benefits by the beginning of the next month. We've been here before. By the end of April, over 1 million Americans will exhaust their unemployment benefits.

This bill would merely continue the existing Federal unemployment programs for 1 month, as Congress works toward a longer extension. It does not increase the number of weeks of benefits provided by these programs.

Now, I know many of my colleagues are as frustrated as I am that we have to keep extending these programs

every month, as opposed to continuing them to the end of the year.

Jobless Americans shouldn't have to wait until the last minute to know whether their economic lifeline will continue. We need a long-term extension of these programs, a goal I very much hope we will achieve before the end of the next month.

In the meantime, I'm urging my colleagues to join me in supporting this critical stopgap legislation to extend unemployment benefits, as well as other critical assistance, including help for paying for continuing health coverage under **COBRA**.

Before I close, let me say that I hope we don't see a repeat performance from last month when a single Republican Senator blocked these vital benefits for so many Americans. He complained about the cost of these benefits for unemployed workers. Where were those concerns when we embarked on two wars without paying for one cent of them?

Where were the cries of outrage about the budget deficit when two tax cuts for our wealthiest citizens were enacted with no offsets whatsoever?

Where were my colleagues on the other side of the aisle when President Bush turned the biggest budget surplus in our Nation's history into the biggest deficit in our history and brought on the unemployment which is now facing us?

When Republicans complain about the deficit, it's like an arsonist complaining about a fire. He lit the match, but takes no responsibility for the resulting blaze.

The truth is, there is no better use of Federal resources than helping Americans who are struggling to find work. Workers today are facing a situation where there are six people looking for every available job in this country. It is a bad situation. So I hope my friends on the other side of the aisle will join me in supporting this bill.

I reserve the balance of my time.

□ 1500

Mr. **DAVIS** of Kentucky. Madam Speaker, before I begin my remarks, I would like to thank the gentleman from Washington for his magnanimous comments and the bipartisan spirit of this bill as we come to the floor right now. At least it is not as much animus as we find in the United States Senate.

I rise today in support of this legislation to extend important benefits that help long-term unemployed workers, including unemployment insurance and health coverage assistance through **COBRA**. In addition, H.R. 4851 postpones the drastic cuts to Medicare physician payment rates, a critical factor for our health care providers, as well as a number of other important provisions that expire at the end of the month or sooner.

While I support this assistance, the American people should be under no illusion that this will create jobs. It does no such thing. In spite of claims last

year that the Democrats' stimulus package would keep unemployment from rising above 8 percent, it has risen from 5.5 to 9.7 percent nationwide and 10.7 percent in Kentucky. Just yesterday, senior administration officials testified they don't expect to see much improvement in the job market this year. We have already spent almost \$100 billion on unemployment benefits, with another \$50 billion in the pipeline through 2010.

I am disappointed that the majority has again chosen to subvert their so-called **PAYGO** rules by not paying for this short-term extension. Again, 83 percent of the Federal budget is exempt from the **PAYGO** legislation that was supposed to pay-as-you-go. While the bill before us today is necessary, it is not a long-term solution. It is inefficient, and it buys us time to actually fix the root causes.

Instead of creating 3.7 million jobs as promised, the Democrats' stimulus bill was followed by more than 3 million additional job losses. A record 16 million are now unemployed. A significant number are underemployed. And all Americans are asking one simple question that I hear all the time at home, and all of my colleagues do, Where are the jobs? Record numbers are collecting unemployment benefits instead of paychecks.

The need to pass this bill today reflects the failure of the Democrats' stimulus bill and subsequent efforts to create the jobs they promised. For this failure we will spend another \$6 billion next month on Federal unemployment benefits, borrowing that money from our children and our grandchildren. Millions will soon exhaust these benefits and wonder what comes next.

What Americans want are jobs, not handouts. To really help unemployed workers, we need to craft policies that will actually create jobs so unemployed workers can get back to work, so capital will be invested, so companies will invest in machines and development and growth, so the market will come back and they will hire people who will in fact become taxpayers to contribute to the economy and to meet their own needs.

Doing so requires ending the massive tax, spend, and borrow plans of the Democrat Congress and administration. These policies have created severe uncertainty among American workers and businesses that leads to economic stagnation and discourages hiring.

If you want to look at the full fruit of such policies, all we need to do is look at Eastern Europe in the 1960s, the 1970s, and the 1980s that led to the collapse of the Soviet empire. We could eliminate all of the uncertainty that we have today economically and get the private sector American job creation engine humming again by immediately providing real tax relief to businesses and families across the Nation. In addition, we should scrap plans for a government takeover of health care and focus on reform that actually

reduces cost; reengineer the government system that wastes almost \$200 billion a year on overhead that never sees the way to senior citizen health benefits; and do the private market reforms and bring about meaningful medical liability reform that will end defensive medicine costs that cost almost one-third of all medical costs.

We should rescind unspent funds from the failed stimulus bill and the Troubled Asset Relief Program, the so-called TARP bill, and apply all of these funds to one thing, which is reducing our deficit, which I believe the gentleman from Kentucky, the United States Senator, tried to do 2 weeks ago and was disparaged by people in the Democratic Party in the House and the Senate and in the administration for simply saying let's pay for something with money that we already have available.

Businesses can't thrive in an economy falsely buoyed by temporary stimulus funds and taxpayer-funded bailouts. In order to create jobs, we have got to empower the people to make their own choices. We need to craft legislation in Congress that won't cause additional harm to our economy but will instead give Americans the flexibility they need to grow their businesses.

With that, Madam Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentleman from Washington for yielding time.

There is a very important provision of this bill that we are hoping to pass for a second time to send back to the other body, and that is to correct the lapse in payment to 1,913 employees of the Federal Highway Administration, the Federal Motor Carrier Safety Administration, and the Research and Innovative Technology Administration because the authority for the Federal highway program lapsed due to the objections of the Senator, the Representative in the other body, who held up the bill and then delayed the whole process, and through no fault of their own, these hardworking career employees were shortchanged.

A long-term secretary of the Federal Highway Administration office in Seattle, who would normally net \$1,548, lost \$390 because of that furlough. That is unreasonable. An entry-level program analyst in Chicago of the Federal Highway Administration normally would take home \$1,200, but would take a \$300 cut for doing his job. Well, that is unreasonable. The bill we have before us will reinstate these funds.

And I just want to restate what I said just a couple weeks ago, the Congressional Budget Office, nonpartisan arbiter of the cost of legislation, determined that H.R. 4786 will not require any new Federal funding and will not increase outlays. It will draw on administrative funding that has already

been authorized and appropriated for the department. It will not cost the Federal Government a single dollar beyond amounts already provided. The Secretary of Transportation has already moved, is prepared to move these dollars as soon as we give him that authority. We ought to do that now.

Mr. DAVIS of Kentucky. Madam Speaker, I yield 10 minutes to the distinguished ranking member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I recognize myself for 1 minute, Madam Speaker.

The SPEAKER pro tempore. The gentleman has been yielded time, but he does not control that time.

Mr. DAVIS of Kentucky. Madam Speaker, I ask unanimous consent that the distinguished gentleman from Texas control his 10 minutes.

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

There was no objection.

Mr. BARTON of Texas. I appreciate the Chair insisting on regular order. It's nice that we have that. That's a good thing, not a bad thing.

I am going to yield myself, Madam Speaker, 1 minute.

We are here today because sometime this morning the majority decided, or at least they decided to inform the minority, to extend a number of bills, several of which are primary jurisdictional to the Energy and Commerce Committee, of which I am the ranking member. Probably the most important of the bills in terms of economic impact in the short term is the physician reimbursement fix, the DRG fix. If I understand this bill correctly, it has been extended for another month.

We also have the Satellite Home Viewer Reauthorization Act, which is totally within the jurisdiction of the Energy and Commerce Committee. And it is also being extended for 1 month.

Madam Speaker, we don't have to do this kind of thing. If we could really get to regular order, we could bring these bills up, we could work in a bipartisan fashion, and we could find permanent or at least annual solutions to these bills. We don't have to hully gully this type of thing.

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

Mr. BARTON. I yield myself an additional 15 seconds.

And to be told at 10 o'clock this morning about this bill, which is a compilation of several bills, is just a disservice to the American people.

With that, I would like to yield 2 minutes to the distinguished ranking member of the Energy and Commerce Subcommittee on Telecommunications and the Internet, Mr. CLIFF STEARNS of Florida.

Mr. STEARNS. I thank the distinguished ranking member, and I have to say I like his term "hully gully." That is probably a good description of what has happened here. I am sure a lot of Members don't even know about this

extension. So I think it is a credit to the majority that they brought this up, because I think all of us want to see this important medical correction for doctors.

Under the current SGR formula, doctors face a 21 percent cut in their Medicare reimbursement. This fix would delay those cuts until April 30. Because the majority has not properly addressed real Medicare reform, we continue in the House to apply these short-term patches rather than provide doctors with a permanent solution to the reimbursement formula. We have known about this for a long time. There is no reason we have to bring this up, as the ranking member says, hully gully.

Although this correction, fix, extension is important, also important in this bill is the Satellite Home Viewers Act, which is extended through April 30. I am glad that this extension is included, but I am hoping we can move the 5-year extension that passed this body overwhelmingly, bipartisan support, by a large margin, but now my colleagues have bogged down in the United States Senate. This temporary extension that we are voting on today includes the section 119 licenses which actually govern the transmission of distant and local television signals by cable and satellite television operators as well as provisions of the Communications Act of 1934 concerning the retransmission of broadcast station signals. As you can see, this is very important to get this full 5-year extension.

My colleagues, in December 2009 the House passed the Satellite Home Viewer Reauthorization Act by 394-11. And yet here we are, we can't seem to shake the bill loose in the Senate, although the Senate Commerce, Science and Transportation and the Senate Judiciary Committees have all reported this measure out of their committees.

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

Mr. BARTON of Texas. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. STEARNS. I am glad we are extending this important law temporarily, but I am hopeful it will move forward on a permanent basis, a 5-year extension. And obviously, I am very glad the current SGR formula is being fixed, corrected today, and at least we have a 30-day hiatus.

Mrs. CAPPS. Madam Speaker, I rise in support of H.R. 4851.

This bill takes the necessary steps to extend crucial health care provisions in law that would otherwise expire soon. Although there is a sense of déjà vu in voting to prevent an impending 21 percent cut to Medicare and TRICARE reimbursements, we must take action to prevent those cuts from going into effect. I am sure all of my colleagues are well aware of what such cuts would mean to the health providers in their own districts and the restricted access to patients if the cuts happen.

The House can be proud of passing H.R. 3961 this last fall to permanently solve the annual Sustainable Growth Rate, or the SGR, program. But our friends in the other Chamber have failed thus far to act. And until they do, we must ensure that the cuts do not go into effect.

H.R. 4851 also provides a crucial extension to the current arbitrary Medicare beneficiary therapy caps. When outpatient therapy is considered medically necessary for a patient, we should never put an arbitrary limit on the dollar amount that can be spent to provide this important care. And I support the provisions of this bill to allow Medicare beneficiaries to continue receiving the outpatient therapy care that they need.

Finally, I applaud the inclusion of a provision in this bill to correct an inadvertent error regarding electronic health records and incentive payments for physicians who implement them. Through our technical correction in this legislation, we will ensure that physicians who work in outpatient clinics that are owned by hospitals will be eligible for these important incentive payments. Encouraging the adoption of health information technology in all health care settings is a priority shared by my colleagues on both sides of the aisle. I am pleased that we will further improve adoption of electronic health records with this fix.

I urge my colleagues to support H.R. 4851 and the important health care provisions included in this bill.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 5 minutes.

It may have been explained before I got on the floor, so if I am repeating something that has already been said, I want to apologize in advance. But I do want the American people to know what this bill does. It is a bill that takes eight existing laws, and as I understand it, extends them for 1 month. It takes the unemployment insurance fund, extends it for a month; the COBRA premium assistance fund, extends it for a month; the Medicare physician freeze, it prohibits that for another month—or the cut to physician reimbursement under Medicare. An extension of Medicare therapy caps, extension for a month. A very unusual situation where we are going to use 2009 poverty numbers instead of 2010 poverty numbers, because apparently in 2010 the poverty level in the United States went down, so the majority wants to use 2009 numbers so that there will be larger payments for some of the poverty programs, which is interesting given that the deficit is over a trillion dollars this year.

□ 1515

An extension of the National Flood Insurance Program, extension of the Satellite Television Home Viewer Act, a program out of the transportation committee to repay furloughed workers on highway projects, those are the

eight current laws that are being extended. There is also a technical fix on health IT in terms of the definition of doctors that worked for hospitals or worked for clinics.

None of these issues, Madam Speaker, needs to be addressed in the type of an omnibus extension on such a short term. Every one of these on its own has merit. Every one of these on its own could come to the floor in a bipartisan fashion and be debated and probably pass for longer than 1 month.

I am trying to understand why the three bills that are in the committee of jurisdiction that I am the ranking member of, the Energy and Commerce Committee, that's the Medicare Physician Freeze, the Medicare Therapy Caps Extension, and the Satellite Television Home Viewers Act, why those three bills have to come to the floor for 1 month in this fashion.

I don't know when the majority decided to do this. I know that the minority staff was informed of it at approximately 10 o'clock this morning. We're now on the floor at 3:15 in the afternoon.

Take aside the merits of the programs on policy and process alone, we should vote these down on suspension. In a week in which the American public is expressing legitimate outrage because the majority is contemplating bringing the biggest domestic policy bill of this Congress, i.e., the health care reform package, to the floor under a rule that would have a self-executing feature to it where we would deem something passed if we pass the rule, it would seem to me that the Speaker and the majority leader and the committee chairman would not want to pile insult onto insult and bring these bills to the floor under a process where you combine bills from numerous committees of jurisdiction with no notice, for all intents and purposes, and bring them to the floor. At least in this case we are going to get an up-or-down vote on the bill, which is a good thing. But it's not a vote on the rule that self-executes. So I want to commend Chairwoman SLAUGHTER of the Rules Committee for that and Speaker PELOSI.

But again, we don't have to operate, the United States of America, like we're a third-world country that doesn't know how to run a democracy.

Again, on the merits, Republicans have said for physician reimbursement we believe there should be a fix. We believe that the physicians need to be reimbursed in a fair fashion in the current Medicare reimbursement system. We support some of these therapy cap reforms. We certainly support the Satellite Television Home Viewer Act. So this isn't something that the only way to do it is to put it together in a big package and put it on the floor 1 month at a time. The only advantage I can see is that this just kind of treads water; it provides some sort of a vote this afternoon.

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

Mr. BARTON of Texas. I would yield myself 30 additional seconds.

So I guess the other thing that I need to point out to Members of the body and to the American public is, because of the procedure, this is all deemed, apparently—and I hate to use that word. This is all defined to be emergency, and so it's not paid for.

The rule that brought these bills to the floor waives PAYGO, and my recollection is not too many months ago my friends in the majority were beating themselves and congratulating themselves because they had instituted these tough PAYGO rules. But if I am correct, I believe that none of this is paid for and the rule does not require PAYGO.

With that, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I continue to reserve.

Mr. BARTON of Texas. How much time do I still have?

The SPEAKER pro tempore. The gentleman from Texas has 1 minute. The gentleman from Kentucky has 6 minutes.

Mr. BARTON of Texas. I would yield 1 minute to a distinguished member of the Energy and Commerce Committee from Flower Mound and Denton, Texas, Dr. MICHAEL BURGESS.

Mr. BURGESS. I thank the gentleman for the recognition.

One minute is not much time to deal with what is a very complicated process. It is unfortunate we didn't have more time to actually look at this bill before it came to the floor on the concept of expanding the definition of a hospital-based physician for the use and purposes of electronic medical records in the stimulus bill that was passed last year. That's a good provision. That was language that we had asked for in the letter that was signed by 293 Members of this body that went to the acting director for the Center for Medicare and Medicaid Services.

I do have to point out, Ranking Member BARTON is exactly right. This SGR problem is not an emergency. Everyone in this body knew this was going to happen. What this signals us is perhaps the Democrats don't have the votes to pass their health care bill because, otherwise, the fix would be included in their health care bill. The fact that we are having to provide yet another month signals to me that they don't have the votes to pass their larger underlying bill.

There is no other Member in this body that wants this SGR fixed more intensely than I do, but this is not the way to go about it. It is not an emergency. It should not come to us at the 11th hour. That is an insult to the Nation's physicians. They can't run their businesses when we always do it in this fashion.

Mrs. CAPPS. I continue to reserve.

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

Mr. DAVIS of Kentucky. Madam Speaker, as I said in my opening statement, I urge support for H.R. 4851 to

continue unemployment and health insurance benefits for long-term unemployed workers, along with extensions of other important expiring provisions like the Medicare reimbursement provisions that my colleague from Texas just mentioned.

But as we, as a Congress, redouble our efforts on the task of empowering Americans to create jobs, we need to remember the four causes of this. Even as we help in those places where jobs are hardest to find, promoting job growth ultimately needs to be the broader goal.

One thing that we could do as a Congress to promote job growth and help our economy stand up and restore confidence in investing would be to stop the ramming of this health care bill through the House of Representatives presumably without even taking a vote on it. I think there is a small detail in the Constitution that would suggest my colleagues on the other side of the aisle have a small problem explaining that to their constituents.

But let's look at the base principles in this bill. There are good elements in it, small individual elements. But the framework, the foundation on which it is built is not only flawed, it would be destructive to the American economy and make it into the equivalent of an Eastern European health care system within 10 years.

First of all, it's based on huge tax increases. We still don't know what the reconciliation numbers are, but we know by commentary off the floor that the score from the Congressional Budget Office was far more than anything that's been presented in public thus far. Taxing health insurance is going to do one thing. It's going to reduce access to health insurance because less benefits will be provided by employers. It's very simple. Those of us who have run businesses understand this. We go without payroll to make sure our employees are covered. But we need to keep in mind the reality of what is happening. Taking money out of our pockets to fuel the growth of Federal bureaucracy is not right.

The second thing that's done on the opposite end of the pipeline is a half a trillion dollar cut in Medicare benefits. In my going on 6 years in Congress, I have never seen \$1 taken out of waste of the Center of Medicare Services. We hire more people, we put more rules in place, but we don't take the overhead out to simplify the processes.

Indeed, in the Ways and Means Committee, a simple amendment offered by the gentleman from Illinois to study point of sale and credit card architecture technology that's used in every convenience store in America was rejected; as one gentleman from Texas called it, a pumpkin designed to enrich insurance executives. We use that every day. We use that in our identification cards here to vote. We don't have that integrated in our government. That's why citizens complain all the time about dealing with Washington, D.C.

The final thing that's done on top of all of this is the only job creation program that's coming out of the legislation being considered this week is the hiring of over a hundred thousand new Federal workers who have to be paid for by taxpayers. That means that many jobs have to be created for every one of those.

When I stop and think about this, I'm amazed, because we're not fixing the waste, the excess, the broken processes, the unintegrated database, and the contradictory regulations between the agencies. All we're doing is making the problem bigger and, in the end, it will result—as your own bill says with its waiting list language—in rationed care.

Finally, let's talk about the overwhelming majority of the American people. It is astounding to me the awareness level at all levels of our society of this bill and, frankly, the fear that is out there; not fear from things I say back home, but when people read the bill and see what it means. I'm not talking about cable television fear mongers. I'm talking simply about good Americans who are doing their civics homework like some of my colleagues in both bodies have failed to do and don't remember the basis of why we're sent here. And then when we can't get that popular vote because of fear of Members of retribution in the fall—which I guarantee you is going to come and all of us will be held accountable for our vote—to deem a bill that takes over nearly one-fifth of the economy—let's think what “deeming” means for my fellow Americans watching.

I could deem each of my children a Ph.D. I could deem them a good house. I could deem them a great future. In fact, while we're here deeming things, let's deem world peace, then we would do away with lots of expenditures. You all know the absurdity of that statement on the false premise that is raised with deeming. Why are we doing it? Because it creates a subterfuge that is wrong and violates Article 1 of the Constitution.

At the end of the day, there will be an accounting to the American people. We agree on good things that can get done. Let's do those good things. Let's fix the government waste, fix the private market, and provide real medical liability reform.

I yield back the balance of my time. Mrs. CAPPS. Madam Speaker, I yield back any remaining time that I might have.

Mr. McDERMOTT. Madam Speaker, I listened to my colleagues. I think they wanted the 20 minutes to talk about the health care bill. They didn't really want to talk about this piece of legislation that's out here in front of us.

This bill is here because the Republicans in the Senate continue to use the filibuster to stop any orderly process over there of dealing with the problems of this country.

And I don't know whether it's ignorance or amnesia, but “deeming” is a

process that comes out of something that some of the senior Members know about, maybe the junior Members don't know about. This is called the Jefferson's Manual, and it provides the rules for the House, and it's where “deeming” comes from and all of the rest of the things that happen in the House.

In fact, just to remind you, Speaker Hastert, Speaker Gingrich used deeming on 202 occasions. Now, this is no big surprise. This is no surprise that fell out of the sky.

And no, I won't yield. I think I've listened to you talk about deeming enough. I want to talk about deeming for a second.

Deeming is rules of the House, and the reason you're doing that is so that we can get something done because people in the Senate are requiring, through the filibuster, that 60 votes be in the way of anything that happens. Now, if you insist on that when 50 votes is a majority, then you're going to get things like using arcane rules in this thousand-page rule book. And we will use it just like Speaker Gingrich used it, just like Speaker Hastert used it, to get around obstructionists.

And now I would yield to the gentleman from Kentucky.

□ 1530

Mr. DAVIS of Kentucky. I thank the gentleman for yielding. My question is when you, as a party, deemed the debt increase of nearly \$2 trillion, I would say that it makes any deeming of budgetary issues, even the Deficit Reduction Act reconciliation process, seem almost as a grain of sand. We might as well deem all votes and not even come here and answer mail in our offices if we are going to continue to deem one-fifth of the economy under government control.

Mr. McDERMOTT. Ultimately, we have to go out and face this. And when we pass this health care bill, you are free to campaign against a bill that gives health coverage to 30 million Americans and that closes the doughnut hole. If you want, you can go home and argue with the seniors and say, I didn't want a bill that closed the doughnut hole. That was a stupid bill. I voted against it. What you are free to do after this bill passes is to go home and argue against the things that are in the bill. The people back home have no understanding what “deeming” is. It's inside baseball in this place. You wait, when you go and try, on the campaign trail, to sell the idea that you were against doing anything for 30 million people.

Mr. DAVIS of Kentucky. Would the gentleman yield?

Mr. McDERMOTT. I yield.

Mr. DAVIS of Kentucky. When the cashier at our local supermarket asked me about the reconciliation process and deeming and how can you pass something you don't vote on, I think the message is already at the grassroots.

Mr. McDERMOTT. I would suggest that the gentleman has tried to create

an issue, but it won't last. Nobody remembers any of the debate before Social Security. Nobody remembers any of the debate before Medicare. Of course, there were people saying all kinds of things out here. But when the bill is in, the people will take the benefits and be grateful for the Congress that acted on their behalf. I urge everyone to vote for this bill. The unemployed should not suffer again because of Senate filibusters.

Mr. LINDER. Madam Speaker, drip, drip, drip.

Here we are for yet another extension of unemployment benefits and various related programs. These programs have been repeatedly extended, even as Democrats claim their economic stimulus plan has worked and is creating jobs. Well, it's not, and our presence on this floor today is yet another affirmation of that obvious fact. If stimulus was working, more people would have paychecks. But it's not, so we are here to hand out more unemployment checks instead.

Let's review the history of just the unemployment benefit extensions we are continuing today.

In June 2008, Congress created a new Federal "temporary" unemployment benefit program paying 13 weeks of unemployment benefits, on top of 26 weeks of State benefits. CBO said the UI portion of that bill would cost \$14 billion. Unemployment was 5.5 percent.

In November 2008, that temporary program was expanded by 20 weeks of benefits—for a new total of 59 weeks of UI per person. CBO said that would cost just under \$6 billion. Unemployment was 6.9 percent.

In February 2009, Democrats' stimulus plan extended the temporary program through 2009 and nationalized the Federal/State extended benefits program, among other changes. That added another 20 weeks of Federal benefits, for a total of up to 79 weeks per person. CBO said that would cost \$40 billion. Unemployment was 8.2 percent.

In November 2009, Congress added another 20 weeks of temporary extended benefits, for a record total of 99 weeks of UI per person. CBO estimated that would cost \$2 billion just in the last few weeks of 2009. Unemployment was 10 percent.

In December 2009, the temporary program was extended for two months. CBO said that would cost \$14 billion. Unemployment was 10 percent.

Last month the program was extended through March, at a cost of \$8 billion. Unemployment was 9.7 percent.

And here we are again today, pondering yet another extension or expansion—the sixth of the program created in the summer of 2008—costing yet another \$6 billion. Since this program began, CBO estimates would suggest we will have spent a total of \$90 billion on Federal UI benefits through the end of next month. And that's not counting another \$50-plus billion it would cost to extend these programs for the rest of this year, as the Senate approved last week.

Unemployment has soared from 5.5 percent to 10 percent. Yet our colleagues on the other side of the aisle press on with their claims that this is somehow creating jobs. It's not.

What it is creating is more unemployment taxes, to cover the costs of the record unemployment benefits States are paying out.

Those are taxes on jobs, which are rising in 35 States this year, by a total of 44 percent.

Madam Speaker, 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.

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. 4851, 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.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4853) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4853

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 "Federal Aviation Administration Extension Act of 2010".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2010" and inserting "July 3, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2010" and inserting "July 4, 2010"; and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2010" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2010" and inserting "July 4, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

"(7) \$3,024,657,534 for the period beginning on October 1, 2009, and ending on July 3, 2010."

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2009, and ending on July 3, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were \$4,000,000,000; and

(B) then reduce by ⁸⁹/₆₆₅—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2010," and inserting "July 3, 2010,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2010," and inserting "July 3, 2010,"; and

(2) by striking "June 30, 2010," and inserting "September 30, 2010,".

(c) Section 44303(b) of such title is amended by striking "June 30, 2010," and inserting "September 30, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(e) Section 47115(j) of such title is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(f) Section 47141(f) of such title is amended by striking "March 31, 2010," and inserting "July 3, 2010,".

(g) Section 49108 of such title is amended by striking "March 31, 2010," and inserting "July 3, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "April 1, 2010," and inserting "July 4, 2010,".

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) \$7,070,158,159 for the period beginning on October 1, 2009, and ending on July 3, 2010."

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$2,220,252,132 for the period beginning on October 1, 2009, and ending on July 3, 2010.”.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

“(14) \$144,049,315 for the period beginning on October 1, 2009, and ending on July 3, 2010.”.

SEC. 9. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) **SHORT TITLE.**—This section may be cited as the “Surface Transportation Extension Modification Act of 2010”.

(b) **MODIFICATION OF ALLOCATION RULES.**—Section 411(d) of the Surface Transportation Extension Act of 2010 is amended—

(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and
(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—
(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”;
(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and
(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—
(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(3) by adding at the end the following:

“(5) **PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.**—

“(A) **REDISTRIBUTION AMONG STATES.**—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA-LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State’s share of the funds so apportioned is equal to the State’s share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

“(B) **DISTRIBUTION AMONG PROGRAMS.**—Funds apportioned to a State pursuant to subparagraph (A) shall be—

“(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

“(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

“(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

“(ii) administered in the same manner and with the same period of availability as fund-

ing is administered under programs identified in clause (i).”.

(c) **EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986, as amended by the Surface Transportation Extension Act of 2010, is amended by striking “in effect on the date of the enactment of such Act)” and inserting “in effect on the later of the date of the enactment of such Act or the date of the enactment of the Surface Transportation Extension Modification Act of 2010”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect upon the enactment of the Surface Transportation Extension Act of 2010 and shall be treated as being included in that Act at the time of the enactment of that Act.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Illinois (Mr. **COSTELLO**) and the gentleman from Wisconsin (Mr. **PETRI**) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. **COSTELLO**. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 4853.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4853, the Federal Aviation Administration Extension Act of 2010. I want to thank Chairman **LEVIN** and Ranking Member **CAMP**, as well as Chairman **OVERSTAR** and Ranking Members **MICA** and **PETRI** for bringing this to the floor today.

The FAA has been operating under a series of short-term extensions for 2½ years since the last FAA reauthorization bill expired. Short-term extensions and uncertain funding levels can be disruptive to the aviation industry, airports, and local communities because they do not allow them to plan for long-term growth. Frankly, every month that goes by without a long-term FAA authorization is a lost opportunity to improve aviation safety and security and to create and maintain jobs around the country.

Madam Speaker, the House did its job and passed H.R. 915, the FAA Reauthorization Act of 2009, a 3-year authorization of FAA programs. For 8 months, we have been waiting on the other body to bring a bill to the floor and pass it. The Senate bill is now being debated in the other body, and we look forward to passage of that bill so that we can complete our work and begin with the reauthorization of the FAA bill.

However, the Airport and Airways Trust Fund will expire on March 31, 2010, and the bill before us today, H.R. 4853, extends aviation taxes and expenditure authority, and the Airport Improvement Program contract authority, until July 3, 2010.

H.R. 4853 also provides for a total of \$3 billion in AIP contract authority through early July, which translates to an annualized amount of \$4 billion for fiscal year 2010. This level of funding is consistent with the annual levels provided by the House and the Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution. These additional funds will allow airports to continue critical safety and capacity enhancement projects.

Additionally, the bill provides \$7 billion for FAA operations, \$2.2 billion for facility and equipment programs, and \$144 million for research, engineering, and development programs. When translated to yearly amounts, these figures equal the funding levels passed for these programs by the fiscal year 2010 Consolidated Appropriations Act.

In addition, the 3-month bill extends aviation excise taxes through July 3, 2010. These taxes are necessary to support the Airport and Airways Trust Fund, which funds a large portion of the FAA’s budget. Any lapse in these taxes could drain the trust fund’s balance, so it is important that we act now, pending the passage of a longer-term reauthorization bill.

Aviation is too important to our Nation’s economy, contributing \$1.2 trillion in output and approximately 11.4 million jobs, to allow the taxes or the funding for critical aviation programs to expire. Congress must ensure that this extension passes today to reduce delays and congestion, improve safety and efficiency, stimulate the economy, and create jobs.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. **PETRI**. Madam Speaker, in the 110th Congress, the House passed the FAA Reauthorization Act of 2007, H.R. 2881. That bill reauthorized the FAA for 4 years. In May of last year, the House voted again to pass a comprehensive reauthorization bill, H.R. 915, the FAA Reauthorization Act of 2009.

In just the last week, the Senate has begun consideration of their FAA reauthorization bill, and it looks quite possible that the two Chambers will soon begin negotiations to reconcile each of their bills. However, this reconciliation process will take time. Given that the current FAA extension expires at the end of this month, we need to again extend the FAA’s taxes and authorities to allow time to get a final, conferenced FAA bill.

H.R. 4853 would extend the taxes, programs, and funding of the FAA through July 3 of this year. This bill extends FAA funding and contract authority for just over 3 months, provides \$3 billion in Airport Improvement Program funding, extends the War Risk Insurance program, and extends other authorities related to Small Community Air Service, airport, and safety programs.

H.R. 4853 will ensure that our National Airspace System continues to

operate until a full FAA reauthorization can be enacted.

So as I have indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

While I'm disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA and the National Airspace System running safely and efficiently until we can take up and pass a bipartisan and bicameral bill. It seems that we are closer to this goal than ever before, at least in recent Congresses.

H.R. 4853 also includes a provision that will change the way funding is distributed for the Projects of National and Regional Significance program and the National Corridor Infrastructure program in the surface transportation extension that the Senate passed this morning.

In its current form, this surface extension bill would prevent 22 States from receiving any funding and would direct 56 percent of the funding to just four States: California, Louisiana, Illinois, and Washington. This fix ensures that the funding for those two programs is distributed to all States through the existing Federal-aid highway formula. And I commend the people who are responsible for that fix.

With that, I urge my colleagues to support the bill, H.R. 4853.

I reserve the balance of my time.

Mr. COSTELLO. At this time, Madam Speaker, I recognize our friend who is a member of the subcommittee, the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, I'm going to fly home hopefully later this weekend, and it is surely important to me that the FAA continues to do what it must do to keep the air safe. And I want to commend the minority as well as the Chair for this extension.

But beyond the extension, there is another extremely important element in this bill, and that is straightening out the funding for transportation. Mr. OBERSTAR worked a miracle and actually managed to give California less of more, which took a while for me to understand. But the reality is that by being able to work out a compromise with the Senate, we are going to be able to move the transportation programs forward. It's a great example of what can be done with some good leadership working both sides of the aisle.

I want to commend the bill to all of us and move this thing along so that we can fly home safely when we get the health care bill done and go home and tell our constituents about a good highway transportation program that's been put together.

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

Mr. COSTELLO. At this time, Madam Speaker, I would yield 2 minutes to a member of the full committee, Mr. SIRES from New Jersey.

Mr. SIRES. Madam Speaker, I rise today in strong support of H.R. 4853, the Federal Aviation Administration Extension Act of 2010. This legislation would extend the FAA's aviation programs and taxes for 3 more months, through July 3, 2010.

Funding authorization for aviation programs expired at the end of fiscal year 2007, and since then, 11 extensions have been passed.

Although the House passed Chairman OBERSTAR's bill, H.R. 915, the FAA Reauthorization Act of 2009, on May 21, 2009, the Senate has not acted on this legislation. Passage of a comprehensive reauthorization bill is necessary, but for the time being, we must once again pass an extension reauthorizing the FAA's aviation programs.

Included in this bill are also two very important surface transportation provisions. These provisions would alleviate concerns raised by Members of the House earlier this month when we passed the House amendments to the Senate amendments of the HIRE Act. Specifically, section 9 of this bill will amend the HIRE Act and resolve House concerns with the formula of distributing highway funding in the HIRE Act.

This bill would share among all States the \$932 million for projects of national and regional significance and the national corridor programs.

Under the Senate's bill, four States would automatically receive 58 percent of this funding and 22 States would receive no funding at all. Under this bill, all States will be allowed to compete for these programs.

This bill also distributes additional bonus formula funds to 13 current State highway formula programs, as opposed to only six of the highway formula programs. While the Senate Surface Transportation Act Extension Act skewed highway formula funding to certain States, this bill acts as a remedy. Additionally, these two surface transportation provisions would put into law Majority Leader REID's commitment to rectify the two differences between the House and the Senate transportation extension bills.

Madam Speaker, I urge my colleagues to join me in passing the FAA Extension Act, which includes several important provisions.

□ 1545

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

Mr. COSTELLO. Madam Speaker, at this time I recognize for such time as he may consume the chairman of the full Transportation Committee, Chairman OBERSTAR.

Mr. OBERSTAR. Madam Speaker, I thank the chair of the Aviation Subcommittee, Mr. COSTELLO. He has already well and duly explained the FAA authorization extension that is before

us at this moment. I want to address, as Mr. PETRI has done, as Mr. GARAMENDI and Mr. SIRES have done, the other provision in this bill.

When we passed the Hiring Incentives to Restore Employment Act a time ago, the legislation then was sent back by the Senate with some changes in the highway funding formula that I felt were unfair, unjust, unnecessary; and I held up House consideration of the bill until we could reach an agreement with the other body.

As I went on to explain in meetings of the caucus, meetings with our committee members on both sides of the aisle, the Senate version of this bill directed major highway discretionary program funding to a select group of States: four would get 58 percent of the funding; 22 States get nothing; the other 20 got dribbles.

That formulation would provide a permanent windfall for those four States. And not just a one-time shot but a long-term windfall, because it would skew underlying highway formulas, changing the baseline for those four States that got the lion's share of the money.

After a good deal of discussion and consideration, I had a conversation with my very good friend from the time he served in the House. Senate Majority Leader HARRY REID pointed out that there was \$932 million in discretionary highway funds that we had formulated one way in the bill we passed in December. The Senate has now taken that language and skewed it in a different direction, and that is the wrong thing to do and will change from our provision in the December bill that distributed that \$932 million in discretionary funding to the Secretary to fold it into the regular highway formula for all of the States on a proportional basis, rather than just the 29 States that had programs and projects of national and regional significance and national corridor infrastructure improvement programs. That included my State of Minnesota, which would have benefited from the windfall of the Senate formula.

I could have just said nothing, sat on my hands, let it go. It is a very arcane, very complex formula. Few people would have understood it. But it was the wrong thing to do. It was the wrong way to hijack the House bill and hijack these funds and just simply allocate them to few States.

Furthermore, the language, the provision in the other body's legislation designated seven programs as second-tier programs and further rated those funds—the Appalachia Development Highway System, the Rail Highway Grade Crossing, the Equity Bonus Program, Recreational Trail, Safe Routes to School, Coordinated Border Infrastructure, and the Metropolitan Planning programs—relegated them to a second-tier status, and denies them the opportunity to receive additional funding during the extension period and weakens their standing during the

long-term authorization. That is wrong.

I explained it to Senator REID. He fully understood it. I proposed an exchange of letters, which he did, and he said, "We will agree to the adjustment," as proposed in the formula that I set forth and which I will include in the RECORD at this point, including the exchange of letters with Senator REID in our committee summary explanation of this provision.

HIGHWAY AND BRIDGE FORMULA FUNDING BY STATE UNDER SURFACE TRANSPORTATION EXTENSION ACTS, HIRE ACT VS. SURFACE TRANSPORTATION MODIFICATION ACT OF 2010, MARCH 17, 2010

[37 States Fare Better under the Surface Transportation Modification Act of 2010; 14 States Fare Better under the HIRE Act]

State	HIRE Act ¹	Surface Transportation Modification Act ²	Increase (decrease) under Surface Transportation Modification Act
Alabama	\$1,160,135,018	\$1,178,768,813	\$18,633,795
Alaska	698,820,601	702,234,406	3,413,805
Arizona	1,119,833,846	1,137,317,569	17,483,723
Arkansas	780,938,283	757,601,098	(23,337,185)
California	5,540,834,984	5,348,478,144	(192,356,840)
Colorado	808,562,089	808,216,244	(345,845)
Connecticut	771,124,583	774,468,106	3,343,523
Delaware	254,115,413	258,166,183	4,050,770
Dist. of Col.	241,637,283	226,506,326	(15,130,958)
Florida	2,901,459,068	2,948,516,502	47,057,434
Georgia	1,990,475,595	2,022,248,870	31,773,275
Hawaii	258,011,916	262,133,940	4,122,024
Idaho	436,473,412	443,558,991	7,085,579
Illinois	2,133,468,322	2,014,527,598	(118,940,724)
Indiana	1,454,478,215	1,473,826,863	19,348,649
Iowa	721,928,309	731,252,426	9,324,118
Kansas	582,189,917	591,518,358	9,328,441
Kentucky	1,012,890,986	1,027,305,950	14,414,964
Louisiana	1,045,633,419	1,002,634,600	(42,998,819)
Maine	280,240,625	284,757,226	4,516,601
Maryland	918,077,359	930,393,685	12,316,326
Massachusetts	835,232,711	950,187,222	114,954,511
Michigan	1,628,896,250	1,649,577,451	20,681,201
Minnesota	969,838,993	960,370,670	(9,468,323)
Mississippi	730,280,701	740,056,612	9,775,911
Missouri	1,422,349,455	1,444,428,478	22,079,023
Montana	595,326,967	604,421,087	9,094,120
Nebraska	439,714,255	446,827,117	7,112,863
Nevada	509,981,437	517,716,094	7,734,658
New Hampshire	259,499,273	259,619,857	120,584
New Jersey	1,522,180,325	1,521,313,478	(866,848)
New Mexico	558,845,157	564,388,783	5,543,626
New York	2,585,021,983	2,601,114,874	16,092,891
North Carolina	1,597,585,980	1,623,405,549	25,819,569
North Dakota	376,542,187	382,541,944	5,999,758
Ohio	2,046,630,272	2,071,931,711	25,301,439
Oklahoma	958,778,621	936,700,103	(22,078,518)
Oregon	745,775,067	717,111,735	(28,663,333)
Pennsylvania	2,533,737,942	2,561,421,751	27,683,809
Rhode Island	328,209,791	333,303,797	5,094,006
South Carolina	960,038,143	962,956,224	2,918,081
South Dakota	423,697,858	430,371,013	6,673,155
Tennessee	1,286,665,098	1,280,356,104	(6,308,994)
Texas	4,835,326,374	4,912,212,474	76,886,100
Utah	482,941,887	490,736,905	7,795,018
Vermont	299,846,556	304,031,221	4,184,665
Virginia	1,550,364,905	1,538,365,476	(11,999,429)
Washington	1,021,098,782	981,828,852	(39,269,930)
West Virginia	660,653,936	651,000,745	(9,653,191)
Wisconsin	1,135,046,618	1,138,278,090	3,231,471
Wyoming	389,303,475	395,692,926	6,389,451
Total	58,896,740,240	58,896,740,240	0

¹ The Surface Transportation Extension Act of 2010, title IV of H.R. 2847, the "Hiring Incentives to Restore Employment Act" (HIRE Act).

² The Surface Transportation Modification Act of 2010, section 9 of H.R. 4853, the "Federal Aviation Administration Extension Act of 2010", implementing the February 26, 2010 written agreement among Senate Majority Leader Harry Reid, Speaker Nancy Pelosi, and Chairman James L. Oberstar.

This table was prepared by the Committee on Transportation and Infrastructure Majority staff based on technical assistance provided by the Federal Highway Administration.

U.S. SENATE,

Washington, DC, February 26, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol,
Washington, DC.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and
Infrastructure, Rayburn House Office
Building, Washington, DC.

DEAR MADAM SPEAKER AND MR. CHAIRMAN:
Thank you for your cooperation in facilitating the House passage of the H.R. 2847, the "Hiring Incentives to Restore Employment Act", passed by the Senate on February 24,

2010. I appreciate your concern that the urgency of passage of the legislation did not allow time for a Conference Committee or other discussions to reconcile surface transportation extension act differences between the Senate-passed amendment (Title IV) and the House-passed bill, the "Jobs for Main Street Act" (Title II of H.R. 2847).

To accommodate House concerns with Title IV, the "Surface Transportation Extension Act of 2010", of the Senate-passed amendment, we have reached agreement on the following changes to H.R. 2847:

1. Distribute the Projects of National and Regional Significance (PNRS) and National Corridor Infrastructure Improvement (Corridor) program funding among all States based on each State's share of fiscal year 2009 highway apportioned funds rather than to only 29 States that had PNRS and Corridor projects under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

2. Distribute "additional" highway formula funds (which the bill makes available in lieu of additional Congressionally-designated projects) among all of the highway formula programs rather than among just six formula programs.

I pledge to you that I will make every effort to include these provisions in the next Jobs bill passed by the Senate, which we hope to accomplish in the next few weeks. I have attached legislative language to accomplish these changes.

I will also join you in requesting that the Federal Highway Administration not apportion the PNRS and Corridor funding to States until Congress has passed this corrective legislation.

Thank you for your consideration.

Sincerely,

HARRY REID,
Majority Leader.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUMMARY OF H.R. 4853, THE "FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010", MARCH 17, 2010

BACKGROUND

The most recent long-term Federal Aviation Administration (FAA) reauthorization act, Vision 100—Century of Aviation Reauthorization Act (P.L. 108-176), expired September 30, 2007. Work in the House to reauthorize the FAA culminated most recently with the passage of H.R. 915, the "FAA Reauthorization Act of 2009", on May 21, 2009. To date, the Senate has not completed action on a long-term FAA reauthorization bill.

In the meantime, pending completion of a long-term reauthorization bill, Congress has passed a series of short-term acts extending the FAA's authority. The current FAA extension act expires on March 31, 2010.

Separately, on February 25, 2010, the Senate passed H.R. 2847, the "Hiring Incentives to Restore Employment Act" (HIRE Act), with an amendment. The HIRE Act includes an extension of highway, highway and motor carrier safety, and public transit programs through December 31, 2010. It also includes a number of provisions that raised concerns for Members of the House. The House was able to address some of these provisions (e.g., PAYGO costs) through amendments at that time. However, the urgent need to pass the legislation did not allow sufficient time to resolve two major differences between the surface transportation extension title of the HIRE Act and the surface transportation extension passed by the House on December 16, 2009, as part of H.R. 2847, the "Jobs for Main Street Act":

1. the treatment of Projects of National and Regional Significance and the National Corridor Infrastructure Improvement programs; and

2. the programmatic distribution of additional formula funds provided to States in lieu of additional Congressionally-designated project funding.

First, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) established two major discretionary programs: the Projects of National and Regional Significance (PNRS) and National Corridor Infrastructure Improvement (National Corridor) programs. Although the programs were designed as competitive, discretionary programs, during deliberations on the bill in 2005, the Conference Committee decided to designate individual projects under each program. The HIRE Act extends funding for these two programs, providing a total of \$932 million for the PNRS and National Corridor programs over a 15-month period (October 1, 2009 through December 31, 2010). This approach distributes these funds only to States that had earmarks under these programs in SAFETEA-LU—with four States receiving 58 percent of the funding and 22 States receiving nothing. This provision would create a permanent windfall for these four States, and would unfairly skew the highway formulas.

Second, in fiscal years (FY) 2005 through 2009, SAFETEA-LU included Congressionally-designated projects under several discretionary programs (e.g., House and Senate Congressionally-designated projects under the High Priority Projects and Transportation Improvements programs). The HIRE Act extends funding for these programs, but does not include any earmarks during the extension period. Instead, it provides each State with an amount equal to its FY 2009 Congressionally-designated projects under these discretionary programs and distributes those additional funds through six existing State highway formula programs.

H.R. 2847, the "Jobs for Main Street Act", as passed by the House, would have distributed the additional funding through all of the 13 current State highway formula programs: Interstate Maintenance, National Highway System, Highway Bridge, Surface Transportation Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement, Metropolitan Planning, Equity Bonus, Appalachian Development Highway System, Recreational Trails, Safe Routes to School, Rail-Highway Grade Crossing, and Coordinated Border Infrastructure programs. By limiting the distribution of the additional funding through only six highway formula programs, the HIRE Act essentially designates seven programs—the Appalachian Development Highway System, Rail-Highway Grade Crossing, Equity Bonus, Recreational Trails, Safe Routes to School, Coordinated Border Infrastructure, and Metropolitan Planning programs—as "second-tier" programs, denying them the opportunity to receive additional funding during the extension period and weakening their standing during the ongoing authorization process.

On February 26, 2010, to accommodate House concerns with Title IV, the "Surface Transportation Extension Act of 2010", Senate Majority Leader Harry Reid, Speaker Nancy Pelosi, and Chairman James L. Oberstar reached agreement on the following changes to the HIRE Act in future legislation:

1. Distribute the PNRS and National Corridor program funding among all States based on each State's share of FY 2009 highway apportioned funds rather than to only 29 States that had PNRS and National Corridor projects under SAFETEA-LU.

2. Distribute "additional" highway formula funds (which the bill makes available in lieu of additional Congressionally-designated projects) among all of the highway

formula programs rather than among just six formula programs.

On the strength of this commitment, on March 4, 2010, the House passed the HIRE Act. The Senate is expected to vote on final passage of the HIRE Act on March 17, 2010.

H.R. 4853, THE "FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010"

H.R. 4853, the "Federal Aviation Administration Extension Act of 2010", extends FAA programs for three months and modifies the previously-described surface transportation provisions of the HIRE Act.

AVIATION PROVISIONS

H.R. 4853 extends the FAA's aviation programs and taxes for three months, through July 3, 2010. Aside from covering the FAA's funding needs through July 3 and making appropriate adjustments to amounts, the FAA provisions do not differ substantially from prior three-month extension bills.

H.R. 4853 provides \$3 billion in contract authority for the Airport Improvement Program (AIP) from October 1, 2009, until July 3, 2010. These funds will enable airports to move forward with important safety and capacity projects. This level of AIP funding, when annualized, is \$4 billion, which is consistent with AIP funding authorizations in both H.R. 915 and the pending Senate FAA reauthorization bill, as well as the FY 2010 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment (F&E), and Research, Engineering, and Development (RE&D) programs. Specifically, H.R. 4853 authorizes, for the period between October 1, 2009, and July 3, 2010, \$7 billion for FAA Operations, \$2.2 billion for F&E, and \$144 million for RE&D. When annualized, these authorized funding levels equal the FY 2010 enacted funding levels that have already been provided for these programs by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of P.L. 111-117).

In addition, the bill extends aviation excise taxes until July 3, 2010. These taxes are necessary to support the Airport and Airways Trust Fund, which funds a substantial portion of the FAA's budget. The Trust Fund's uncommitted cash balance was only \$299 million at the end of FY 2009, and any lapse in aviation taxes could put the solvency of the Trust Fund at risk.

SURFACE TRANSPORTATION PROVISIONS

Section 9 of H.R. 4853 amends the HIRE Act in keeping with Majority Leader Reid's February 26, 2010 commitment, resolving House concerns with the HIRE Act's distribution of highway funding.

Regarding the treatment of PNRs and National Corridor programs, section 9 of H.R. 4853 amends the HIRE Act to achieve a compromise between the initial House and Senate positions. Under this compromise, the \$932 million will be distributed among all States, rather than just the 29 States that had PNRs and National Corridor projects under SAFETEA-LU. The funds will be distributed based on each State's share of FY 2009 highway apportioned funds.

Regarding the programmatic distribution of additional formula funds provided to States in lieu of additional Congressionally-designated funding, section 9 amends the HIRE Act to distribute the additional formula funds through all 13 current State highway formula programs.

Today's action keeps faith with the House, permits Senator REID to keep his commitment, which he has done. He has cleared this language with the relevant Members of the other body, and I am confident we will correct this

invasive mistake and raid on the highway trust fund with passage of this legislation we will move today through the House and I expect, very quickly, similarly, through the other body.

I very much appreciate the cooperation Majority Leader REID, Speaker PELOSI, the members of our committee, including my good friend Mr. MICA who has been a partner in shaping this language as we moved along, and Mr. COSTELLO for adding this to the very important extension of the aviation authorization.

Mr. PETRI. I yield such time as he may consume to the ranking minority member of the full committee, my colleague from Florida, Representative JOHN MICA.

Mr. MICA. I thank the gentleman for yielding.

I am pleased to rise in support of this legislation, which would provide a 3-month extension for the operations of the Federal Aviation Administration.

This is kind of interesting. I think just for the record, Madam Speaker, and also for the benefit of our colleagues who may be listening or their staff trying to figure out what is going on, Madam Speaker, this is in fact the 12th extension of the FAA reauthorization.

I was the chairman back in 2001 and through the next 6 years, and my leadership I think is looking better and better every week and every month now.

I introduced the current bill that has been extended—today will be the 12th time—May 15 in 2003. It actually was agreed to in conference on November 21, 2003, and it was signed by the President on December 12, 2003. So I got it done in 6 months. Not record speed, but pretty good speed.

My bill has been in effect for about 7 years, I think the longest FAA authorization in history. I am quite proud of it, but in fact even my legislation does need improvement. We do need an update in policy for running the FAA. We need definition and delineation of projects which are authorized, including the important next generation getting the best technical equipment, going from a ground-based system to satellites, and getting better utilization out of our air space, and also using less fuel and more efficient utilization of our important airports. But, again, I think it is incredible that we are on the 12th extension with the passage of this, but it must be done.

The other body continues to belabor this particular bill. We are hoping for the best and that it does come out, and that we do have new language for the country and for the operation of our Federal Aviation Administration.

What is sad, too, is, again, I think if you look at the 3 years that the other side has controlled this Chamber, and this was pointed out again in a meeting that we had with some of the former TSA administrators, the turnover in personnel, not only in TSA and failure to replace the Transportation Security

Administration leader, but also in the FAA. We had seen turnover in the FAA administrator's position when I came to Congress some 18 years ago. We reached a bipartisan accord and agreement to have a 5-year appointment of an FAA administrator, and that would transcend a Presidential term.

We had two great administrators. One appointed by President Clinton, served for 5 years, Jane Garvey; and then we had one appointed by President Bush for 5 years, Marion Blakey, and she did an outstanding job.

And then what did we have? We had a period for an acting administrator, and the other side held him up, demeaned him. While he served in the position, we had a vacancy with an FAA administrator for over 1 year, and we didn't adhere to the bipartisan agreement to keep FAA out of politics and keep it with sound continuous administration. So I am disappointed in that fact.

Then, again, Madam Speaker, and for those Members that are listening, people are wondering what we are doing here on adjusting the jobs bill that just passed the Senate, I am told, today.

In that bill, as you may recall, and I offer this particular exhibit to the RECORD, it showed that with the extension through the end of December, the other body in fact denied 22 States payment and gave 58 percent of payment for one of our largest portions and designations of funding to four States. One was, of course, California; another one was Illinois, surprise; the State of Washington, another surprise; and then the Louisiana Purchase at the end.

But, Mr. OBERSTAR, I will say I have to compliment him. He did get an agreement, and he got the correction in this legislation so it is something we can all vote for. We can now equitably distribute the money to all 50 States.

There was a proposal to give it to the Secretary of Transportation. Now, I have been there and done that with the Secretary. I didn't like that proposal, because just several weeks before this fiasco took place, we distributed \$1.5 billion worth of stimulus funds to our economically job-disadvantaged States. And my State of Florida, seventh in the Nation with now 11.8 percent unemployment, they ended up getting zero, with discretionary money being distributed to again supposedly States that were hurting, and Florida is number seven of the top 10 in unemployment. So I wasn't a big fan of having the Secretary distribute that money.

I think what we have done here, which I suggested to the chairman and to the other side, was a fair distribution. Everyone knows what the distribution formula is; everyone will be treated equitably and fairly. So I am pleased to support both the FAA extension and then the correction and proper distribution of highway trust funds.

Now, this takes us only, folks, through December of this year. I know it is confusing because we are on a 30-

day highway extension because we haven't done a highway and transportation major rewrite of the TEA-legislation, but it will take us through the end of the year.

That is somewhat good news, but it is also bad news because States cannot plan beyond the end of the year. That means that we can't get people working beyond the end of the year. That means that we can't make commitments for improving our Nation's infrastructure and probably the biggest programs that we could do as far as this Congress in employing people.

So I am disappointed that the administration failed to support Mr. OBERSTAR, my chairman, on a 6-year authorization. At a time we needed to do it, they recommended an 18-month. And what have we got here? We have got until December, and leaving everyone at bay, people without work, States not knowing what to do after the end of this year.

So we have to do this. We have to get the extension as long as we can get it. Right now the other side is saying until December. I am disappointed in that. We have to straighten out the formula. And then we have to extend the FAA bill, and I am so pleased that we are extending my FAA bill, which, wasn't, I must say in closing, a bad piece of work.

□ 1600

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

Mr. COSTELLO. Madam Speaker, I have no further requests for time. I ask my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 4853.

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.

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. 1141, by the yeas and nays;
- S. 1147, by the yeas and nays;
- H.R. 3954, by the yeas and nays;
- H.R. 946, by the yeas and nays;
- H.R. 4825, by the yeas and nays.

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

HONORING SUPREME COURT JUSTICE SANDRA DAY O'CONNOR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1141, 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 Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1141.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 14, as follows:

[Roll No. 123]

YEAS—416

Ackerman	Chu	Granger	LaTourette	Nunes	Scott (VA)
Aderholt	Clarke	Graves	Latta	Nye	Sensenbrenner
Adler (NJ)	Clay	Green, Al	Lee (CA)	Oberstar	Serrano
Akin	Cleaver	Green, Gene	Lee (NY)	Obey	Sessions
Alexander	Clyburn	Griffith	Levin	Olson	Sestak
Altmire	Coble	Grijalva	Lewis (GA)	Oliver	Shadegg
Andrews	Coffman (CO)	Guthrie	Linder	Ortiz	Shea-Porter
Arcuri	Cohen	Gutierrez	Lipinski	Owens	Sherman
Austria	Cole	Hall (NY)	LoBiondo	Pallone	Shimkus
Baca	Conaway	Hall (TX)	Loeb	Pascarell	Shuler
Bachmann	Connolly (VA)	Halvorson	Lofgren, Zoe	Pastor (AZ)	Shuster
Bachus	Conyers	Hare	Lowey	Paul	Simpson
Baird	Cooper	Harman	Lucas	Paulsen	Sires
Baldwin	Costa	Harper	Luetkemeyer	Payne	Skelton
Barrow	Costello	Hastings (FL)	Lujan	Perlmutter	Slaughter
Bartlett	Courtney	Hastings (WA)	Lummis	Perriello	Smith (NE)
Barton (TX)	Crenshaw	Heinrich	Lungren, Daniel	Peters	Smith (NJ)
Bean	Crowley	Heller	E.	Peterson	Smith (TX)
Becerra	Cuellar	Hensarling	Lynch	Petri	Smith (WA)
Berkley	Culberson	Hergert	Mack	Pingree (ME)	Snyder
Berman	Cummings	Herseth Sandlin	Maffei	Pitts	Souder
Berry	Dahlkemper	Higgins	Maloney	Platts	Speier
Biggett	Davis (AL)	Hill	Manzullo	Poe (TX)	Spratt
Bilbray	Davis (CA)	Himes	Marchant	Polis (CO)	Stearns
Bilirakis	Davis (IL)	Hinchee	Markey (CO)	Pomeroy	Stupak
Bishop (GA)	Davis (KY)	Hinojosa	Markey (MA)	Posey	Sullivan
Bishop (NY)	Davis (TN)	Hirono	Marshall	Price (GA)	Sutton
Bishop (UT)	DeFazio	Hodes	Matheson	Price (NC)	Tanner
Blackburn	DeGette	Hoekstra	Matsui	Putnam	Taylor
Blumenauer	Dent	Holden	McCarthy (CA)	Quigley	Teague
Blunt	Diaz-Balart, L.	Holt	McCaul	Radanovich	Terry
Boccieri	Diaz-Balart, M.	Honda	McClintock	Rahall	Thompson (CA)
Boehner	Dicks	Hoyer	McCollum	Rangel	Thompson (MS)
Bonner	Dingell	Hunter	McCotter	Rehberg	Thompson (PA)
Bono Mack	Doggett	Inglis	McDermott	Reichert	Thornberry
Boozman	Donnelly (IN)	Inslie	McGovern	Reyes	Tiahrt
Boren	Doyle	Israel	McHenry	Richardson	Tiberi
Boswell	Dreier	Issa	McIntyre	Rodriguez	Tierney
Boucher	Driehaus	Jackson (IL)	McKeon	Roe (TN)	Titus
Boustany	Duncan	Jackson Lee	McMahon	Rogers (AL)	Tonko
Boyd	Edwards (MD)	(TX)	McMorris	Rogers (KY)	Towns
Brady (PA)	Edwards (TX)	Jenkins	Rodgers	Rogers (MI)	Tsongas
Brady (TX)	Ehlers	Johnson (GA)	McNerney	Rohrabacher	Turner
Braley (IA)	Ellison	Johnson (IL)	Meek (FL)	Rooney	Upton
Bright	Ellsworth	Johnson, E. B.	Meeke (NY)	Ros-Lehtinen	Van Hollen
Broun (GA)	Emerson	Johnson, Sam	Melancon	Roskam	Velázquez
Brown, Corrine	Engel	Jones	Mica	Ross	Visclosky
Brown-Waite,	Eshoo	Jordan (OH)	Michaud	Rothman (NJ)	Walden
Ginny	Etheridge	Kagen	Miller (FL)	Roybal-Allard	Walz
Buchanan	Fallin	Kanjorski	Miller (MI)	Royce	Wamp
Burgess	Farr	Kaptur	Miller (NC)	Ruppersberger	Wasserman
Burton (IN)	Fattah	Kennedy	Miller, Gary	Rush	Schultz
Butterfield	Filner	Kildee	Miller, George	Ryan (OH)	Waters
Buyer	Flake	Kilpatrick (MI)	Minnick	Ryan (WI)	Watson
Calvert	Fleming	Kilroy	Mitchell	Salazar	Watt
Camp	Forbes	Kind	Mollohan	Salazar	Waxman
Campbell	Foster	King (IA)	Moore (KS)	Sánchez, Linda	Weiner
Cantor	Fox	King (NY)	Moore (WI)	T.	Welch
Cao	Frank (MA)	Kingston	Moran (KS)	Sanchez, Loretta	Westmoreland
Capps	Frank (AZ)	Kirk	Moran (VA)	Scalise	Whitfield
Capuano	Frelinghuysen	Kirkpatrick (AZ)	Murphy (CT)	Schakowsky	Wilson (OH)
Cardoza	Fudge	Kissell	Murphy (NY)	Schauer	Wilson (SC)
Carnahan	Gallely	Klein (FL)	Murphy, Patrick	Schiff	Wittman
Carney	Garamendi	Kline (MN)	Murphy, Tim	Schmidt	Wolf
Carson (IN)	Garrett (NJ)	Kosmas	Myrick	Schock	Woolsey
Carter	Gerlach	Kratovil	Nadler (NY)	Schrader	Wu
Cassidy	Giffords	Kucinich	Napolitano	Schwartz	Yarmuth
Castle	Gingrey (GA)	Lamborn	Neal (MA)	Scott (GA)	Young (AK)
Castor (FL)	Gohmert	Lance	Neugebauer		
Chaffetz	Gonzalez	Langevin			
Chandler	Goodlatte	Larson (CT)			
Childers	Gordon (TN)	Latham			

NOT VOTING—14

□ 1628

Mr. HENSARLING changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill, S. 1147, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, S. 1147.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 25, not voting 18, as follows:

[Roll No. 124]

YEAS—387

Ackerman	Courtney	Holden
Aderholt	Crenshaw	Holt
Adler (NJ)	Crowley	Honda
Akin	Cuellar	Hoyer
Alexander	Culberson	Hunter
Altmire	Cummings	Inglis
Andrews	Dahlkemper	Inslee
Arcuri	Davis (AL)	Israel
Austria	Davis (CA)	Jackson (IL)
Baca	Davis (IL)	Jackson Lee
Bachmann	Davis (KY)	(TX)
Bachus	Davis (TN)	Jenkins
Baird	DeFazio	Johnson (IL)
Baldwin	DeGette	Johnson, E. B.
Barrow	DeLauro	Johnson, Sam
Bartlett	Dent	Jones
Barton (TX)	Diaz-Balart, L.	Jordan (OH)
Bean	Diaz-Balart, M.	Kagen
Becerra	Dingell	Kanjorski
Berman	Doggett	Kaptur
Berry	Donnelly (IN)	Kennedy
Biggert	Doyle	Kildee
Bilbray	Dreier	Kilpatrick (MI)
Bilirakis	Driehaus	Kilroy
Bishop (GA)	Edwards (MD)	Kind
Bishop (NY)	Edwards (TX)	King (IA)
Bishop (UT)	Ehlers	King (NY)
Blumenauer	Ellison	Kirk
Blunt	Emerson	Kirkpatrick (AZ)
Bocchieri	Engel	Kissell
Boehner	Eshoo	Klein (FL)
Bonner	Etheridge	Kline (MN)
Bono Mack	Fallin	Kosmas
Boozman	Farr	Kratovil
Boswell	Fattah	Kucinich
Boucher	Filner	Lamborn
Boustany	Fleming	Lance
Boyd	Forbes	Langevin
Brady (PA)	Fortenberry	Latham
Brady (TX)	Foster	LaTourrette
Bralley (IA)	Fox	Latta
Bright	Frank (MA)	Lee (CA)
Brown, Corrine	Franks (AZ)	Lee (NY)
Brown-Waite,	Frelinghuysen	Levin
Ginny	Fudge	Lewis (CA)
Buchanan	Gallegly	Lewis (GA)
Burgess	Garamendi	Linder
Burton (IN)	Gerlach	Lipinski
Butterfield	Giffords	LoBiondo
Buyer	Gingrey (GA)	Loesack
Calvert	Gohmert	Lofgren, Zoe
Camp	Gonzalez	Lowe
Cantor	Goodlatte	Lucas
Cao	Gordon (TN)	Luetkemeyer
Capps	Granger	Lujan
Capuano	Graves	Lungren, Daniel
Carnahan	Green, Al	E.
Carney	Green, Gene	Lynch
Carson (IN)	Griffith	Mack
Cassidy	Grijalva	Maffei
Castle	Guthrie	Maloney
Castor (FL)	Gutierrez	Manzullo
Chaffetz	Hall (NY)	Marchant
Chandler	Hall (TX)	Markey (CO)
Childers	Hare	Markey (MA)
Chu	Harman	Marshall
Clarke	Harper	Matheson
Clay	Hastings (FL)	Matsui
Cleaver	Hastings (WA)	McCarthy (CA)
Clyburn	Heinrich	McCarthy (NY)
Coble	Heller	McCaul
Coffman (CO)	Hensarling	McCollum
Cohen	Hergert	McCotter
Cole	Higgins	McDermott
Conaway	Hill	McGovern
Connolly (VA)	Himes	McHenry
Conyers	Hinche	McIntyre
Cooper	Hinojosa	McKeon
Costa	Hirono	McMahon
Costello	Hodes	McMorris
	Hoekstra	Rodgers

McNerney	Price (NC)	Smith (NE)
Meek (FL)	Putnam	Smith (NJ)
Meeks (NY)	Quigley	Smith (TX)
Melancon	Radanovich	Smith (WA)
Mica	Rahall	Snyder
Michaud	Rangel	Souder
Miller (MI)	Rehberg	Speier
Miller (NC)	Reichert	Spratt
Miller, George	Reyes	Stearns
Minnick	Richardson	Stupak
Mitchell	Rodriguez	Sullivan
Mollohan	Roe (TN)	Sutton
Moore (KS)	Rogers (AL)	Tanner
Moran (KS)	Rogers (KY)	Taylor
Moran (VA)	Rogers (MI)	Teague
Murphy (CT)	Ros-Lehtinen	Terry
Murphy (NY)	Roskam	Thompson (CA)
Murphy, Patrick	Ross	Thompson (MS)
Murphy, Tim	Rothman (NJ)	Thompson (PA)
Myrick	Roybal-Allard	Thornberry
Nadler (NY)	Royce	Tiaht
Napolitano	Ruppersberger	Tiberi
Neal (MA)	Rush	Tierney
Neugebauer	Ryan (OH)	Titus
Nunes	Ryan (WI)	Tonko
Nye	Salazar	Towns
Oberstar	Sánchez, Linda	Tsongas
Obey	T.	Turner
Olson	Sanchez, Loretta	Upton
Oliver	Sarbanes	Van Hollen
Ortiz	Scalise	Velázquez
Owens	Schakowsky	Visclosky
Pallone	Schauer	Walden
Pascarell	Schiff	Walz
Pastor (AZ)	Schock	Wamp
Paulsen	Schrader	Wasserman
Payne	Schwartz	Schultz
Pence	Scott (GA)	Waters
Perlmutter	Scott (VA)	Watson
Perriello	Serrano	Watt
Peters	Sessions	Waxman
Peterson	Sestak	Weiner
Pingree (ME)	Shea-Porter	Welch
Pitts	Sherman	Wilson (OH)
Platts	Shimkus	Wilson (SC)
Poe (TX)	Shuler	Wittman
Polis (CO)	Shuster	Wolf
Pomeroy	Simpson	Woolsey
Posey	Sires	Wu
Price (GA)	Skelton	Yarmuth

NAYS—25

Boren	Halvorson	Rohrabacher
Broun (GA)	Herseht Sandlin	Rooney
Campbell	Kingston	Sensenbrenner
Carb	Lummis	Shadegg
Dicks	McClintock	Westmoreland
Duncan	Miller (FL)	Whitfield
Ellsworth	Miller, Gary	Young (AK)
Flake	Paul	
Garrett (NJ)	Petri	

NOT VOTING—18

Barrett (SC)	Delahunt	Moore (WI)
Berkley	Grayson	Schmidt
Blackburn	Issa	Slaughter
Brown (SC)	Johnson (GA)	Space
Capito	Larsen (WA)	Stark
Deal (GA)	Larson (CT)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1637

Mr. BOREN changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 124, had I been present, I would have voted “yea.”

FLORIDA NATIONAL FOREST LAND ADJUSTMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3954, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 3954, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 11, as follows:

[Roll No. 125]

YEAS—418

Ackerman	Clarke	Granger
Aderholt	Clay	Graves
Adler (NJ)	Cleaver	Grayson
Akin	Clyburn	Green, Al
Alexander	Coble	Green, Gene
Altmire	Coffman (CO)	Griffith
Andrews	Cohen	Grijalva
Arcuri	Cole	Guthrie
Austria	Conaway	Gutierrez
Baca	Connolly (VA)	Hall (NY)
Bachmann	Conyers	Hall (TX)
Bachus	Cooper	Halvorson
Baird	Costa	Hare
Baldwin	Costello	Harman
Barrow	Courtney	Harper
Bartlett	Crenshaw	Hastings (FL)
Barton (TX)	Crowley	Hastings (WA)
Bean	Cuellar	Heinrich
Becerra	Culberson	Heller
Berkley	Cummings	Hensarling
Berman	Dahlkemper	Herger
Berry	Davis (AL)	Herseht Sandlin
Biggert	Davis (CA)	Higgins
Bilbray	Davis (IL)	Hill
Bilirakis	Davis (KY)	Himes
Bishop (GA)	Davis (TN)	Hinche
Bishop (NY)	DeFazio	Hinojosa
Bishop (UT)	DeGette	Hirono
Blumenauer	DeLauro	Hodes
Blunt	Dent	Hoekstra
Bocchieri	Diaz-Balart, L.	Holden
Boehner	Diaz-Balart, M.	Holt
Bonner	Dicks	Honda
Bono Mack	Doggett	Hoyer
Boozman	Donnelly (IN)	Hunter
Boren	Doyle	Inglis
Boswell	Dreier	Inslee
Boucher	Driehaus	Israel
Boustany	Duncan	Issa
Boyd	Edwards (MD)	Jackson (IL)
Brady (PA)	Edwards (TX)	Jackson Lee
Brady (TX)	Ehlers	(TX)
Bralley (IA)	Ellison	Jenkins
Bright	Ellsworth	Johnson (GA)
Broun (GA)	Emerson	Johnson (IL)
Brown, Corrine	Engel	Johnson, E. B.
Brown-Waite,	Eshoo	Johnson, Sam
Ginny	Etheridge	Jones
Buchanan	Fallin	Jordan (OH)
Burgess	Farr	Kagen
Burton (IN)	Fattah	Kanjorski
Butterfield	Filner	Kaptur
Buyer	Flake	Kennedy
Calvert	Fleming	Kildee
Camp	Forbes	Kilpatrick (MI)
Campbell	Fortenberry	Kilroy
Cantor	Foster	Kind
Cao	Fox	King (IA)
Capps	Frank (MA)	King (NY)
Capuano	Franks (AZ)	Kingston
Cardoza	Frelinghuysen	Kirk
Carnahan	Fudge	Kirkpatrick (AZ)
Carney	Gallegly	Kissell
Carson (IN)	Garamendi	Klein (FL)
Cassidy	Garrett (NJ)	Kline (MN)
Castle	Gerlach	Kosmas
Castor (FL)	Giffords	Kratovil
Chaffetz	Gingrey (GA)	Kucinich
Chandler	Gohmert	Lamborn
Childers	Gonzalez	Lance
Chu	Goodlatte	Langevin
	Gordon (TN)	Larsen (WA)

Larson (CT) Napolitano
 Latham Neal (MA)
 LaTourette Neugebauer
 Latta Nunes
 Lee (CA) Nye
 Lee (NY) Oberstar
 Levin Obey
 Lewis (CA) Olson
 Lewis (GA) Olver
 Linder Ortiz
 Lipinski Owens
 LoBiondo Pallone
 Loeb sack Pascrell
 Lofgren, Zoe Pastor (AZ)
 Lowey Paul
 Lucas Paulsen
 Luetkemeyer Payne
 Luján Pence
 Lummis Perlmutter
 Lungren, Daniel Perriello
 E. Peters
 Lynch Peterson
 Mack Petri
 Maffei Pingree (ME)
 Maloney Pitts
 Manzullo Platts
 Marchant Poe (TX)
 Markey (CO) Polis (CO)
 Markey (MA) Pomeroy
 Marshall Posey
 Matheson Price (GA)
 Matsui Price (NC)
 McCarthy (CA) Putnam
 McCarthy (NY) Quigley
 McCaul Radanovich
 McClintock Rahall
 McCollum Rangel
 McCotter Rehberg
 McDermott Reichert
 McGovern Reyes
 McHenry Richardson
 McIntyre Rodriguez
 McKeon Roe (TN)
 McMahan Rogers (AL)
 McMorris Rogers (KY)
 Rodgers Rogers (MI)
 McNeerney Rohrabacher
 Meek (FL) Rooney
 Meeks (NY) Ros-Lehtinen
 Melancon Roskam
 Mica Ross
 Michaud Rothman (NJ)
 Miller (FL) Roybal-Allard
 Miller (MI) Royce
 Miller (NC) Ruppertsberger
 Miller, Gary Rush
 Miller, George Ryan (OH)
 Minnick Ryan (WI)
 Mitchell Salazar
 Mollohan Sánchez, Linda
 Moore (KS) T.
 Moore (WI) Sanchez, Loretta
 Moran (KS) Sarbanes
 Moran (VA) Scalise
 Murphy (CT) Schakowsky
 Murphy (NY) Schauer
 Murphy, Patrick Schiff
 Murphy, Tim Schmidt
 Myrick Schock
 Nadler (NY) Schrader

PLAIN WRITING ACT OF 2010
 The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 946, as amended, on which the yeas and nays were ordered.
 The Clerk read the title of the bill.
 The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 946, as amended.
 This will be a 5-minute vote.
 The vote was taken by electronic device, and there were—yeas 386, nays 33, not voting 11, as follows:

[Roll No. 126]
 YEAS—386
 Ackerman Conyers
 Aderholt Cooper
 Adler (NJ) Costa
 Alexander Costello
 Altmire Courtney
 Andrews Crenshaw
 Arcuri Crowley
 Austria Cuellar
 Baca Culberson
 Bachmann Cummings
 Bachus Dahlkemper
 Baird Davis (AL)
 Baldwin Davis (CA)
 Barrow Davis (IL)
 Barton (TX) Davis (KY)
 Bean Davis (TN)
 Becerra DeFazio
 Berkeley DeGette
 Berman DeLauro
 Berry Dent
 Biggert Diaz-Balart, L.
 Bilbray Diaz-Balart, M.
 Bilirakis Dicks
 Bishop (GA) Doggett
 Bishop (NY) Donnelly (IN)
 Bishop (UT) Doyle
 Blumenauer Driehaus
 Blunt Duncan
 Boccheri Edwards (MD)
 Boehner Edwards (TX)
 Bonner Ehlers
 Bono Mack Ellison
 Boozman Ellsworth
 Boren Emerson
 Boswell Engel
 Boucher Eshoo
 Boustany Etheridge
 Boyd Fallin
 Brady (PA) Farr
 Brady (TX) Fattah
 Braley (IA) Filner
 Bright Fleming
 Broun (GA) Forbes
 Brown, Corrine Fortenberry
 Brown-Waite, Foster
 Ginny Foxx
 Buchanan Frank (MA)
 Butterfield Franks (AZ)
 Buyer Frelinghuysen
 Camp Fudge
 Cantor Gallegly
 Cao Garamendi
 Capps Gerlach
 Capuano Giffords
 Cardoza Gingrey (GA)
 Carnahan Gonzalez
 Carney Goodlatte
 Carson (IN) Gordon (TN)
 Carter Granger
 Cassidy Graves
 Castle Grayson
 Castor (FL) Green, Al
 Chandler Green, Gene
 Childers Griffith
 Chu Grijalva
 Clarke Guthrie
 Clay Hall (NY)
 Cleaver Hall (TX)
 Clyburn Hall (TX)
 Coble Halvorson
 Coffman (CO) Hare
 Cohen Harman
 Cole Harper
 Conaway Hastings (FL)
 Connolly (VA) Hastings (WA)

Markey (MA) Marshall
 Marshall Matheson
 Matsui Matsui
 McCarthy (CA) McCarthy (NY)
 McCaul McCollum
 McCotter McCotter
 McDermott McDermott
 McGovern McGovern
 McHenry McHenry
 McIntyre McIntyre
 McKeon McKeon
 McMahan McMahan
 McMorris McMorris
 Rodgers Rodgers
 McNeerney McNeerney
 Meek (FL) Meek (FL)
 Meeks (NY) Meeks (NY)
 Melancon Melancon
 Mica Mica
 Michaud Michaud
 Miller (FL) Miller (FL)
 Miller (MI) Miller (MI)
 Miller (NC) Miller (NC)
 Miller, Gary Miller, Gary
 Miller, George Miller, George
 Minnick Minnick
 Mitchell Mitchell
 Mollohan Mollohan
 Moore (KS) Moore (KS)
 Moore (WI) Moore (WI)
 Moran (KS) Moran (KS)
 Moran (VA) Moran (VA)
 Murphy (CT) Murphy (CT)
 Murphy (NY) Murphy (NY)
 Murphy, Patrick Murphy, Patrick
 Murphy, Tim Murphy, Tim
 Myrick Myrick
 Nadler (NY) Nadler (NY)

Perriello Peters
 Peters Peterson
 Pingree (ME) Pingree (ME)
 Platts Platts
 Poliss (CO) Poliss (CO)
 Pomeroy Pomeroy
 Posey Posey
 Price (GA) Price (GA)
 Price (NC) Price (NC)
 Putnam Putnam
 Quigley Quigley
 Radanovich Radanovich
 Rahall Rahall
 Rangel Rangel
 Rehberg Rehberg
 Reichert Reichert
 Reyes Reyes
 Richardson Richardson
 Rodriguez Rodriguez
 Roe (TN) Roe (TN)
 Rogers (AL) Rogers (AL)
 Rogers (KY) Rogers (KY)
 Rogers (MI) Rogers (MI)
 Rohrabacher Rohrabacher
 Ros-Lehtinen Ros-Lehtinen
 Roskam Roskam
 Ross Ross
 Rothman (NJ) Rothman (NJ)
 Roybal-Allard Roybal-Allard
 Royce Royce
 Ruppertsberger Ruppertsberger
 Rush Rush
 Ryan (OH) Ryan (OH)
 Ryan (WI) Ryan (WI)
 Salazar Salazar
 Sánchez, Linda Sánchez, Linda
 T. T.
 Sanchez, Loretta Sanchez, Loretta
 Sarbanes Sarbanes
 Scalise Scalise
 Schakowsky Schakowsky
 Schauer Schauer
 Schiff Schiff
 Schmidt Schmidt
 Schock Schock
 Sherman Sherman

Shimkus Shuler
 Shuler Shuster
 Shuster Shuster
 Simpson Simpson
 Sires Sires
 Skelton Skelton
 Smith (NJ) Smith (NJ)
 Smith (TX) Smith (TX)
 Smith (WA) Smith (WA)
 Snyder Snyder
 Snyder Snyder
 Souder Souder
 Speier Speier
 Spratt Spratt
 Stearns Stearns
 Stupak Stupak
 Sullivan Sullivan
 Sutter Sutter
 Tanner Tanner
 Taylor Taylor
 Teague Teague
 Terry Terry
 Thompson (CA) Thompson (CA)
 Thompson (MS) Thompson (MS)
 Thompson (PA) Thompson (PA)
 Thornberry Thornberry
 Tiberi Tiberi
 Ros-Lehtinen Ros-Lehtinen
 Roskam Roskam
 Ross Ross
 Rothman (NJ) Rothman (NJ)
 Roybal-Allard Roybal-Allard
 Royce Royce
 Ruppertsberger Ruppertsberger
 Rush Rush
 Ryan (OH) Ryan (OH)
 Ryan (WI) Ryan (WI)
 Salazar Salazar
 Sánchez, Linda Sánchez, Linda
 T. T.
 Sanchez, Loretta Sanchez, Loretta
 Sarbanes Sarbanes
 Scalise Scalise
 Schakowsky Schakowsky
 Schauer Schauer
 Schiff Schiff
 Schmidt Schmidt
 Schock Schock
 Sherman Sherman

NAYS—33
 Akin Gohmert
 Bartlett Jenkins
 Blackburn Jordan (OH)
 Burgess Kingston
 Burton (IN) Lamborn
 Calvert Lewis (CA)
 Campbell Lummis
 Chaffetz Manzullo
 Dreier Marchant
 Flake McClintock
 Garrett (NJ) Miller, Gary

NOT VOTING—11
 Barrett (SC) Delahunt
 Brown (SC) Dingell
 Capito Pence
 Deal (GA) Slaughter

NAYS—1
 Whitfield

NOT VOTING—11
 Deal (GA) Space
 Delahunt Stark
 Dingell Young (FL)
 Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.
 □ 1646
 So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.
 The result of the vote was announced as above recorded.
 A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 946, as amended, on which the yeas and nays were ordered.
 The Clerk read the title of the bill.
 The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 946, as amended.
 This will be a 5-minute vote.
 The vote was taken by electronic device, and there were—yeas 386, nays 33, not voting 11, as follows:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.
 □ 1654
 Messrs. CHAFFETZ and BURTON of Indiana changed their vote from “yea” to “nay.”
 So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.
 The result of the vote was announced as above recorded.
 A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.
 □ 1654
 Messrs. CHAFFETZ and BURTON of Indiana changed their vote from “yea” to “nay.”
 So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.
 The result of the vote was announced as above recorded.
 A motion to reconsider was laid on the table.

**SENSIBLE STEPS TOWARD A
BALANCED BUDGET ACT**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4825, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 4825.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 16, as follows:

[Roll No. 127]
YEAS—413

Ackerman	Cleaver	Griffith
Aderholt	Clyburn	Grijalva
Adler (NJ)	Coble	Guthrie
Akin	Coffman (CO)	Gutierrez
Alexander	Cohen	Hall (NY)
Altmire	Cole	Hall (TX)
Andrews	Conaway	Halvorson
Arcuri	Connolly (VA)	Hare
Austria	Conyers	Harman
Baca	Cooper	Harper
Bachmann	Costa	Hastings (FL)
Bachus	Costello	Hastings (WA)
Baird	Courtney	Heinrich
Baldwin	Crenshaw	Heller
Barrow	Crowley	Hensarling
Bartlett	Cuellar	Herger
Barton (TX)	Culberson	Herseth Sandlin
Bean	Cummings	Higgins
Becerra	Dahlkemper	Hill
Berkley	Davis (AL)	Himes
Berman	Davis (GA)	Hinchee
Berry	Davis (IL)	Hinojosa
Biggert	Davis (KY)	Hirono
Billray	Davis (TN)	Hodes
Bilirakis	DeFazio	Hoekstra
Bishop (GA)	DeGette	Holden
Bishop (NY)	DeLauro	Holt
Bishop (UT)	Dent	Honda
Blackburn	Diaz-Balart, L.	Hoyer
Blumenauer	Diaz-Balart, M.	Hunter
Blunt	Dicks	Inslee
Boccheri	Doggett	Israel
Boehner	Donnelly (IN)	Issa
Bonner	Doyle	Jackson (IL)
Bono Mack	Dreier	Jackson Lee
Boozman	Driehaus	(TX)
Boren	Duncan	Jenkins
Boswell	Edwards (MD)	Johnson (GA)
Boucher	Edwards (TX)	Johnson (IL)
Boustany	Ehlers	Johnson, E. B.
Boyd	Ellison	Johnson, Sam
Brady (PA)	Ellsworth	Jones
Brady (TX)	Emerson	Jordan (OH)
Braley (IA)	Engel	Kagen
Bright	Eshoo	Kanjorski
Broun (GA)	Etheridge	Kaptur
Brown, Corrine	Fallin	Kennedy
Brown-Waite,	Farr	Kildee
Ginny	Fattah	Kilpatrick (MI)
Buchanan	Filner	Kilroy
Burgess	Flake	Kind
Burton (IN)	Fleming	King (IA)
Butterfield	Forbes	King (NY)
Calvert	Fortenberry	Kingston
Camp	Foster	Kirk
Campbell	Fox	Kirkpatrick (AZ)
Cantor	Frank (MA)	Kissell
Cao	Franks (AZ)	Klein (FL)
Capps	Frelinghuysen	Kline (MN)
Capuano	Fudge	Kosmas
Cardoza	Galleghy	Kratovil
Carnahan	Garrett (NJ)	Kucinich
Carney	Gerlach	Lamborn
Carson (IN)	Giffords	Lance
Carter	Gingrey (GA)	Langevin
Cassidy	Gohmert	Larson (CT)
Castle	Gonzalez	Latham
Castor (FL)	Goodlatte	LaTourette
Chaffetz	Gordon (TN)	Latta
Chandler	Granger	Lee (CA)
Childers	Graves	Lee (NY)
Chu	Grayson	Levin
Clarke	Green, Al	Lewis (CA)
Clay	Green, Gene	

Lewis (GA)	Oberstar	Sensenbrenner
Linder	Obey	Serrano
Lipinski	Olson	Sessions
LoBiondo	Olver	Sestak
Loebsack	Ortiz	Shadegg
Lofgren, Zoe	Pallone	Shea-Porter
Lowey	Pascrell	Sherman
Lucas	Pastor (AZ)	Shimkus
Luetkemeyer	Paul	Shuler
Lujan	Paulsen	Shuster
Lummis	Payne	Simpson
Lungren, Daniel	Pence	Sires
E.	Perlmutter	Skelton
Lynch	Perriello	Smith (NE)
Mack	Peters	Smith (NJ)
Maffei	Peterson	Smith (TX)
Maloney	Petri	Smith (WA)
Manzullo	Pingree (ME)	Snyder
Marchant	Pitts	Souder
Markey (CO)	Platts	Speier
Markey (MA)	Poe (TX)	Spratt
Marshall	Polis (CO)	Stearns
Matheson	Pomeroy	Stupak
Matsui	Price (GA)	Sullivan
McCarthy (CA)	Price (NC)	Sutton
McCarthy (NY)	Putnam	Tanner
McCaul	Quigley	Taylor
McClintock	Radanovich	Teague
McCollum	Rahall	Terry
McCotter	Rangel	Thompson (CA)
McDermott	Rehberg	Thompson (MS)
McGovern	Reichert	Thompson (PA)
McHenry	Reyes	Thornberry
McIntyre	Richardson	Tiahrt
McKeon	Rodriguez	Tiberi
McMahon	Roe (TN)	Titus
McMorris	Rogers (AL)	Tonko
Rodgers	Rogers (KY)	Towns
McNerney	Rogers (MI)	Tsongas
Meek (FL)	Rohrabacher	Turner
Meeks (NY)	Rooney	Upton
Melancon	Ros-Lehtinen	Van Hollen
Mica	Roskam	Velázquez
Michaud	Ross	Visclosky
Miller (FL)	Rothman (NJ)	Walden
Miller (MI)	Roybal-Allard	Walz
Miller (NC)	Royce	Wamp
Miller, Gary	Ruppersberger	Wasserman
Miller, George	Rush	Schultz
Minnick	Ryan (OH)	Waters
Mitchell	Ryan (WI)	Watson
Mollohan	Salazar	Watt
Moore (KS)	Sánchez, Linda	Waxman
Moore (WI)	T.	Weiner
Moran (KS)	Sanchez, Loretta	Welch
Moran (VA)	Sarbanes	Westmoreland
Murphy (CT)	Scalise	Whitfield
Murphy (NY)	Schakowsky	Wilson (OH)
Murphy, Patrick	Schauer	Wilson (SC)
Murphy, Tim	Schiff	Wittman
Myrick	Schmidt	Wolf
Napolitano	Schock	Woolsey
Neal (MA)	Schrader	Wu
Neugebauer	Schwartz	Yarmuth
Nunes	Scott (GA)	Young (AK)
Nye	Scott (VA)	

NAYS—1

Nadler (NY)
NOT VOTING—16

Barrett (SC)	Dingell	Space
Brown (SC)	Garamendi	Stark
Buyer	Larsen (WA)	Tierney
Capito	Owens	Young (FL)
Deal (GA)	Posey	
Delahunt	Slaughter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1702

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to direct unused appropriations for Members' Representational Allowances to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt."

A motion to reconsider was laid on the table.

□ 1700

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-441) on the resolution (H. Res. 1190) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

**WOMEN WILL BENEFIT FROM
HEALTH CARE REFORM**

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

Ms. ZOE LOFGREN of California. Mr. Speaker, soon health care insurance reform will be on this floor, and I believe that the women of America have the most to gain from the bill.

In the individual insurance market, women are charged up to 48 percent more than men for the same coverage. The health bill will prohibit that discrimination. Women are denied coverage for preexisting conditions like domestic violence or C-sections or pregnancy. The health care bill will prevent that.

We know as mothers that we are worried about our young adult children. They can't get insurance, but the health care bill will allow us to keep our young adult sons and daughters on our own health care insurance plans.

Preventative services are sometimes unaffordable for women, but the health care bill will require preventative services to be provided without a copay.

Health insurance reform is just what the doctor ordered for the women of America.

**PERMISSION TO ADDRESS THE
HOUSE**

The SPEAKER pro tempore (Mr. PERRIELLO). For what purpose does the gentleman from Kansas rise?

Mr. MORAN of Kansas. To address the House for 1 minute.

The SPEAKER pro tempore. The gentleman gave a 1-minute speech earlier today. He may not be recognized for a second 1-minute speech.

NATIONAL AGRICULTURE WEEK

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

Mr. TIAHRT. Mr. Speaker, this is National Ag Week, and I want to express my support and appreciation for our Nation's farmers and ranchers, especially those from my home State of Kansas.

Kansas farmers produce more than 350 million bushels of wheat, 200 million bushels of sorghum, and nearly 500 million bushels of corn, generating more than \$5 billion annually for our economy. Our ranchers produced more than 6.3 billion head of cattle this year. Each farmer feeds more than 130 people. It is their hard work that has ensured America a safe, low-cost feed supply.

Now, I learned about agriculture on the seat of a tractor, not a committee, and I know firsthand just how hard farmers work. Too many people here in Washington have no clue how the policies they pass affect farm life, often making things more difficult for farmers and ranchers.

Congress and bureaucracies need to freeze regulations and let the agricultural community do their job of feeding the world. We need to have the EPA step back from the regulations of everything from dust to cow gas. We need to eliminate the death tax so family farms can stay in the family. And please, let us restore the focus of the farm bill on the family farm and not on the cities.

So tonight, Mr. Speaker, as you sit down to dinner, remember to thank a farmer for making your meal possible.

CONGRATULATING JACK YATES HIGH SCHOOL LIONS

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

Ms. JACKSON LEE of Texas. Mr. Speaker, there are many, many important issues that we will be debating over the next couple of days. I look forward to being engaged in helping America.

But all of us believe in saluting our youth, and so I rise today to salute Jack Yates High School in Houston, Texas. I salute them because of their achievement when things were going wrong. They are the AAAA State Champions in basketball, but they are rated as the number 1 high school basketball team in the Nation. So we stand here in the Congress saying thank you to young men that not only know how to play sports and basketball, but also know how to play the game of academics.

Let me salute their principal, Principal Mumphrey; their coach, Coach Wise; and all of the team, both the starting five and others, who showed courage and showed character. During the game Saturday at the Erwin Center in Austin, Texas, they suffered injuries. But they didn't give up, they didn't give out, and they didn't give up. They stood tall; they played; they ordered themselves, and they won this game. They have had a no-loss season.

They should be commended because they also stand for character. They have served their community. I'm proud of the Lions in Winter. Jack Yates High School should be congratulated.

PHYSICIANS SUPPORT HEALTH CARE REFORM

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

Ms. PINGREE of Maine. Mr. Speaker, I want to read a letter I got from a doctor talking about the disproportionate effect of our health care system on women. She says, "As a health care provider, I see patients in my office frequently who need surgery or medicine but who cannot get the health care they really need because they do not have insurance.

"These are young, otherwise healthy women who are coping the best they can with their personal health issues. It doesn't make the national press, but the idea of these women suffering day after day tugs at my heartstrings.

"We all have sisters, daughters, and cousins without insurance. We are all touched by someone who does not qualify for government insurance or cannot afford a private policy. At what point do you decide that enough is enough and that private insurance companies aren't doing their job?"

That doctor is right. That is why I support this bill. There are many provisions in the health care bill that we will be taking up this week that make sure that women are not disproportionately affected by the lack of coverage.

I look forward to voting for this bill.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 457

In the Senate of the United States, March 17, 2010.

Resolved, That a summons shall be issued which commands G. Thomas Porteous, Jr. to file with the Secretary of the Senate an answer to the articles of impeachment no later than April 7, 2010, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than April 21, 2010.

SEC. 5. The Secretary shall notify counsel for G. Thomas Porteous, Jr. of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely an-

swer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate agreed to the following resolution:

S. RES. 458

In the Senate of the United States, March 17, 2010.

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members, including a chairman and vice chairman, respectively, to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6(A). The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

(b) In carrying out its powers, duties, and functions under this resolution, the committee is authorized, in its discretion and with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 7. The committee appointed pursuant to section one of this resolution shall terminate no later than 60 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge G. Thomas Porteous, Jr. of this resolution.

The message also announced that pursuant to Senate Resolution 458, 111th Congress, on the appointment of an impeachment trial committee and Impeachment Rule XI, the Chair, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge G. Thomas Porteous, Jr.:

The Senator from Missouri (Mrs. McCASKILL) (Chairman).

The Senator from Minnesota (Ms. KLOBUCHAR).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The Senator from Delaware (Mr. KAUFMAN).

The Senator from Utah (Mr. HATCH) (Vice Chairman).

The Senator from Wyoming (Mr. BARRASSO).

The Senator from South Carolina (Mr. DEMINT).

The Senator from Nebraska (Mr. JOHANNES).

The Senator from Idaho (Mr. RISCH).

The Senator from Mississippi (Mr. WICKER).

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERRIELLO). 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.

FREE SPEECH IS NO LONGER RECOGNIZED IN THE NETHERLANDS

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. Mr. Speaker, the God-given right of free speech to all people in all nations is no longer recognized in the Netherlands. The Dutch Government is intolerant of intolerance for terrorists. Thou shalt not criticize, says their commandment.

Dutch lawmaker Geert Wilders made a documentary movie about real terrorist acts and real radical Islamic clerics encouraging violence in the name of hate. Wilders now is on trial for insulting Islam. He's charged with discrimination and incitement to hatred.

In Amsterdam, it's illegal for a Christian or a Buddhist or an atheist or anyone else to criticize Islam because radical Islamic clerics will incite their followers to murder people. So the Dutch are no longer allowed to talk about terrorism.

The Dutch Ministry of Justice says—get this—it doesn't matter if Wilders was telling the truth. The Dutch court says it's irrelevant whether Wilders might prove his observations to be correct. What's relevant is his observations are illegal.

□ 1715

Geert Wilders now lives under threat of a 5-year jail sentence from his own government for a violation of free speech. His trial is set to resume in July, the trial where the Dutch court said truth doesn't matter; it only matters if Wilders' words hurt somebody's feelings.

And Wilders lives in fear under the threat of death for speaking his mind about radical Islam. So-called religious leaders believe their radical religion says they can kill those who don't agree with them. Dutch filmmaker Theo Van Gogh, great-grand nephew of the famous painter Vincent Van Gogh, was a big believer in freedom of speech too. He and his partner, Hirsi Ali, made a documentary movie about women and Islam called "Submission." The radical clerics didn't like that one either, so they had Van Gogh murdered. Six terrorists were later arrested. One of the terrorists shot and then repeatedly stabbed Van Gogh as he rode his bicycle to work. He slit Van Gogh's throat and then stabbed him again, pinning a five-page radical rant to his body.

The rant listed all of the things they thought Hirsi Ali, his female partner in the film, had done to violate the Koran. And they threatened her with death. At the time, she was a sitting member of the Dutch Parliament.

Hirsi Ali was born in Somalia, and her family escaped when she was a child. She was raised a Muslim and subjected to the custom of female mutilation against her will. After surviving refugee camps in Africa, then a stay in Saudi Arabia, her family finally went to Canada. She was promised in marriage to a distant cousin she had never met. She refused that marriage and soon fled as a refugee to Holland. She became a warrior for women's rights, becoming an elected member of the Dutch Parliament. But after Theo Van Gogh's murder, she was run out of the country by her own government, the Dutch Government. They would not protect her. She was simply just too controversial. She resigned her seat in Parliament and she fled to the United States. She lives in this area around D.C.

Kurt Westergaard is one of the 12 artists who drew cartoons of the prophet Mohammed. Radical clerics then incited their followers to murder people in the streets. They rioted and they burned down embassies. Most of them, by their own admission, had never even seen these cartoons, and Westergaard had to flee for his life. He too lives in the United States under armed guard.

Threatening people and killing people for speaking their mind is just an-

other form of terrorism. Van Gogh, Ali, Westergaard, and now Geert Wilders, have never used or advocated violence. They simply exercised their God-given right of free speech. So now in Amsterdam, truthful insult speech is a crime. What kind of free society says truthful speech can be illegal? The most controversial speech is political, religious, and even truthful speech. That is why it's protected. Freedom of speech is a fundamental principle, a God-given human right to all people in all nations. It has been said, I may not agree with what you say, but I will fight to the death for your right to say it. But not in the Netherlands.

Geert Wilders should be able to speak his mind without becoming an enemy of his own country. The enemy of free speech is the court of the Netherlands and radical Islamic clerics who preach violence in the name of hate.

And, Mr. Speaker, that's just the way it is.

STORIES FROM NORTH CAROLINA

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

Mr. ETHERIDGE. Mr. Speaker, I rise to discuss reforming the health care insurance market in this country. It is really time to put health insurance back on the side of the people back home. To me this issue has never been about politics; it's about people. It's about North Carolina families and small businesses. I have heard from thousands of North Carolinians from all perspectives. And I want to share some of their stories because my phones are still ringing. These are the stories of real people on North Carolina's Main Streets and country roads.

I talked the other day to a farmer in Johnston County in North Carolina, the county where I grew up in a family of tenant farmers. This farmer has health insurance that costs him over \$20,000 a year. He told me, We've got to fix this broken system that leaves too many families out in the cold.

A woman from Raleigh, North Carolina, our State's capital city, fears she will suffer the same fate as her sister who died from asthma because she could not get coverage. There's a lot of fear out there right now. Her fear is real. It is the fear of the consequences of a health care system that's not working for everyone.

She wrote me and said, Like many Americans, I take health care reform very seriously, and I feel that this is no time to bow to petty bickering or false arguments. This issue is also very personal to me. You see, my 33-year-old sister died just last December of asthma, a perfectly livable condition if only she had the right treatment. She didn't. She simply couldn't afford her medication, even with family help.

I also suffer from the same condition as my sister, and I have to say, it scares me to think that if it weren't for

my husband's job, I could end up like my sister. He's been at his company for less than a year now, and I pray he doesn't lose his job or his coverage. So as you see, Congressman ETHERIDGE, health care reform is a deeply personal issue for me, and it is one that I hope will finally be resolved this year. It's too late for my sister, but I'm hoping this gets done soon, especially before her daughter gets out on her own. I don't want her ever to have to deal with what her mother and I are dealing with under this ghastly system.

And a nurse from Sanford, North Carolina, recently wrote me in favor of health reform, and she said, Insurance premiums are too high. How can we wrestle the high cost of health insurance from the companies? When they tell a physician how much he can charge for a procedure or what medications he can prescribe, we are allowing untrained, uneducated individuals to dictate health care to our system in this country.

And a woman in Louisburg, North Carolina, says, Please vote "yes" on health care reform. I have a very successful new business that my son would like to join me in, but he can't afford to leave his current employer's health plan because he has a child with autism. No private plan will provide coverage for him, even though he has never filed a claim for his treatment of autism. We are not looking for a hand-out, just a fair playing field. Everyone should be able to get insurance.

And a young man from Raleigh wrote and said, I want to thank you very much for the work you have been doing in my district and urge you to vote for the health care reform bill. Despite the misinformation and outright lies that are being spread about the bill, I hope the House acts to pass comprehensive reform to our broken system.

My girlfriend, whom I love very much, has a disease which prevents her from getting coverage. In fact, the insurance company dropped her when they found out she had it. This disease will very possibly lead to her death. While it is too late for this bill to help her, I do not want any other American to have to worry about how they will get treatment for any disease that they may have. I urge you to vote for the bill.

Another woman from Clayton, North Carolina, tells me she has a brain tumor, and as of December of this past year, the insurance company dropped her coverage. She is talking now to an attorney and plans to file bankruptcy. And this is a tragedy. These are examples of why we need reform.

Mr. Speaker, I'm listening to North Carolinians from all perspectives and a wide range of points of view about this system. We need reform that cuts costs, assures quality of care, patient choice and prohibits denials for pre-existing conditions.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

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

HEALTH CARE REFORM

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. In order to achieve real health care reform, the kind of change that would relieve Kansas families and business owners from facing drastic increases in their health insurance premium costs, we must do something to reduce health care costs. If we fail to affect cost, then reform efforts, whatever they may be, will fail because costs simply get shifted and always roll downhill to the patient. This is one of the many reasons I'm so adamantly opposed to the Democrat health care plan.

You may hear that the health care legislation we apparently are going to vote on this week will reduce costs. But the accounting data shows just the opposite. The facts are the facts. Democrats count billions in tax revenues to pay for their plan's new programs, but then they assign those same revenues to preserve Medicare and Social Security. They are double counting. When all the budgetary gimmicks are removed, we see this bill for what it is, a trillion dollar budget breaker that we cannot afford and that won't improve everyday Americans' access to affordable health care. It's the worst of both worlds: Breaking the bank, breaking the Treasury and not controlling health care costs.

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

(Ms. WOOLSEY addressed the House. Her 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 California (Mrs. CAPPs) is recognized for 5 minutes.

Mrs. CAPPs. Mr. Speaker, I rise on behalf of America's women to urge passage of health care reform to benefit our mothers, our sisters, our daughters, our families, and our friends. And, of course, when we pass health care reform, we will improve health care for all Americans.

But today I would like to concentrate on why women stand to gain the most. Right now, being a woman is reason enough for insurance companies to discriminate against us. Today, women are being charged higher insurance premiums than men simply for being a woman.

Our legislation will put an end to this practice by prohibiting a practice

known as gender rating whereby women are automatically charged higher rates. Right now, there are women who have been victims of domestic violence who are denied health insurance coverage because insurance companies have said that domestic violence is a preexisting condition. Our legislation will put an end to this practice and expressly prohibit insurance companies from considering domestic violence a preexisting condition.

Right now, many women can only obtain an insurance policy that excludes maternity coverage. Our legislation will put an end to this practice by requiring coverage for maternity care. These three provisions alone will help millions of women in this country.

Mr. Speaker, as a public health nurse, I'm particularly enthusiastic about provisions in the bill to eliminate cost sharing for some of the most important preventive services that women should be accessing. And, of course, this provision is important for men as well. But many of us, especially Members of Congress who already have comprehensive health insurance, take it for granted that we are going to get routine checkups. There are, however, too many women who forgo screenings for conditions like cervical cancer or heart disease because they can't afford these screenings, either because they are uninsured or their insurance company requires prohibitive copays for routine screening.

The legislation we will soon pass will ensure that there is no cost for patients to be accessing the most important screenings which are recommended by medical experts. Those of us in the public health community have long been advocating this because costs should never stand in the way of lifesaving screening procedures.

In addition to the ways our legislation will benefit individual women, it's important to keep in mind that women are often the health care decision-makers for their households. And that's why we all have reason to be so hopeful about how our bill will improve health care for families as a whole. Insurance premiums for families have risen at alarming rates over the past decade and will continue to rise if we don't enact health reform now.

Middle class families especially have shouldered this burden as the rise in premiums has far outpaced any rise in wages. The announcement, for example, by Anthem in California that it will raise premiums by up to 40 percent is just one of the latest outrages. When premiums become too expensive to pay, families are forced to drop coverage. And then what happens when someone in the family gets sick? They are forced to spend down all their assets until eventually bankruptcy may become their only option.

Mr. Speaker, over half of all bankruptcies in the United States today are caused by medical debt. And in 2008, over 900 families in my congressional district alone were forced into bankruptcy because of medical debt. And

over half of these medical bankruptcies impact a woman.

□ 1730

When we pass this legislation, we will put an end to the annual and lifetime limits on coverage that many insurance companies currently impose on people. And we will put an end to bankruptcies caused by medical debt. No longer will families have to raid their savings for a home purchase or college tuition because someone falls ill.

Finally, as a mother and a grandmother, I couldn't be more thrilled by the steps we will take to improve health care coverage for our country's most precious resource, our children. We will ensure that the Children's Health Insurance Program will thrive. We will ensure that services like vision and dental care for children are automatically included in all health care plans. When the bill is signed into law, that very day it will immediately prevent health insurers from imposing preexisting condition exclusions on children. And it will immediately allow young adults to remain on their parents' health insurance plan until their mid-20s so they aren't forced to forego health coverage after college graduation.

So I urge all of my colleagues to support our efforts in health care reform with the knowledge of how it will help the women in their lives and in their communities.

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.)

AMERICANS DESERVE BETTER THAN OBAMACARE

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to respectfully ask that my colleagues reject ObamaCare which, if enacted into law, will seriously undermine, erode, damage and, I believe, even destroy health care in America.

On substance, the Senate-passed text of over 2,700 pages now pending in the House is egregiously flawed. This is truly a bad bill, and it is anything but reform.

On process, the near total lack of transparency and the misuse of majority party power to ram ObamaCare through the Congress makes it the quintessential example of what is so dreadfully wrong in Washington.

No wonder growing numbers of Americans are fed up, losing faith, and angry at the Democrat-controlled Congress and the White House. No wonder mil-

lions of people, including TEA Party activists, are demanding accountability and defeat of ObamaCare.

This has been, and is, an unseemly process unworthy of a national legislature, any legislature for that matter, especially one with an enviable two-century-old history of lawmaking.

If President Obama wins passage of this bill when it comes to a vote, it will be a Pyrrhic victory at best. This is not Congress' finest hour.

Rest assure that if ObamaCare was sound and prudent policy fiscally and morally and an efficacious way of facilitating quality health care coverage, Members of both sides of the aisle and across the ideological spectrum would be lining up to support it. If this was a good bill, persuasion rather than pressure would convince a large majority of Members to embrace it.

Instead, blunt force is being applied like a vice grip to convince the unconvinced and undecided to cave, conform, and capitulate.

On cost, ObamaCare is riddled with accounting gimmicks, all designed to make the total price appear smaller than it really is.

In order to avoid sticker shock, ObamaCare collects new taxes, fees, and shifts billions of dollars from Medicare for 4 full years before benefits kick in. This trick results in an estimated but grossly misleading cost of care at some \$871 billion over 10 years. But when 10 years of revenue are matched with 10 years of benefits, the real cost comes to a staggering \$2.3 trillion.

I would note parenthetically that ObamaCare will exacerbate ObamaDebt. When you eliminate double counting of Medicare costs, Social Security cuts, and the use of CLASS Act premiums, the Democrats' claims of deficit reduction disappears into another massive wave of red ink of some \$460 billion over 10 years and \$1.4 trillion over the second 10 years.

Even without passage of this bill, under the President's 2011 budget proposal Federal spending will increase to a record \$3.8 trillion in 2011 alone. By 2020, the President's own 10-year budget analysis projects a more than doubling of debt to a record \$18.6 trillion. That is absolutely unsustainable.

Because ObamaCare diverts \$500 billion from Medicare, there is no doubt whatsoever that senior citizens and disabled persons will lose certain health benefits they now enjoy.

Medicare Advantage is protected in Florida, the so-called "Gatorade" fix, but not in my home State of New Jersey or anywhere else. Medicare Advantage is used by over 11 million people nationwide, including 15,983 people in my congressional district alone.

The Senate bill slashes nearly \$120 billion from Medicare Advantage plans, jeopardizing millions of seniors' existing coverage. So much for the President's promise that if you like your health plan, you can keep it. No, you can't. Not under this bill.

Mr. Speaker, for the first time ever, ObamaCare forces Americans to acquire an approved health care plan or pay a stiff penalty, like they have somehow committed a crime. The penalty is huge: the greater of \$750 per person up to \$2,250 per family, or 2 percent of household income. No person in America should be coerced into buying medical insurance.

Under ObamaCare, premiums for nongroup family insurance will increase by as much as \$2,000 per year. The Congressional Budget Office estimates that by 2016, premiums will increase by 10 to 30 percent over what would have happened under current law.

ObamaCare would also create 160 boards, commissions, and programs which would vest sweeping powers on bureaucrats to determine what benefits are covered and not, and at what cost.

Last September, Mr. Speaker, President Obama stood a mere 20 feet away from where I am standing now and told a joint session of Congress that, "no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place."

Mr. Speaker, I ask members to vote "no" on this bill when it comes to the floor.

This legislation today constitutes the largest expansion of abortion since Roe v. Wade itself, and makes a mockery of that pledge. That means more dead babies and wounded mothers.

Additionally, Obamacare fails to institute real medical liability reforms to end junk lawsuits and curb the costs of defensive medicine—these have long been identified as significant forces in driving up health costs.

The goal of responsible health care reform should be to provide credible health insurance coverage for everyone, strengthening the health care safety net so that no one is left out, and incentivizing quality and innovation, as well as healthy behaviors and prevention. This means that the current private health insurance market will have to be reformed to put patients first, and to eliminate denials of preexisting conditions and lifetime caps and promoting portability between jobs and geographic areas, including across state lines. The tax code should be modernized to promote affordability and individual control, provide assistance to low-income and middle-class families. Medicare requires reform to be more efficient and responsive, with sustainable payment rates.

Of course, responsible health care reform will respect basic principles of justice: it will put patients and their doctors in charge of medical decisions not insurance companies or government bureaucrats. It will also ensure that the lives and health of all persons are respected regardless of stage of development, age or disability.

It's time to go back to the drawing board and address what's broken and fix it.

The American public deserve better than what's on the table.

HEALTH CARE REFORM

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

Mr. WAMP. Mr. Speaker, this is a defining week in the history of this Republic. At no time in history has the Federal legislature mandated that everyone in this country buy anything; yet this week we are going to mandate, if this bill passes and is enacted into law, that everyone in this country under the force of law has to buy health insurance.

The Founding Fathers are rolling over in their graves today because they knew that we should be leery of a large central government mandating things to even the States that they have to comply with. They told us to have a healthy distrust of Big Brother, the Federal Government. They told us basically to sleep with one eye open and one eye closed because our freedoms could be at risk from within. We are at that moment in the history of this great Nation, and we must stand strong and resolute.

In Tennessee where I live, our Democratic Governor, Phil Bredesen, has called this the "mother of all unfunded mandates," because it forces all these new people into State Medicaid programs. In our State it is called TennCare. It is a multibillion dollar mandate to the people of Tennessee, and we don't have the money to pay for it. And we will not raise taxes to pay for it; we will not go into debt to pay for it. It is wrong for the States to be run over like this.

They carved out the 10th Amendment and gave States some sovereignty. There are liberal publications today writing that article VI allows the Federal Government to override the States. But that is on matters of equality and justice, not a decision of policy by the Federal legislature to mandate costs and taxes and debt on its people.

We must stand strong against this bill this week in the Congress. But if it is enacted into law, we must lead a repeal movement to immediately, as soon as possible, repeal this bill before it goes into effect. And then, if we are not able to repeal it, the Governors of this country should come out of their chairs and stand against this bill.

I will tell you, in Tennessee, if I am to become the 49th Governor of our great State, we will meet the Federal legislature and the Federal Government at the State line to oppose this mandate, because we will not raise taxes, we will not go into debt, we will not be violated like this. And we must let our Founding Fathers rest peacefully, knowing that these living laboratories of democracy, our States, are allowed to exist, setting our own taxes, setting our own rules, living in the United States but not being run over by the United States.

Mr. Speaker, this is a defining moment in the history of our country. We must be resolute. We must fight with every ounce of our energy to stop this Federal invasion and this overriding of States' rights.

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

(Ms. JACKSON LEE of Texas 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 gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

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

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

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

CUBA'S PRISONERS OF CONSCIENCE

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Orlando Zapata Tamayo, a prisoner of conscience who went on a hunger strike in one of the Cuban gulags, one of the many gulags that is full of political prisoners in that island prison of Cuba.

He went on a hunger strike to protest the multiple constant beatings that he was suffering under, that he and other political prisoners have to deal with on a constant basis. So he did, he went on a hunger strike. And after 80 days of being on a hunger strike, he passed away. He passed away after 80 days on February 28.

Right after that, another pro-democracy activist, very well known, another also former political prisoner named Guillermo Farinas, also began his own hunger strike. Mr. Speaker, he is still on a hunger strike today, 21 days after the death of Mr. Orlando Zapata Tamayo. He is already under very, very difficult circumstances. He is exceedingly frail, and his health is quickly deteriorating. But he is not stopping, again, to protest the conditions of the many political prisoners, but also to protest the lack of freedom, and to demand freedom for all political prisoners in Cuba and demand freedom for all who live on that enslaved island.

On March 11, Mr. Speaker, Felix Bonne announced that if and when Guillermo Farinas were to give his life in this hunger strike, that he would follow him; that he would be willing to give his life on a hunger strike to protest the conditions on the island, to protest the enslavement of all Cuban people, and the mistreatment of the political prisoners.

Today, March 17, 30 women known as the Ladies in White who go and protest peacefully in the streets of Havana,

and what they ask for is for the release of the political prisoners, of their relatives, their husbands, their sons, their brothers, today, 30 of them were thrown in prison. They were arrested, again, just because they were asking for the freedom of the political prisoners.

Today's march was led by Reina Zapata. She is the mother of Orlando Zapata Tamayo who, as I mentioned, died after 80 days on a hunger strike. Again, they were also arrested, taken away. Some of them had to be sent to the hospital because of the way that they were taken away.

And I mention this, Mr. Speaker, because it is important that the world understand that the people of Cuba are standing up, they are speaking out, they are protesting. They are protesting the conditions on the island, the lack of freedom, the oppression, the brutality of the Castro brothers who have been now the dictators on that island for over half a century.

So it is important that we also stand up and speak out, that we stand side by side with those in Cuba who are giving their all, including their lives, in the cause of freedom.

I know that there are some who still believe that it is okay to excuse those horrors; that we should try to make a buck, if we can, from that regime, with that regime at the expense of the suffering of the Cuban people. But, Mr. Speaker, as you know, there is no more noble people than the American people, which is why the vast majority stand side by side with the suffering of the Cubans, with the cause of a free Cuba.

So it is important that we remember as we debate and as we speak and as we live in freedom that just 90 miles away from the shores of the United States there are people who are suffering and who are dying for the cause of freedom. Mr. Speaker, we stand with them, we admire them, we support them. And we know that that cause will not be in vain, that their deaths will not be in vain, and that Cuba will be free.

□ 1745

HEALTH CARE REFORM

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

Mr. FORTENBERRY. Mr. Speaker, there's a motto inscribed on Nebraska's State Capitol. It says, "The Salvation of the State is Watchfulness in the Citizen." Mr. Speaker, Nebraskans and all Americans are watching this health care debate. Frankly, I think they're growing tired—tired of the backroom dealing, tired of the abuse of the legislative process, and tired of the unwillingness of this body to craft the right policy for our country.

Overall, Nebraskans, and I assume most Americans, want a good health care bill, one that truly strengthens

health care outcomes for everyone and reduces cost while we protect vulnerable persons. Instead, with Washington-style elitism, efforts are continuing behind closed doors on a measure that is filled with special deals that will substantially shift costs, erode health care liberties, and add to increased and unsustainable government spending.

Mr. Speaker, our constituents are watching to see if the health care legislation is fair—fair to seniors, fair to families, fair to small businesses, fair to the hardworking citizens across this country.

Mr. Speaker, I believe we can do better.

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

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

HISTORIC HEALTH CARE DEBATE

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

Mr. MANZULLO. Mr. Speaker, we are engaged in what is called an historic debate over the issue of health care reform, and there are a couple of issues that need to be addressed.

The area that I represent in northern Illinois, the biggest city is at 19.7 percent unemployment. Add 7 percentage points to that, it's nearly 27 percent unemployment. It's incredible.

The State of Illinois is laying off teachers, social workers, people involved in all types of social services. Students at a nearby high school went out and picketed because they're concerned over the loss of their advanced placement classes. Yet, under the Senate bill, many more across the country would be added to the Medicaid roles. The State of Illinois, already bankrupt, billions of dollars in debt, would have to take on paying an additional \$400 million a year in Federal mandates and unreimbursed increased Medicaid expenses. This doesn't make sense.

On top of it, there's a 2½ percent—we think that's the amount—excise tax on medical equipment, medical devices, the very equipment that was used to save the life of my wife who came down with cancer 4 years ago: the titanium brace that replaces one of her vertebrae, the radiation machine, all the latest equipment. A tax on the very equipment that's used to help people get excellent health care in this country? We're not quite sure which equipment would be taxed or which would be free of tax, but once the tax starts—and we all know what happens with the tax. It's passed on to the consumers.

So here's this monstrous bill from the Senate that the House is supposed to adopt by some type of unique proc-

ess that's going to tax lifesaving equipment. It just defies logic as to why this is being done; \$500 billion in tax increases. Now Social Security would apply to dividends, interest, capital gains taxes. Tax after tax after tax hurting the American people. I never thought that it would happen in America when lifesaving devices would be taxed to increase the cost to the people who use them.

This isn't what the American people want; it certainly isn't what they deserve. There are many ways to bring down the high cost of health care: through association health plans, through meaningful medical liability reform, through increasing the number of community health centers, by allowing small employers the ability to have the same tax breaks that corporations do when using their money to buy health insurance premiums.

America watches and looks and wonders and asks this question: Why are the leaders in Congress doing this to us?

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

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

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

(Mr. DUNCAN addressed the House. His 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. PENCE) is recognized for 5 minutes.

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

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

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

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Mr. Speaker. I'm just taking a moment here to arrange some charts and I will be right with you.

Mr. Speaker, we once again are going to be on a subject that seems to be increasingly riveting the attention of Americans—and for good reason. What

we are talking about here this evening is the proposition that the Congress will take over, over a period of time, one-sixth of the U.S. economy. That is the health care section of the economy.

Obviously, this big a change, a remake of health care, which is not just changing a little portion here or there, but a complete remake of health care, is a question of significant proportion. It is a very costly proposition. It's one that involves a tremendous amount of change, and any change, of course, is controversial. This proposal, though, is more controversial than most and is resulting in a tremendous outpouring of phone calls. The switchboards are almost shut down here at the Capitol. But we, once again tonight, are going to be talking about it because there is talk we might even vote on the bill this week, and who knows what's going to happen.

I'm joined in the Chamber by Dr. FLEMING, a very fine physician but also a Member of Congress and someone who knows a considerable amount about the health care bill. Part of what the discussion has been lately has been a question of the procedure of how the bill would become law. That's, I think, where we should start, because that's where the news is right now and it's a big question.

Dr. FLEMING, I thought we might start there because a lot of people have heard about the bill, even some of the things in the bill, but the question is how this bill would become law.

I'm going to start by just laying down the simple pattern that's in the U.S. Constitution. The way that a bill becomes law is that it's passed by the Senate. It's passed by the House. It's sent to the President, and he signs it. That's the plain, bare-bones facts of how it works. That's what the Constitution says. The Constitution gives the House and the Senate a lot of flexibility in how we design our rules, but ultimately the bill has to pass a straight-up vote in the Senate and a straight-up vote in the House and has to be signed by the President. If it doesn't do that, it doesn't meet the constitutional standard.

Now, the process becomes a little more complicated as we go on because the Senate has a weird rule. In fact, the Senate does a lot of weird things, but it has a weird rule, at least to those of us who are Members of the House, and that is that before a bill can come up for a vote, it takes 60 votes to bring it up for a vote. So if you've got a bill and you say, Hey, we've got a hundred Senators; I've got 55 votes for the bill, you're in deep trouble, because you won't ever get the 60 votes to get it up for just a straight-up vote even though you've got enough votes to pass it. In other words, the Senate has a little bit of a higher bar to protect to make sure there's at least 60 out of 100 Senators that are willing to pass a particular piece of legislation or bring it up for a vote. So that makes things more complicated.

The Senate took a House bill which we passed on health care. They gutted it. They took every single thing out of it and stuck their own language in it, a couple thousands pages of new ideas and text and all this, took it to the Senate floor and fought and fought and fought. Finally, on Christmas Eve, passed it by the 60 votes that were necessary, and so the bill was passed through the Senate.

In order to do that, they put all kinds of special deals in there just to keep certain Senators to vote for it. There was what is called the second Louisiana purchase, a big benefit for Louisiana; the Cornhusker kickback; a special deal for people of Florida that they get to keep their Medicare Advantage money, but everybody else, the other 49 States, have to lose \$500 billion out of Medicare.

And so there were all of these special deals in there, as well as a whole lot of other legislation; for instance, the fact that the government would be paying for abortions for people, which is a big problem for many Americans, and other provisions such as there would be health care for illegal immigrants and things like that, which are very controversial. So all of that is then passed on Christmas Eve and comes to the House.

Now, in order for that bill to become law, two things have to happen. Either the House has to pass it just the way the Senate did, in which case they can send the bill straight to the President for his signature—so, if the House—and, of course, they have 80 votes less over on the Republican side. So we can all vote “no,” but NANCY PELOSI could lose a whole lot of votes because she has 80 votes more than the Republicans do. So what they need is a majority of Democrats to vote for the bill just the way the Senate passed it, could go straight to the President and the bill could become law. That’s a way to do it.

The problem is, it has all this junk in it that nobody wants to vote for. And so they’re kind of stuck with making a decision: Are we going to just vote on it and send it to the President or are we going to try to amend it, which then requires it to go back to the Senate where it has to face a 60-vote rule to get these things cleaned up? And so that’s the tension. So what’s being proposed is something that is neither. It’s something that is rather unusual and completely unprecedented, to a degree, and that is what they call deeming the bill passed; that is, it was never really voted on to be passed.

In the past, we have done this deeming thing many times, but it’s usually after a bill has gone back and forth and we’re working out the details of an amendment. But this is thousands of pages of legislation that’s never had a vote, and they’re just going to say, Well, we’ve just decided it’s all approved, without a vote. Now, that is really pushing the limits on what is constitutional. So that’s the beginning of the process.

So I wanted to invite my good friend Dr. FLEMING to join me. Let’s just talk about this process. Most people are really bored to death by this stuff, but when it involves one-sixth of the U.S. economy and everybody’s health care, it’s like, I guess we have to pay attention.

Please join me.

Mr. FLEMING. Well, I thank my friend from Missouri. You’re absolutely right. But you know what’s interesting? Everywhere I go, there are a lot of people around Capitol Hill today. I bump into people that I know, people who are just average, everyday people, and it’s amazing how much they are keeping up with this even though it is getting boring. They know about this. This is not something that they’re not tuned into, and that’s for sure.

□ 1800

What’s interesting, the way I have a mental picture about this, is that this bill way back months ago was being pushed like a locomotive up a hill. And as it got closer and closer to the top, more and more problems began to come out. It weighted it down. Finally as the bill, both in the Senate and now in the House, is getting close to the top, it’s lost so much momentum because of the sleazy deals, the Louisiana purchase, the Cornhusker kickback, the carve-out for Medicare Advantage in Florida. These things are turning the American people off, and it’s really taking a lot of momentum out of the process. And on top of that is the shenanigans, the fakery, if you will, the smoke and mirrors way of financing it which is, again, \$500 billion taken out of Medicare, although no one will actually explain how we can do without \$500 billion from Medicare. Then that money is used to extend the life of Medicare, which is going to run out of money in 8 years. It’s also used to subsidize the middle class entitlement of private insurance. So it’s really the same money counted three times. One is taking it out of something we know good and well you can’t do without collapsing the system. Two, extending the system. And then three, paying for other entitlements, and then adding the same amount again, another \$500 billion in taxes. The American people are not buying this.

Mr. AKIN. Well, there are just so many things in this bill to talk about, and that’s why you have such old and young, male and female—the public just doesn’t like this bill. And the reason is because there’s stuff for everybody to hate in this bill. I thought that this was an amazing quote NANCY PELOSI said. I just can’t resist putting this up here. “We have to pass the bill to find out what’s in it.”

Now what it seems like is going on now is, not only are we supposed to not read the bill, but we’re supposed to not vote for the bill. So we want to pass a bill that we haven’t read and haven’t voted for. This seems to be really twisting the long arm of conscience a

little bit to say, not only are you not supposed to read it, but now you can’t vote for it, and we still want to pass it. And we wonder why the American public is just a teensy bit skeptical.

I think some of the shenanigans are amazing. One of the ideas is, you have to get an assessment as to how much the bill’s going to cost. The Government Accounting Office, who is supposed to be impartial, they take a look at a bill, and they go all through it and figure out what they think it’s going to cost. Well, one of the tricks that they’re playing is that they’re going to collect taxes for a bill over a 10-year period, but they’re only going to count the bill being in effect for 6 years. Now that’s kind of an amazing way to calculate what the bill’s going to cost because the implication is that that’s what it will be running along at. And the thing is that every time the government’s gotten into this taking over of the medical system, anytime we do a bill like Medicaid or Medicare, it always costs at least two times more than ever any accountant thought it was going to be, sometimes as much as 10 times more expensive than what some accounting office says. And yet we’re going to start off with this, you know, smoke and mirrors deal where we’re going to tax people 10 years but only run the bill six. And that’s supposed to be how you figure out how it costs \$1 trillion. I think that’s what you’re referring to.

You’re a doctor. Let me just ask you this question: What happens if you keep cutting the money to Medicare? What’s going to happen to people?

Mr. FLEMING. Well, I will remind the gentleman that currently physicians and hospitals are being paid 80 cents on the dollar, and the mystery that seems to be out there and very few people are addressing is—and you hear the other side talking about the rapid rise of private insurance costs. Well, one of the main reasons for that is to offset the shortfall in the Medicare payments to doctors and hospitals. So private insurance is having to make up the difference.

Mr. AKIN. Let me stop you. Because you know this stuff cold, but there may be some people, some of our other Members here that just don’t know this as well. So you’ve got Medicare, which is reimbursing doctors at 80 cents on the dollar, which means that somebody’s got to make up the 20 cents. So we do a cost shift and shift that 20 cents into Medicare and dump that cost onto people who have private insurance, right?

Mr. FLEMING. That is correct.

Mr. AKIN. So we’re really charging them some amount more, whatever their bill was. If it was \$100, we’re going to add a little extra to that to compensate for the Medicare thing. So now you’re driving the cost up for the guy that’s really doing what we think is responsible. And that is, going out and making sure he has insurance, and he buys insurance in the private market. But he’s paying a premium for

that insurance because he's got to cover Medicare that's underfunded. So that's the first thing. Do I have that right?

Mr. FLEMING. That is absolutely correct. And that is not considering Medicaid, which pays more like 30 cents on the dollar, which under this bill will increase by 30 percent. The number of people covered, that is.

Mr. AKIN. So let's just say for instance that we wanted to cut more money out of Medicare. Let's say we're going to take \$500 billion. But just theoretically, if you drop the money in Medicare so we're putting less money into it, what's the net effect of that going to be on the person that's counting on Medicare to pay for their medical care and to the usually older person that is counting on Medicare to cover their doctors' bills? What's going to happen then?

Mr. FLEMING. It will cut access off to them for health care, and I can prove it.

Mr. AKIN. Oh, wait. You are saying it will cut access for older people to Medicare?

Mr. FLEMING. Yes.

Mr. AKIN. Okay. Can you explain that?

Mr. FLEMING. Well, if doctors and hospitals are under-reimbursed further—they're at their limit today. If the cuts go even further—and of course \$500 billion is draconian by any stretch of the imagination; that's as much as the entire annual budget for Medicare. If you cut it that much, then doctors will have to opt out of Medicare altogether, and the senior citizens won't have doctors to go to.

Mr. AKIN. Okay. So let me just see if I get this right. You're a medical doctor. You went all through med school. You've been practicing a number of years. You enjoy what you're doing. Old people come to you that need medical attention. You don't mind treating them. And before you were treating them at 80 percent of what the cost is. But let's say you drop down how much Medicare is paying. Well, at a certain point, you're just saying, I just can't afford to do this at this price, because ultimately, you've got to run an office. You've got to hire people. You've got to pay the rent on the building and all of those kinds of things. You've got a lot of insurance you're paying for, and you're trying to provide for your family. At a certain point, Medicare is reimbursing so little that you basically say, Hey, the old people I've been seeing before, I'm going to keep them on because I'm a nice guy. But I'm not going to take any new people. And so some old person that's sick wants to go find a doctor, perhaps they moved or something like that. And everybody says sorry, I'm not seeing any new Medicare patients. So while they've got Medicare, it doesn't mean they've got health care. So they don't get any health care.

Mr. FLEMING. Absolutely.

Mr. AKIN. So that's the problem with it.

Mr. FLEMING. Absolutely. And again, it was only a month or so ago that the Mayo Clinic—I believe their branch in Arizona—announced that they were taking no further Medicare patients. And that's under the current pay system.

Mr. AKIN. So this new bill is going to pull \$500 billion out of Medicare?

Mr. FLEMING. Yes.

Mr. AKIN. So if you know nothing else about the bill, this is saying, Well, this is something to pay attention to. Now we haven't talked about some of the other nifty features. This is what gets me worried. This is what I don't like the most. And I don't like this bill. I want to be completely clear. I'm a conservative Republican. I do not trust Big Government to do a lot of stuff. And particularly, I don't want them meddling in our health care. So I'm not, I guess, objective, or I am objective, but it's just because we talk about how bad it is to have an insurance agent between you and your doctor. The last thing I want is a government bureaucrat or thousands of government bureaucrats between me and my doctor.

This is a picture we've seen and used on the floor sometimes. But this is a very much simplified version of thousands of pages of legislation with shall, shall, shall, which means the government's going to do all of this stuff. And somehow as a consumer of health care, you're supposed to find your way all the way across, over to the doctor over there. This is like some sort of a maze that you've got to go through. So this is a very complicated government takeover of what is otherwise the private system of health provision in this country. So that, to me, is something that really causes me to say "no" on this bill because as Republicans, we don't like anything that gets between the doctor and the patient. And insurance companies, we don't like it when they get in there. But at least if you have a bad insurance company, you have a chance of changing your insurance company. What happens if you've got all these bureaucrats in there? You will never change it. And so this thing is really a very, very dangerous piece of legislation in my opinion. But I know you've given your whole life to taking care of patients. What's your impression of this whole deal?

Mr. FLEMING. Well, I thank the gentleman. I've practiced medicine for over 30 years and still have a clinic and see patients from time to time. You know, insurance companies are a bee in my bonnet too. You hear the other side of the aisle talking about how insurance companies are the bad people. They're to blame for all of these problems. Well, I can tell you, insurance companies have been a headache for me, but insurance companies are not the problem here. They are not the problem. And if you don't like the bureaucracy of an insurance company, which you point out very adroitly, you're a customer, and you can always

change who provides that service. When you get into this, not only is it 10 times worse than any insurance company and far more powerful, but you can't change. There is only one provider. Now you might say, Well, there will be a number of insurance companies within the exchange, but these insurance companies will essentially become utilities who will simply take the administrative cost for profit and basically do the work of the Federal Government.

Mr. AKIN. So let's try and get up to 50,000 feet here and take a look at the sort of choices there are before Americans as to how we approach health care. It seems to me that in the beginning, you've got the sort of supply and demand situation. If everybody in America got absolutely the very, very best medical care that you could get, it would just bankrupt the country probably because the supply and demand law says that if you don't have to pay anything at all, people are just going to get the very most expensive thing they can do. So basically the whole country stops if you try to give everybody the very best thing possible.

So the question then is how do you balance supply and demand? And we usually have a thing we call freedom, and we allow individuals to work hard, earn money, and then they spend their money to buy what they want to buy with it. They can choose whether they want health care, or a vacation, or food, or shoes, or a new car, and that's called freedom. So that's the free market, which allows people to decide how much money they can afford to pay on health care. So that's one way to balance that supply and demand.

Another thing: The insurance companies then came along and said, Yeah, but we can get you some savings. We can reduce the amount of tests and do some other things and negotiate some special rates with a whole pool of doctors that we make a deal with so we get you a product that gives you pretty good health care, but it's a discount-priced product because we're doing some things to drop the cost down. So the insurance company then is one that is starting to take part in that management of the cost of health care. The free market, it's just a matter of you paying the barrelhead, and you go back and forth and figure out what the price is. That's the way we do most things. You have the insurance company which is kind of a hybrid.

Then you can go to the socialistic model where the government does it all. But the government still can't make mathematics change. So the problem is that the governments in other countries that have tried it—it's not like we're the only ones doing this. Canada and England do this kind of thing. And what they do is, in order to keep the cost down, they keep a big waiting line, so you have to wait a long time to get your health care. So it's basically a form of rationing. It's kind of a nice rationing because you're told,

Get in line. We're used to getting in line. You get in line, and that's how it is that they keep their costs down.

The only trouble is, if you are like me, I had cancer. If I have to get in line, that means I have to wait. If I have to wait, it reduces my life expectancy. And that's one of the reasons why England has really high cancer rates, because of that. But let's just talk about places where this kind of idea has been tried before. Dr. FLEMING, as I recall, they tried something like this in Tennessee, didn't they?

Mr. FLEMING. Yeah, absolutely. Tennessee had something called TennCare. It I think is a similar model to what Massachusetts has today and somewhat similar to what we're looking at here. And what Tennessee found is the thing that's really a reality that we all need to understand. And that is that if somebody else is paying the bills, then you're going to have an explosion of cost. When I'm in town hall meetings, this is the way I like to put it. I say, I have a credit card here, and of course it's a virtual credit card. It has a \$10,000 limit on it. I'm going to give you this credit card, and you can take it to Wal-Mart or Home Depot or anyplace you want, but only buy the things you need. Nothing that you want; only what you need.

□ 1815

And, you know, my question is, what do you need? And of course, the answer always comes back, well, I need a new shotgun because hunting season is coming up and I need some more camo, and I need, need, need. I need all kinds of things that I wouldn't pay out-of-pocket for myself; but if somebody else is paying for it, I'm willing to do it.

So if you take that and apply it to this, and what I've witnessed over 30 years, when it comes to HMOs, capitated models, traditional insurance, no co-pays, high co-pays, what we find is that the more somebody else, a third party or insurance or government, is paying the bills, the more consumption occurs. And I'm talking about excessive consumption, far beyond anything that's actually needed.

Mr. AKIN. So in other words, what's going on is if you tell people with this system they can have anything they want, you're going to have a tremendous level of demand, which is what we see in the other countries after this gets going, and then you have all the waiting lines because you can't do that all.

Mr. FLEMING. And then if I could just add to that, addend that, is in theory, well, that's nice; you can have whatever you want whenever you want it. The problem is that taxpayers ultimately end up paying for this, and at some point you run out of taxpayers. You end up with budget limitations. And so every country that's tried this gets back to the same thing. And the only way to control cost, when you have a third payer, a government or whatever, paying the bills, is to set

some rate-limiting steps, and that's basically going to be waiting lines and, of course, rationing.

And what I like to tell people is, look at Cuba. Cuba has universal health care. It's free. The problem is, it's not available. They have one colonoscope in the whole country. And you may need antibiotics, and it may be free; unfortunately, they don't have any antibiotics.

Mr. AKIN. So it's really a nice promise. The trouble is there isn't any backup to the promise. It's just a piece of paper saying you've got free health care, but you got what you paid for. That isn't any health care at all.

I see my good friend from Illinois, Congressman MANZULLO, and somebody who really understands the Small Business Committee, understands small business in general and is a fierce, fierce defender of his section of Illinois, and a good friend of mine. And I'd like to yield some time to my good friend, Congressman MANZULLO.

Mr. MANZULLO. I thank the gentleman from Missouri. If the purpose of any health care bill is to bring down the cost of health care, that is, to break the curve, so instead of health care costs going up, they'll at least be stable, if not retreat, then it really defies logic as to why the Senate bill, which the House will take up and vote on in a very interesting manner, sort of a backdoor approach to approving what happened in the Senate, when that bill imposes an excise tax on medical equipment—

Mr. AKIN. I call that the wheelchair tax. Now, I've thought of taxing a lot of stuff, but would you ever think of taxing a wheelchair? I mean, that's imaginative. It really is.

Mr. MANZULLO. Well, it is. And then when my wife came down with cancer, and the neurosurgeon implanted into her spine this marvelous titanium brace, to think that that is a medical device and could be subject to a tax. Now—

Mr. AKIN. So it's not just wheelchairs. We're going to tax other medical devices.

Mr. MANZULLO. Well, yeah. I mean, the radiology machine that was used to kill the cancer cells around that particular level that was in her back that had the cancer. And, yet, by increasing the cost of lifesaving devices, has it ever occurred to people who are trying to ram through this bill that that will increase the cost of health care?

Mr. AKIN. Now, let me just ask you a question. My friend, you come from the Midwest. You're a commonsense kind of guy. Now here's why this bill is having trouble getting votes, because it's like trying to grab yourself by the boot straps and lift yourself up and fly around this Chamber, because think about it a little bit.

We've got the U.S. economy in serious economic problem because of three entitlement programs. They're the main things that are the budget busters: Medicare, Medicaid, and Social Se-

curity. So the government has stuck its nose into what was previously a free market with Medicare and Medicaid. And how well has the government managed those programs? It's about to bankrupt our country.

So we've got Medicare and Medicaid about to bankrupt the country, and the government says, trust me to take it all over. I mean, there's something counterintuitive here somehow.

Mr. MANZULLO. It is. And there's another aspect to tax on the medical devices. I was talking to a small businessman who runs a manufacturing facility, and he showed me the medical device that he makes. It's a marvelously crafted piece of aluminum that he did with a vertical mill, just unbelievably beautiful.

And he said, I've been told by the people who order this device from me that if we have this tax on medical devices, even though this ostensibly would apply to imports, that they're just going to take it and go to China to have this made because they can come in cheaper than anything else, and that would really be the straw that breaks the camel's back.

And so now here we are in the district I represent, with official unemployment in Rockford, Illinois, at 19.7 percent, add 7 percentage points to that, almost 27 percent unemployment, and now I'm looking a manufacturer in the eye who says, Not only will this bill impose this harsh mandate and force taxes upon me that I cannot afford, and increase the cost of health care insurance, but I could end up losing jobs because of people offshoring the manufacturing of these medical devices.

And I wanted to share that with the gentleman from Missouri because it's just—

Mr. AKIN. Let me see if I can just cut in and restate what you said, because I know that you have an expertise in small business.

So you've got a small businessman who's showing a lot of creativity, the sort of innovative spirit that's in America, comes up with a medical device machined out of aluminum, which is a very specialized kind of device. And so what's going to happen is we're going to drop a tax on this thing, which makes it more expensive. And what you're saying is somebody overseas is going to say, I can make that device, and what's more, I don't have to pay the tax on it.

Mr. MANZULLO. Well, they may have to pay the tax on the import, but no one knows. If we just throw the tax out and say, well, the tax may apply, even if the tax applies, I say to my good friend from Missouri, the supplier will look at that and say, or the people who order the equipment would say, what's going to be the next shoe to drop? How much more expensive is it going to be? And I've just had it with the increasing cost of American manufacturing, so I'm going to go offshore, and then that's that.

Mr. AKIN. And you're already looking at, most people are looking in their district at a 10 percent unemployment rate. We're looking here at a bill that's going to cost trillions of dollars, 500 million jobs, a government takeover.

Mr. MANZULLO. Not 500 million jobs. Five million jobs.

Mr. AKIN. I mean 5 million jobs. Excuse me. That would really be something. And a government, a major government takeover, and yet what do we have for the quality of results to expect in that we've seen it done in other countries and in the State of Tennessee and Massachusetts? I think Massachusetts health care costs are up 20 or 30 percent over the average of other States. That's not a very good model.

Tennessee, the Governor of that State, a Democrat Governor of Tennessee, said this thing is the mother of all unfunded mandates. The States are struggling with their budgets. And here you've got a guy who's a Democrat who's experienced with this thing and saying why are you going to impose this nationally, when it doesn't work on a State basis.

Mr. MANZULLO. And in Illinois, which is already bankrupt. Illinois is the State where five of the past eight Governors have been indicted. It's a great State. They have a lot of ethical problems, you might say. The State's broken. Public employees have been laid off. A local school, the kids were out picketing because their AP classes may be eliminated because of a tremendous hit in the budget. And now Illinois would inherit a \$400 million per year unfunded Federal mandate because of the increase in Medicaid recipients.

Mr. AKIN. I notice that we're joined by another good friend of mine from the—

Mr. MANZULLO. I thank the gentleman for letting me share.

Mr. AKIN. Well, thank you. It's good to hear from Illinois. And I hope that you continue to join us in this discussion. We have my friend from Ohio, another State from the Midwest, a big manufacturing State, and a great young legislator, Congressman JORDAN. I yield time.

Mr. JORDAN of Ohio. I thank the gentleman for yielding and for his leadership on many issues here in the Congress and certainly on this issue of fighting and opposing this takeover of one-sixth of our economy, this health care bill. I appreciate my colleagues here from Louisiana and Illinois and their work as well.

Look, when I think about this bill, I first start with the fundamental question, What part of "no" don't they get?

They have tried to pass this thing. The majority has tried to pass this bill now for almost a year, and every single time—they tried to pass it in September and the American people said no. They tried to pass it in October and the American people said no. They said, oh, we're going to get it done before Thanksgiving, and the American

people said no. Oh, well, wait a minute. We're going to get it done before Christmas, and the American people said no. Then they said, well, we're going to do it before the State of the Union, and the American people said no. And now, here, we're going to get it done before Easter, and we're going to keep all the Members here as long as it takes, twist as many arms, do what we can. What part of "no" don't they get?

Mr. AKIN. You know what amazes me about that, gentleman, is I have heard various news outlets and various individuals, even people of political stripes saying that this bill is being held up by the Republicans. Now, somehow that just tickles my funny bone. You know, they've got 80 more people on this floor than we do, and if we all voted "no" and lit our hair on fire, there's no way we could slow this bill down. There's nothing we could do. The only thing slowing this bill down is there's a whole lot of Democrats that are going, ooh, is it ugly. So how in the world are they accusing us to be obstructionists or, you know—there's nothing we could do. I wish there were. But it's amazing.

What you're saying, I just want to underline because what you're saying is it's the American people. The American people are the ones that are really driving what's going on here. And they're looking at this thing and they're saying, oh my goodness. What part of no don't you understand? Go ahead. I didn't mean to interrupt the gentleman.

Mr. JORDAN of Ohio. I thank the gentleman. And you're exactly right. The reason the American people are speaking out loud and clear, the reason the American people, frankly, the reason the citizens of Massachusetts decided to send a Republican in Ted Kennedy's seat is because on a fundamental level, there's a lot of problems with this bill; but I want to just talk about three quick ones if I can. First and foremost—and this is what the majority party misses—it's a fundamental fact about Americans: Americans hate being told what to do. We're Americans. We actually think this thing called freedom and liberty is pretty important. And the idea that now here comes the big, not your local government, not your community, the big Federal Government's going to tell you and your family and you as a small business owner how health care is going to be delivered, and you're going to have bureaucrats getting between you and your doctor, they just fundamentally don't like that approach. And that's what the other party's missing. Americans don't like being told what to do.

Americans don't like, secondly, and I think this is important, and I know Congressman SMITH spoke earlier on the floor this evening, Americans don't like the idea that their tax dollars could be used to take the life of an unborn child. I mean, they fundamentally don't like that, and appropriately so.

And so just two basic things they don't like.

And then I would say third is Americans understand this thing is going to cost a lot. I mean, it's going to cost a lot.

Now, they can, you know, here's the way CBO works. We've heard a lot of talk. More Americans know about the Congressional Budget Office then they ever knew about them based on this debate over the last year. The Congressional Budget Office, the data and the assumptions and the premises that are given to them, that's what they have to work on. They're good people over there and they do good work, but they have to take what information they're given from the majority party when they put together their analysis.

And so people understand that this bill has 10 years of taxes and only 6 years of benefits in the next decade. They have all kinds of gimmicks, all kinds of things put into the CBO assumptions and premises when it's given to them to come up with this "deficit neutral" thing.

There is not—now think about this: outside of this city, this bill is going to insure 30 million more Americans and be deficit neutral. Now, outside of Washington, D.C. there is not one person in America who believes that. Americans understand, on its face, that cannot be the case.

Mr. AKIN. Let me just restate that. That is really an amazing premise, isn't it?

This bill is going to insure 30 million more Americans and it's going to be budget neutral. Do you think people believe that?

Mr. JORDAN of Ohio. There's no way. I mean, the claim is laughable on its face, and yet that's what we continue to hear out of the other side. And I think it's those kind of things that deep down Americans understand we need reform. They understand that there are some concerns and some real problems in our health care system.

But they also fundamentally get that this bill, this package, with the dollars being used to take the life of unborn children, with the cost estimates that we know are really going to be there, they understand on a basic level that they don't want the Federal Government attempting to take over one-sixth of our economy and getting between them and their family and their doctor.

And with that I would yield back to the gentleman.

□ 1830

Mr. AKIN. I sure appreciate the gentleman from Ohio joining us. I had a telephone town hall with my constituents last night, and I just asked them whether they thought it was a good idea for the government to be taking this over. And it was about 90 percent even said they just don't trust the government to do that. It's that freedom point. It's that idea of do we want a bureaucrat telling us what to do, what

doctor can treat us and all? And we are mandated to buy this?

Of course the minor point of that is that's unconstitutional. The government can't force you to buy something. And so that's unconstitutional on the face of it. Just absolutely amazing.

I just want to get back to my good friend, the doctor from Louisiana. Would you like to jump in? I did throw this chart up here about cancer rates in different countries. And so if you want to talk about that.

Mr. FLEMING. Let me address that.

We were talking a moment ago about the fact there are two ways to save money in health care. One is to have the patient become a savvy consumer and make choices for himself or herself in combination with his or her doctor.

Mr. AKIN. That is called free enterprise, I guess.

Mr. FLEMING. Free enterprise. That is right. Free choice. The other is to have total government control. And then you are going to have to have long lines and rationing.

Now, in the countries that have the latter, that is the long lines and rationing, and these are well-developed countries like Canada to our north, the United Kingdom, the difference in death rates from common cancers, breast cancer and prostate cancer, are unbelievable. We are getting extremely high cure rates, well over 90 percent here in the United States.

Let's take breast cancer. Breast cancer affects one in six women. Let me say parenthetically, the other side over there talks about women's rights and all the things we need to do for women, but yet this, if we follow this pathway, we're going to have a lot more women dying of things like breast cancer because here is why. You look at the U.K., the United Kingdom, they don't pay for mammograms. And also the better chemotherapeutic drugs that can cure the more difficult cases of breast cancer, they don't pay for them. Why? It costs too much. It doesn't fit into the budget.

Mr. AKIN. So when the government doesn't have enough money to pay, they just say, well, we're not going to cover certain things because they're too expensive.

Mr. FLEMING. Exactly.

Mr. AKIN. So the government makes a decision as to whether or not you are going to get care or not, which is rationing.

Mr. FLEMING. Unelected bureaucrats.

Mr. AKIN. And so you have here in the U.K., these numbers here, this is women, but this isn't just breast cancer, but cancer in general for women, the survival rate at 52 percent or 53 percent, 66 in the U.S. So this difference is because of the fact they are just not covering some things.

Mr. FLEMING. And if you multiply that times the number of women who get cancer, you are talking hundreds of thousands of women just in that range there.

Mr. AKIN. So if you want to know why the telephones have been ringing off the hook, and there are a whole lot of people who don't like this bill, here is a whole block of people. Anybody who might get cancer, this is a pretty good reason not to like it. Is that correct, Doctor?

Mr. FLEMING. That is absolutely right. Furthermore, just as way of an example, we actually had people from Canada and from the United Kingdom, both patients and doctors, who came to testify before us. And they told us really crazy things that we would never accept in the United States under our system. One is if someone gets cancer, oftentimes they are told, we're going to watch it. We're going to watch cancer. That's crazy. Why would you watch cancer? You've got to treat it. But in their country, in Canada, in some places it is 2½ years just to get an MRI scan. Then you get in the waiting line to actually get surgery or treatment.

Mr. AKIN. So if you are in Canada and you have cancer, what you really don't want to do is you don't want to sign up at the hospital, you want to sign up at the airport for a flight that is going south to the United States so you can get taken care of.

Mr. FLEMING. Yes. Absolutely.

And just one last thing. The way they define emergency surgery in Canada is any surgery that doesn't at this moment save your life. What does that mean? Someone who needs bypass surgery, who has a 99 percent lesion in their artery, unless they are dying that moment, if they get bypass surgery, that is elective surgery. And we saw a recent example where a premier from Newfoundland literally came across the border to get his heart surgery because he chose the United States of America to get his care as opposed to his own homeland.

We know people come from around the world. If they have the resources to get care here, they know where the best care in the world is. We've got problems, but these are solvable problems that we can use a scalpel to fix rather than taking a wrecking ball to the entire system and rebuilding it in a socialist view.

Mr. AKIN. Right. I think the point was made once that if you've got a bad faucet in your kitchen you don't remodel a whole kitchen, you fix the faucet.

Again, I would like to turn to my friend from Ohio, Congressman JORDAN, and just see if he wanted to make a comment about that or a different point.

Mr. JORDAN of Ohio. I appreciate the gentleman yielding and appreciate the comments from our colleague from Louisiana. I actually just want to go back and try to give some context for why I think the American people are so adamantly opposed to this legislation.

I think it is important to remember what we have seen over the last year, things we never thought we would see

in this great Nation. Who would have thought in the United States of America, the greatest Nation in history, we would see the President of the United States fire the CEO of General Motors? Who would have thought in the United States of America we would see the taxpayers of this country own General Motors? Who would have thought in this great country we would own AIG, the largest insurer? Who would have thought in the United States of America we would have a Federal Government pay czar telling private American citizens how much money they could make? Who would have imagined in this great country we would have the largest deficit in American history, \$1.4 trillion? Who would have imagined in this country we would have a \$12 trillion national debt? And now who would have imagined that this majority, this Democrat Congress, would continue to try to pass a piece of legislation that the American people have said time and time again they don't want?

That is the context we find ourselves in. No wonder the people of this country have figured out this is a bad piece of legislation and they don't want it.

I appreciate the gentleman for yielding. But I think it is sometimes important to step back and understand the framework we are operating in.

Mr. AKIN. Boy, I really appreciate your putting that in perspective. Because we sort of rush through each day, each day is so busy, and we sometimes fail to just take a look and say, oh, my goodness, what is going on here? You know, first of all, a President of the United States firing the president of General Motors? And then surrounding himself with these people not approved by the Senate that he calls czars. That's weird. I don't know where that idea comes from. And then taking over AIG, a great big insurance company. And then you go through all of these other things, the bailout for Wall Street and this supposedly stimulus bill, which cost \$700 billion and is not creating jobs, 10 percent unemployment.

We have just heard people critical of President Bush for spending too much money. You take his very worst year, which was '08 with the Pelosi Congress here, and it was \$470 billion I think he overspent if I remember. You are the expert on numbers. And yet here we go in 2009, \$1.4 trillion. That is a record since World War II. We keep setting these bad records and then here comes this piece of legislation.

My constituents are going crazy. They are telling me, TODD, what can we do? What can we do? What do you want me to do? We had a great big meeting and thousands of them showed up to protest. The media covered it. But what can you do? I mean, they are shutting the phone boards down. Sometimes I don't know what to say, gentlemen.

We are joined here by my good friend, Congresswoman FOXX. I think of her as somebody who is just one of those

Americans who has common sense, and she's tough. She's tougher than nails because she believes in commonsense American values, and she doesn't put up with a whole lot of baloney.

I am just delighted to have you on the floor joining us tonight.

Ms. FOXX. I thank you, Congressman AKIN, and I thank you for leading this special order. I want to build on what you and Mr. JORDAN have said. I had a town hall meeting in my district on Monday. The people in my district are commonsense people. And they are saying, we just want commonsense solutions. They want the truth. They want the simple truth about what this bill is going to do and what needs to be done.

I find it just unbelievable that these folks who are in charge here, the Democrats who are in charge, have such a low opinion of the American people. I want to talk about that for just a minute because I think that is part of the problem that we have. There is an article today in the Washington Times, and it says, House Democrats Tuesday defended the idea of tying together the Senate health care overhaul bill and a companion bill of repairs that could spare Members from having to vote outright for the Senate's tax on high-cost insurance plans and other contentious provisions. Majority Leader STENY HOYER said the public isn't going to be worried about how Congress passed a bill, but rather what's in the bill, and won't differentiate between the procedural paths. This is his quote: "Do you think any American is going to make a distinction," he asked? "I don't think any American, real American out there, is going to make a distinction between the two."

Well, the people I was dealing with on Monday are real Americans. I can tell him that. And they don't like the Slaughter provision. I want to add to that a comment that was made by Speaker PELOSI during a discussion with bloggers on Monday, saying she liked the idea of tying the bill to the rule. And her quote was, "Because people don't have to vote on the Senate bill."

Now, the public understands that if these folks in charge are trying to keep their people from voting on something that there must be something wrong with it.

Mr. AKIN. There is something that smells, doesn't it? This thing has been sitting around for about a half a year, and the more people find out about it, the more they hate it. A week or two ago, I just started making a list of all the people who would hate this bill, and there are just circles of Americans, one on top of the other.

If you are an older person you don't want all that half a trillion dollars taken out of Medicare.

If you are pro-life you think, well, I don't like abortion. Well, if you don't like abortion, how do you like the fact that your taxpayer dollar that you are forced to pay is paying for abortion?

That to me is different than just—I mean one thing people talk about is choice. I don't call it choice, I call it killing children. But even if you accept the idea of choice, some people think abortion is okay, some people think it is not. But to take the people who think it is not and force them to pay to do abortions where they think it is killing a child even if other people don't, no wonder people don't like this thing.

Or illegal immigrants getting medical care on the back of the taxpayer. I could see there are so many people that wouldn't like it.

Ms. FOXX. Would my colleague yield?

Mr. AKIN. I do yield.

Ms. FOXX. I think another thing that they have a hard time understanding is how a Member of Congress could lambast the bill one minute and then say we need to vote on it the next. And I want to say Chairwoman SLAUGHTER, the chairwoman of the Rules Committee, who is now doing everything she can to get this bill passed with the trick that she has come up with, the Slaughter sleight of hand I call it, she said last year, right after the Senate bill was passed, "The Senate should go back to the drawing board." And she further said, "The Senate bill will do almost nothing to reform health care, but will be a windfall for insurance companies."

So the public is really confused because one day these folks say one thing and then the next day they are doing everything they can to destroy our country and all that we stand for to get these bills passed. It's got to be terribly confusing.

Mr. AKIN. Not only confusing, but in the telephone town hall I did, I sense an anger and a frustration in the public. First of all we are told that you don't have to read the bill, just vote on it because we haven't even put the bill together. You don't have to read it. Now we are being told, not only you don't have to read it, you don't have to vote on it. That seems like the silliest thing I ever heard. And yet that is what is being talked about, about bringing a bill to the floor, you just vote for a rule instead of actually voting on the bill. And it is questionable whether it is even constitutional.

My good friend, Dr. FLEMING.

Mr. FLEMING. I think it bears noting that this bill defies common sense. We just talked about the fact that you take a half a trillion dollars out of Medicare, which is already struggling, and no one has ever explained in this year-long debate how in the world they are going to do that except to say fraud, waste, and abuse. But if we had the tools to do that better today, why aren't we already doing it? That is number one.

□ 1845

Mr. AKIN. Sort of like fraud, waste, and abuse is like a line item in the budget and you can just line it out and

make it go away? All these years, if we had fraud, waste, and abuse, we try to get rid of it, but they say we're just going to line—it's really amazing. I didn't mean to interrupt.

Mr. FLEMING. The other thing is the idea that suddenly you can cover 30 million more Americans using the same resources. Nobody buys that.

And finally, another way to say this is that there is going to be an increase of taxes on 25 percent more Americans; they are going to pay more taxes to cover 7 percent more Americans. The Americans are not buying that.

Mr. AKIN. I think that's part of the reason why you see this tremendous opposition to this legislation.

And, you know, one of the things we did, trying to get some kind of perspective on some of these main points, imposes half a trillion in Medicare cuts. The Republican alternative didn't do that, but the President's bill and the Senate bill does. It enacts a job-killing tax hike and government regulations costing hundreds of billions of dollars. The old Democrat bill and the President's new bill do that, and the Republican thing doesn't do it.

I mean, we have a lot of reforms. I think you're a cosponsor/sponsor of a bunch of bills that reform things in health care, but it's not a complete government takeover of the system, and we're not talking about raiding Medicare and all of these other sad provisions.

Now, one of the things that I think Americans are sensitive to is unemployment. I mean, there are a lot of people out there without a job. According to the government numbers, there are about 10 percent unemployed Americans. And that is not counting the people who have been out of a job more than a year, because they take them off. They just wipe them off the charts.

So you have got a lot of unemployment, and now what you're going to do is you're going to enact these tax hikes on small businesses, which is no better way to get them to want to get rid of employees than to run their taxes up or their costs of having employees. So you're a small business owner, and all of a sudden it's going to cost you more to have an employee. You've just created a big economic incentive to get rid of some employees because now you've got to get rid of the taxes.

You're also being encouraged not to invest in your own business to put the new wing on a building, to get the new machine tool or whatever is going to create new jobs. You're not going to do that when you're going to get hammered by this new tax increase.

And I think Americans are sensitive, from what I found in my district. And I don't know about yours, but in Missouri, people don't like unemployment and they'd like to see us—they know government doesn't create jobs, but they'd like us to create an environment where small businesses can prosper. And this is the exact opposite to me. This doesn't make sense either,

that we're not thinking about the unemployment component.

Mr. FLEMING. The statistics show that the number one issue for Americans today is jobs, without question. And that health care reform, while it is important to you and me and all of the Republicans and everyone in the House, for that matter, it's only, like, number five or even lower than that on the list. Americans see that the imperative right now is to get jobs back, and we're using a job-killing bill. How in the world are you going to get private insurance if you don't have a job to begin with?

A recent poll by CNN—and certainly I don't think anybody could ever claim that CNN is a hard-right institution—says that 75 percent of Americans feel that we should either scrap this bill completely, throw it away and forget about it, or scrap it and start over again.

So the American people, as you say, three to one, don't like this bill, and they don't want to see it or hear of it again.

Mr. AKIN. I think a lot of Americans feel that there are things that need to be fixed in health care, and a lot of our colleagues that are Republicans think there are things that need to be fixed in health care, but we don't think you melt the whole system down.

One of the things that I was asked in my town hall meeting—and I think maybe there are people that have this question in their minds, so maybe I'll ask myself this question and try to answer it. They said, Okay, you big-mouthed Republican—they didn't quite say that, but they said, You were in the majority for 6 years and you never fixed any of these and now you're bad mouthing them when the Democrats are doing it.

Let me tell you about when I was a Republican for the 6 years that I was here when I was in the majority, and that was we passed a whole lot of bills in the House, a number of them, to fix health care that nobody has ever heard of or knows anything about. What happened to those bills? They passed the House. They went to the Senate, and there were Democrats in the Senate that basically filibustered it because we didn't have 60 Republican votes to push it through reconciliation so you could get it out to a vote on the floor. I know it's not reconciliation. Whatever they call it on the floor. The 60 votes in the Senate, we never had them.

What sort of bills did we pass? Well, we passed a bunch of energy bills to deal with the high prices of gasoline that were killed by Democrats in the Senate. We passed a bill to deal with Freddie and Fannie that were being improperly managed financially that were going to cause a big crisis, and that was killed by the Democrats in the Senate. We passed associated health plans to allow small businesses to combine their employees together to get a better price on health insurance. That

bill was killed. We passed it numerous times. It was never taken up. They never had the 60 votes in the Senate to deal with that.

We did tort reform, which various States have passed. Dropped health care costs by 10 percent in some States. That went to the Senate, was killed by the Democrats in the Senate.

So it wasn't that we didn't pass things or try to fix things as Republicans. We had a lot of reforms, but they were always killed because of the 60 votes in the Senate. So when people say, Hey, you guys were in the majority, how come you didn't do anything? We did things, but it was because of the way the Senate is set up, none of those things passed.

And I think that's helpful for people to understand that because Republicans do have ideas, but they were more selective things that we knew were going to save money, going to give people better health care and solutions that we knew from other States that would work. So I think that's important to kind of get that out.

Let's see. This thing here. Benefits trial lawyers by failing to enact meaningful lawsuit reform. Well, these bills do benefit trial attorneys. The weird thing about these bills is they are actually sort of antitort reform. It's not that they don't deal with those huge punitive damages which run the cost of health care up. In fact, the States that have tort reform, it makes it so they can't use their tort reform. So this thing is, from a tort reform point of view, is actually hostile to tort reform, and I'm sure you see some of that.

Thank you, Madam Speaker, for allowing us to deal with this very, very important subject. I know the American public is interested.

HEALTH CARE REFORM FOR SENIORS

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

Ms. SCHAKOWSKY. Madam Speaker, I'm so happy to be here tonight, particularly after I have heard what my colleagues had to say. One of them said, Our people need to hear the truth about the health care legislation. That's exactly what we're going to talk about tonight. Tonight we're going to talk about how this legislation helps our older Americans, our senior citizens.

We're going to talk about how this bill protects Medicare for the next 10 years. It's solvent for an extra 10 years so we keep our promise for an aging population and take care of our citizens when they get older. We're going to talk about closing the doughnut hole, about protecting seniors from elder abuse, about making visits to the hospital safe.

I have the pleasure of being the co-chair of the Democratic Task Force on Senior Citizens, on seniors, and my co-chair is the gentlelady from California, DORIS MATSUI.

And DORIS, I'm going to turn it over to you to get us started tonight.

Ms. MATSUI. Thank you very much, dear colleague, and I really appreciate being the cochair with you. We certainly have the passion for our senior citizens, and I believe that most of America understands that, too. But I rise today to recognize significant benefits that the emerging health care bill will have on American seniors.

Simply put, the health care bill will put forth, provides a better deal for America's seniors than our current system. Our health care plan takes great strides towards improving the quality of care our seniors receive.

For starters, our bill eliminates copayments and deductibles for preventative services under the Medicare program. This is crucially important because we know that many seniors are not getting the preventative care they need and are often foregoing tests because they're too worried about the costs.

The sad fact is one out of every five women over the age of 50 has not had a mammogram in 2 years. Also, more than a third of adults over the age of 50 have never had a colonoscopy. Without our bill's investments in primary care and its improved access to preventative care under Medicare, beneficiaries will continue to lose access. We are going to reverse this trend with the bill we pass this week.

Madam Speaker, we all know that preventative care is good for the health of individual patients and it's good for the overall health of our system, but without doctors to treat Medicare beneficiaries, the entire system structure, the systemic structure just collapses. That is why our legislation creates a more immediate pathway for more primary care doctors, the doctors that stay with you for a lifetime and know your medical history.

Primary care doctors are the backbone of Medicare and of our system in general, and our bill gives medical students incentives to go into primary care. These include grants for primary care training as well as incentives under Medicare for primary care doctors to practice in areas that currently have a shortage.

Right now, we need that we need many more primary care doctors in this country. The shortage is exacerbated by the high cost of education, which pushes more and more medical students into specialty fields and strains Medicare. Today, about 12 million Americans lack access to primary care doctors in their community, but by providing immediate support for primary care physicians, we can help minimize these shortages and restore the promise of Medicare.

Our bill also emphasizes coordinated care so that people can avoid unnecessary tests. It provides incentives for

doctors to work together to provide seniors with high quality care that every American needs and deserves.

This bill is about strengthening Medicare for America's seniors and restoring the confidence that we have in our health care system. We know that we have the best doctors and hospitals in the world. In my hometown of Sacramento, we have models of care coordination and chronic disease management that are the envy of other cities across this country.

But when seniors, especially in Sacramento, are splitting pills because they can't afford to refill their prescriptions and skipping meals to make ends meet, this system is not working. And one of the surest ways to help us get back on track is to close the doughnut hole that affects millions of seniors every single day.

Between 2009 and 2010, monthly prices in the doughnut hole increased by 5 percent or more for half of the 10 most popular brand-name drugs. This means that brand-name drugs in the doughnut hole became more expensive relative to the medical care of other goods. And this is not just a recent phenomenon.

Between 2006 and 2010, prices for popular brand-name drugs in the doughnut hole went up more than 20 percent. This means that America's seniors are being forced to spend a greater percentage of their fixed, disposable income on brand-name drugs. This is why it is so important for us to pass the health insurance reform bill, which will start closing the doughnut hole this year and completely close it within 10 years.

Madam Speaker, American seniors deserve more than the status quo. Our plan for health care reform will extend the solvency of Medicare, lower seniors' costs for prescription drugs by beginning to close the doughnut hole, improve the quality of seniors' care with better coordination among doctors, cover the cost of preventive care for Medicare patients, and expand home- and community-based services to keep people in their homes.

□ 1900

America's seniors deserve the best possible health care we can provide. And that's what our health care plan will do, ensure access to quality, affordable health care for all Americans.

Madam Speaker, I thank my wonderful colleague, and I yield back time to her.

Ms. SCHAKOWSKY. Thank you so much, Representative MATSUI, for being such a strong advocate for older Americans, really for all Americans, that are going to be helped by this legislation. And we are going to be talking much more about that.

I wanted to just let everyone know that for 5 years I had the pleasure of being the executive director of the Illinois State Council of Senior Citizens. It was between 1985 and 1990, and those were among the most fun years and learning years my life. I was a lot

younger then, not a senior citizen as I have reached today, and what I learned is that our older Americans, while facing many, many challenges, are the people who really helped build our middle class, who helped build our society, and now in their older years, especially in this time of economic downturn, are facing incredible difficulties in getting their health care. Thank goodness for Medicare. We will talk more about that program that was passed in 1965.

There is a reason why every advocacy group for older Americans is supporting this legislation. If you look at the list, and I'm going to read it, you will see that the people who know best, because they either are made up of older Americans or their job is to advocate for older Americans, are supporting this legislation. That would include the AARP, which represents tens of millions of older Americans, people from 50 and upward, and we will talk about how this legislation not only helps people 65 and older, but 50 and older, the National Committee to Preserve Social Security and Medicare, the Alliance for Retired Americans, the Center for Medicare Advocacy, Families USA, the Retirees of AFSCME, B'nai B'rith International, National Senior Corps Association, National Academy of Elder Law Attorneys, National Council on Aging, Service Employees International Union, National Association of Professional Geriatric Care Managers, Easter Seals, Medicare Rights Center, American Federation of Teachers Program on Retirement and Retirees, Volunteers of America, the American Society on Aging, and National Senior Citizens Law Center.

I'm sure there are more that aren't on my list. I have some other data from some of these organizations. These are the people who know what seniors want. That is their business. They are made up of seniors and certainly of their advocates.

And one of the advocates for the elderly is a great colleague mine. RUSH HOLT from the great State of New Jersey is here tonight to talk about how people in his State and around the country, older Americans, are going to benefit from this legislation.

Mr. HOLT. I thank the gentlelady from Illinois for reserving this time to take the message out. For a moment, let me speak to the 103,000 Medicare beneficiaries in the 12th Congressional District in New Jersey, more than 100,000. This legislation would improve their benefits. It would provide free preventive and wellness care. It would improve the primary care and better coordination of care, not just so there is more efficiency and less waste, although there would be, but so that patients don't get the runaround. It does not help their health to have unnecessary or counterproductive tests or procedures. It would enhance nursing home care. And it would strengthen the Medicare Trust Fund, extending solvency for another 8 or 9 years. That is real.

You had spoken earlier about the doughnut hole. I always hesitate to talk about the doughnut hole. I think of it as a cliff. Depending on how expensive your monthly medication is, along about August or September or October, you have exceeded the expenditure limit on Medicare, the way things stand now, and you fall off the cliff. And if you want to keep taking the medicines, you have got to pay out of pocket.

Under the bill, the beneficiaries not only would receive in 2010 a \$250 rebate and 50 percent discounts on brand-name drugs beginning in the coming year, but also complete closure of this doughnut hole, or better yet, filling in this cliff in the years to come. A typical beneficiary who enters the so-called doughnut hole, again, that is too benign a term, who falls off the cliff, will see savings of over \$700 in the coming year and over \$3,000 in coming years. So this is something that, yes, it helps small businesses. Yes, it helps young adults trying to get a start after college. Yes, it helps people who find themselves between jobs or people who want to start small businesses. It helps employees of large businesses. It helps anybody who has a health insurance policy now. But tonight, we are talking about how it will help senior Americans.

I thank the gentlelady for reserving this time. Let me turn it back to you, and I will add some comments as we go along if I may.

Ms. SCHAKOWSKY. Great. I thank you so much.

I wanted to talk in very specific terms. Again, you talked a little bit about some of the issues, how this bill actually, in a concrete way, on a day-to-day basis, is going to help older Americans. I think it's so important that we explain the details of this bill because there have been a lot of myths out there particularly aimed at older Americans. And it really makes me mad. There has been a lot of fear about how somehow this bill is going to cut Medicare. And I'm going to talk about how that is exactly the opposite, how this bill is actually going to extend the life of Medicare, not cut any benefits.

So let's look at some of these things, how health care reform means security and stability for America's seniors, extends the solvency of Medicare. What does that even mean? Extend the solvency of Medicare. What that means is that currently if you look at the Medicare funds, by 2017, that fund is going to be in some trouble. Aha. But we pass this bill, and the solvency, the health of the Medicare Trust Fund is going to be extended another 9 years. So we are now up to 2026. We want to figure out ways to even go beyond that, but that's a pretty good start, to extend it to 2026.

Lower costs for prescription drugs. You talked a bit about the doughnut hole. And, again, you're right, you talk about the doughnut hole. Not only does it sound benign, a lot of people don't know what we're talking about when

we say that. But there is this gap in coverage. And so I'm going to tell you about one of the seniors who actually had this pretty horrible experience when she went to the drugstore and found out that she was not covered. Here she is. My constituent had a Humana part D Medicare, that is a prescription drug plan, and had trouble paying the monthly premium. Humana originally told her that she would never pay more than a few dollars for her medications. Sounds pretty good. One day she went to CVS, she went to the drugstore, and was told that one medication out of the eight that she is taking was going to cost \$130, whereas the previous month the cost was \$20. From \$20 to \$130.

At that point, the pharmacist told her about the doughnut hole. She found out that from then on she was going to have to pay out of pocket until she paid \$3,600 out of pocket. She would continue to pay her premiums every month, but her drug costs were going to be out of pocket until she had paid \$3,600 more.

Well, what she told us was that she stood at the pharmacy counter and cried because she just couldn't afford to get her medicine. So she walked out of the pharmacy. She called our office, and she was concerned that she wouldn't be able to take her lifesaving medicine because she didn't have the money.

And fortunately, there was an Illinois program in existence at the time called Illinois Cares Rx, and she is able to get her medication through that program. But fortunately, she fit the eligibility requirements. Plenty of people don't. And then her physician gave her some free samples. And you know that doesn't last forever. So we are going to permanently close that doughnut hole, and we are going to begin to do it on day one, lowering the cost of prescription drugs.

We are going to improve the quality of seniors' care with better coordination among the doctors. And that is going to be cost savings, too, because we are going to have coordinated care so that they get this continuum of care. We are going to train more primary care doctors. That's what we need to do. We are going to provide incentives to make sure that we have more primary care doctors. We're going to cover the cost, as you mentioned, Representative HOLT, of preventive care for Medicare patients. No more out-of-pocket costs. You have your Medicare card—that's all you're going to need for those preventive services.

And we're going to expand home and community-based services to keep seniors in their homes, which, we should add, is exactly where they want to be. People don't want to be forced into nursing homes. They want to be able to stay at home. If we expand those home- and community-based services, someone being able to come into the home at a price they could afford, adult day care centers where people can go dur-

ing the day and be safe and active, then they are going to be able to stay in their homes.

That's just the beginning of what we do for seniors.

Let me turn it back to Representative HOLT for just a minute because we were talking earlier about how frustrating it is that there is a question about Democrats, the majority, wanting to somehow cut Medicare.

Mr. HOLT. I thank Representative SCHAKOWSKY, my good friend. This is something that has been one of the great accomplishments, not just of the Democratic Party, but of the United States. Medicare has been a success. It has been medically a success. It has been socially a success. This legislation before us will only strengthen Medicare.

And to underscore a point that you were making, Ms. SCHAKOWSKY: By getting better coordination among doctors, by having more primary care doctors, by covering preventive care, by making sure that beneficiaries have access to medicine, we not only get efficiencies, but each patient gets better care.

□ 1915

We begin to shift more attention toward the outcome, the health of the patient.

Having extra procedures or having to go to a specialist when you don't need to go to a specialist but only because you don't have a primary care physician available is not only costly but it is not healthful. It does not produce the best outcome, and it leaves the patient frustrated and getting the run-around.

So people ask me, well, in this health care bill, how can you claim to cut costs and not cut our benefits? How can you claim to cut costs and not give us worse care? Well, in fact that is the point exactly. By having primary care physicians, by paying for the medical education of those physicians to have more of them available, to have better coordinated care among doctors, the patients will get better care. So it is not just a matter of efficiency, but it is that also.

And to continue on your point. The debate that we are having right now strongly echoes the debate of the 1960s over Medicare. "Inefficient and costly government." "Putting the government between the doctor and the patient." "Socialized medicine." Yes, we have heard all of those phrases this week, in fact tonight here, previously, from the other side of the aisle. Those are quotes from the 1960s.

Now, few people today would call for a repeal of Medicare given its success for seniors, yet it was very controversial back then. The same arguments were made against health care reform then as are being made now.

Some leaders, from Ronald Reagan to Bob Dole to Gerald Ford, fought the program and voted against its creation. Since then, some opponents of Medi-

care have tried to cut, or cut, Medicare. Former Speaker of the House Gingrich spoke of cutting back Medicare so that it could, quote, wither on the vine.

Does anybody really think that Democrats, who are so proud of the accomplishments of Medicare, would for a moment consider cutting back on Medicare? Does anybody reasonably think that?

This is a successful program that has taken us from 1965, when 44 percent of seniors were uninsured. They had no place to go except maybe the emergency room if they got really sick. It has taken us to a point where barely 1 percent of seniors today have no coverage. Seniors had limited choices back then. They could deplete their savings or seek assistance from their children or look for charity care, or, as was so often the case, forego medical care entirely. Within 11 months after President Johnson signed Medicare into law, almost 20 million Americans had enrolled in the program, and it has virtually eliminated uninsurance among older Americans. Today, about 1 percent of those 65 and older lack health care coverage.

So ask any of the 45 million beneficiaries if they would trade their Medicare. You will have a hard time finding any.

Ms. SCHAKOWSKY. Thank you very much for reminding everybody, first of all, that Medicare is the government program of health care for older Americans. It is not just a made-up story that sometimes people come up to us and say, Keep government hands off my Medicare. Well, we have to remind people that this is a 100 percent government program. And thank God for Medicare, because so many people, that is the only insurance they have.

And I have to tell you, a lot of people come into my office every week and saying, I can't wait. I can't wait for my 65th birthday so that I can finally get the insurance and the care that I need.

I am also, as I said, going to talk about how this bill even helps people age 50 to 65 with their health care problems. But right now, I want to introduce somebody who knows a bit about insurance, who knows a bit about health care, and knows a bit about what seniors in this country, what Americans in this country need when it comes to health care. He is a new Member, but he is not new to this issue, and he is not new to advocacy for all good things for consumers and for the seniors, and that is JOHN GARAMENDI, my colleague from California.

Mr. GARAMENDI. I thank you very much, Congresswoman SCHAKOWSKY, and thank you for that terrific description of the history of Medicare. This has been a Democratic program for more than 43 years now. As Representative SCHAKOWSKY just said, I get the same thing: if I can just live long enough to get the Medicare.

And I remember as you were saying that an experience I had. I had visited

a carpenter who had become ill with cancer and he wanted me to stop by and see him. This was maybe 10 years ago. He was bedridden, very, very sick. He was about 60, no longer able to work, and his wife was about the same age. And he said, I have just got to hang on long enough so that my wife can get to Medicare. Otherwise, she will have nothing, and she is a diabetic.

We have got about 45,000 Americans that are dying every year because they don't have health care and because they haven't been able to live long enough to get to Medicare.

Medicare is a program that the Democrats have fought for, have fought very vigorous battles in this Chamber against the Republican Party. You mentioned Newt Gingrich, who was right out front about the Republican goals in the 1990s to destroy Medicare.

Well, we are here to protect Medicare. And in this legislation that will be before us for a vote very, very shortly, there is an explicit understanding written into it that Medicare will be protected, that benefits will not be cut, and that cost savings, wherever they may be found in all of the Medicare system, that those cost savings will be plowed back into the Medicare program.

So where are the cost savings going to come from? How correct you are with your chart when you talked about where the cost savings are: well-care, preventing illnesses, taking care of people in the continuity of care rather than episodic care.

There is also a lot of fraud in Medicare. We know that. We also know that it was the Bush-Cheney budget that reduced the appropriations to fight fraud in Medicare. They basically wiped out the Department of Health Services and the Medicare program's ability to fight fraud, and it blossomed. But in the budget that you passed this last year, now that we have a Democratic President and a Democratic budget, he put money back in to fight Medicare fraud. That will save money. We have seen '60 Minutes'; we have seen the kind of fraud that is out there.

But what really, really makes me upset is the misinformation that is out there, in many cases the downright lies that you see on television, most of them paid for by the insurance industry that doesn't want to lose their 16 percent additional payment over and above the average cost of Medicare that is given to the insurance companies so that they can have this Advantage program. What do the seniors get for it? Not much.

Mr. HOLT. If the gentleman will yield. And these are not lies of ignorance. These are people who know better.

Mr. GARAMENDI. The insurance companies? You bet they do.

Mr. HOLT. They know that Medicare has an overhead of about 2 percent.

So if I may make a small correction on what the gentleman has said. There is waste and fraud in Medicare. I think the gentleman said a lot; actually, it is

a little. But when there are 44 million beneficiaries, almost 45 million beneficiaries, a little bit of error, a little bit of fraud can add up to a lot of money. But the program itself, if you count administrative costs as well as waste, fraud, and abuse, it is a couple of percent. In other words, almost all of the money in Medicare goes to providing health care.

Ms. SCHAKOWSKY. I have to say that it is not necessarily just a little bit. At the beginning of September, the Department of Health and Human Services and the Department of Justice announced the largest health care fraud settlement in history.

Pfizer, the drug company, agreed to pay \$2.3 billion for illegal marketing practices. That is going to return about \$1 billion to Medicare and Medicaid. So that is not chump change.

Mr. HOLT. On a percentage basis, it is a small amount. When you have 45 million beneficiaries, that adds up to a lot.

Mr. GARAMENDI. The key point here is that in this legislation there is a specific effort to eliminate the fraud that goes on in the system. The unnecessary payments, the stealing of the Social Security cards, all those kinds of things that are out there, we know we need to deal with that. And we are dealing with it. Even before this piece of legislation, we put money into the budget to deal with that; and then this legislation strengthens that.

And, in addition to that, we now will have better medical record technology which will also assist us in keeping track of what is going on. It is a small piece of a much, much larger piece of legislation that does help seniors in very, very specific ways.

Why should the insurance companies get an unnecessary boost in their profits at the expense of the Medicare program? No reason that I know of. They should be competing and they should be helping seniors, but not get that additional bump. Those savings are also plowed back into the benefits for seniors so that they can have those programs that you talked about, those programs of prevention, of wellness, of being able to stay in their home. All of those things are important.

If I could just take a personal moment for a moment. My mother phoned me; she is 87. She is going to have her 88th birthday. If it is 89, I am in deep trouble back home. But she is going to have her birthday soon.

She phoned about 3 weeks ago and she said, John, why are you cutting the Medicare programs? What are you talking about, Mom? Well, the TV advertisement just said you guys are going to cut the Medicare program. And I am going, No, we are not. But tell me about the ad.

It was an advertisement run by the U.S. Chamber of Commerce in the Sacramento region of California. She saw it and became concerned.

So why are these ads out there that are on their face not truthful? One reason: and that is to upset the seniors and to somehow give the seniors false

information about what this legislation does.

I got her straightened away. She is okay. Although when she sees this red tie, the good Mary Jane McSorley is not going to be happy. But, Mom, I have got a green carnation here.

Ms. SCHAKOWSKY. You know, a lot of us have been barraged with phone calls like your mother said to you. She believed you, didn't she?

Mr. GARAMENDI. Oh, yes. I have been a truthful son.

Ms. SCHAKOWSKY. Good. And I hope that what you have said has now convinced many others.

But it is really wrong, I think, to put out information that really causes older Americans who are so dependent on Medicare, and that is most of the people on Medicare that really rely on it for most of their health care even if they have a supplemental, to tell them things that just aren't true, that benefits in some way are going to be cut.

I want to introduce now someone who also has been a great advocate for the constituents in her district and for older Americans, a great friend of senior citizens, from Nevada, and that is Congresswoman DINA TITUS.

Ms. TITUS. Well, thank you very much. And thank you for your leadership on this issue and for organizing tonight's discussion about something that is so important.

Nevada has had the fastest growing senior population in the country for the last decade. And even though we have slowed down a little generally, that percentage is expected to continue. So you can imagine what an important issue this is for me.

And, like Mr. GARAMENDI, my mother, too, is on Medicare. So I can't imagine why anybody would think we would want to hurt Medicare benefits when our own mothers are beneficiaries, along with so many other seniors in this country.

I share your frustration, because I have had a lady following me around to some of our town hall meetings wearing a T-shirt that says "I am the grandmother you want to kill." She believed those early ads about the death panels in the health care bill.

So there is an awful lot of misinformation out there that we need to correct, and that is why a discussion like this is so important.

You know, generations of America's seniors have relied on Medicare in their golden years, and we must ensure that it is there for them in the future. This means that we need health reform, health care reform as you have described on your chart there, that strengthens Medicare. Rising health care costs threaten our current Medicare system, and we need to be sure that it remains solvent. And we have to enact reform that strengthens Medicare's financial footing and extends the lifetime of the Medicare trust fund.

We also must bring down those prescription costs. We need to reduce costs

for both Medicare and for seniors, individually, and close the doughnut hole that so many of our seniors fall into, forcing them to choose between life-saving medication and other necessities like buying groceries or paying the power bill.

□ 1930

It's because of my commitment to seniors that I was proud to support the House health care reform bill, because in addition to the things that I just mentioned and you all have been talking about, it also benefited seniors by removing lifetime caps on coverage and included free preventive care; in other words, no copays on important tests like mammograms and colonoscopies. So I'm hopeful that these reforms will be things that we can enact in the coming days, and I look forward to seeing that final health care language to be sure that they're in there.

You know, I'm dedicated to protecting Medicare, and I know how important it is for the seniors in District Three. I would never do anything that would reduce or undermine the care that they receive. That's why I introduced legislation—and I appreciate all of your support on it—that protected seniors from increases in their Medicare premiums. It was called the Medicare Premium Fairness Act. We introduced it last year. It would protect seniors from an increase in their premiums.

In the past years, seniors have received a cost-of-living increase in their Social Security to offset any increase in the Medicare premium. Well, this year, for the first time in 35 years, seniors aren't receiving that cost-of-living increase, meaning that higher Medicare premiums would result in lower Social Security benefits, for a net loss. For seniors on fixed incomes who count on every dollar just to get by, this is unacceptable, because they will be receiving less in Social Security. My bill would protect all seniors from an increase in those Medicare premiums this year until the cost-of-living kicks in in the future.

Unfortunately, and how many times have we seen this—and I'm expressing my personal frustration, but also of this body, I believe—one Republican in the Senate has held up the speedy passage of this bill that's so important to seniors. This shouldn't be allowed to happen because it's too important to happen in the lives of the American people. So I'm going to continue to fight to see that that bill becomes law and in a way that would be retroactive to help the seniors who may have already seen those deductions kick in.

So thank you again for having this discussion. Medicare is critical to the health and well-being of our seniors, and I look forward to working with you on the senior task force to highlight and advocate on these important issues that affect our senior population.

Ms. SCHAKOWSKY. One of the great things that you pointed out is that

Medicare was passed in 1965, but we continue to work to improve it, to make it better, to even expand the coverage so that it is more affordable for the elderly. This is a work in progress. It's really been a job that has been the life's work of the Democratic Party for generations to make sure that Medicare really does do what it needs.

When Medicare first came into being in 1965, prescription drugs were actually a very small part of the whole health care cost. Now they are at the center—front and center, often—of extending life, of making life more livable, of preventing death, and so we work to find all the ways that we can perfect what has been a very successful program.

I want to once again just make sure that people see the advantages to older Americans, how health care reform means security and stability for America's seniors, extends the life—that's what solvency means—extends the life of Medicare, lower seniors' cost for prescription drugs, improves the quality of seniors' care with better coordination among doctors, trains more primary care doctors so there will be access when we add more people to health care.

Some seniors are worried. Okay, add 30 million people to health care coverage, are there going to be enough doctors? We say we've got to do that. That's what is in this bill, to make sure that we train and create incentives for more primary care doctors, and nurses, too, so that we have the professionals that we need. Covering the cost of preventive care for Medicare patients, you described that. That's for things like mammograms and colonoscopies. No out-of-pocket costs. Expand home- and community-based services to keep seniors in their homes.

So the question really is: What is the Republican plan if they say our plan is bad? Well, Paul Ryan, one of the up-and-coming Republicans, proposed the plan. He's the top Republican on the House Budget Committee, and he put forth what they call the roadmap. The Republican roadmap wouldn't improve Medicare. It actually ends it.

Now you're thinking, Oh, this is all partisan. That can't be true. But, actually, it is true. It would end Medicare, when they get to be 65, for everyone who is now under the age of 55. Once those people who are under 55 get to be 65, instead of Medicare, they get a voucher. Go out and find health care for yourself. And the Congressional Budget Office, the nonpartisan Congressional Budget Office, reports that that voucher over time would be worth about a quarter of what Medicare is valued right now. The roadmap wouldn't require that private insurers actually accept those vouchers or charge affordable premiums or provide necessary benefits, making those vouchers pretty darn worthless.

Let me tell you what one of the expert groups said. This is the non-

partisan Center on Budget and Policy Priorities: The Ryan plan imposes no requirement that private insurers actually offer health coverage to Medicare beneficiaries at an affordable price or at all.

Did you want to speak to that?

Mr. GARAMENDI. Let me just talk to that for a moment. This is astounding.

Ms. SCHAKOWSKY. Tell them your background, too.

Mr. GARAMENDI. Well, I was the insurance commissioner in California from 1991 to 1995, and then 2003 to 2007, so I've got 8 years as the insurance commissioner in the biggest State in this Nation, with a lot of seniors. Our seniors haven't grown quite as fast as our friend talked about from Nevada, but in total numbers we are so much bigger. Major, major problem for seniors.

You're looking at the most expensive part of the population, the senior population, and it is absolutely true that the insurance companies do not want to ensure people that are going to get sick. Who's going to get sick? It's the seniors. And that's why Medicare came into place, as was described earlier, because that population has the most difficult time of obtaining insurance, and it happens to be the most expensive part.

We figured out here how to provide it. The Republicans are going to do what? They're going to give you a voucher. So if I'm 54 years old now—let me see if this is correct. I'm 54, and if the Republicans had their way, when I become 65 in 11 years, I don't get Medicare, which provides me with a comprehensive policy that I can take anywhere in this Nation. I can go to Maine and get the policy. I can go to California and get the policy. I don't get that. I get a voucher, and I'm going to go to an insurance company that I know does not want me because they know that at 65 I'm going to be expensive.

Ms. SCHAKOWSKY. You've got that right. You would get a voucher.

Mr. GARAMENDI. This is the Republican program? Thank you, no.

Mr. HOLT. Let's be very clear. They are saying in this health care bill, You want to cut Medicare. No. That's the point. We've been saying over and over again, we're strengthening Medicare. What they want to do is do away with Medicare, replace it with vouchers, or another term that has been used in the past is "privatizing." In other words, to say, Well, you can take care of your health care. We'll even give you a coupon. Now, the coupon is going to be of declining value over time, but you're smart enough. You will have saved for your golden years and you will be okay. That is what they propose to do.

Mr. GARAMENDI. You're suggesting you go back and take your privatized Social Security savings? They're going to do away with Social Security, too.

So they're going to do away with Medicare and Social Security, the two programs that provide security for seniors. The Republican Party has said clearly they want to do away with those. That's not where we are as Democrats. This program, as Representative SCHAKOWSKY has said very clearly, strengthens Medicare, extends its life for at least 5 years, some would say 10 years.

Ms. SCHAKOWSKY. Nine years.

Mr. HOLT. The best estimate is 9.

Mr. GARAMENDI. We'll just take 5, 9, whatever. It strengthens it and pushes it out so it has the financial strength, reduces the doughnut hole by \$500 immediately, and you get—

Ms. SCHAKOWSKY. And then eliminates it over 10 years.

Mr. GARAMENDI. And if you're a senior of low income and moderate income, some of your prescription drugs are reduced by 50 percent.

Ms. SCHAKOWSKY. That's right.

Mr. GARAMENDI. This is a good deal, and yet we see the TV ads out there scaring seniors that somehow this is a bad deal for seniors. This program is a very good deal for seniors, wherever they happen to be, and for every other American. We're talking about seniors here, but for every other American they will get access to affordable, good quality health insurance because of this legislation. Those are the facts.

Ms. SCHAKOWSKY. I think it's really important at this point to just mention some of the things that do happen as soon as the bill passes. A lot of people, one of the things that the Republicans have been saying about this legislation is that, Well, you have to wait until the bill takes effect for another 4 years. Well, that's true that a number of the elements of the full rollout of the bill take 4 years, but a number of things happen right away, and among those is the beginning to close the gap in coverage, or the doughnut hole.

A lot of seniors out there are worried about their grandchildren. This legislation, on the day that it's enacted, says that children with preexisting conditions will not be excluded from health care. Imagine if you have a grandchild with asthma or a grandchild with autism and suddenly they're trying to get health insurance for the family. This child will be covered. Imagine the relief it will take off of the parents and the grandparents' shoulders if we're able to do that. Lifetime caps. Many people have chronic illness and right away they find that they have reached the limit of how much their insurance company is going to pay.

Mr. GARAMENDI. These are the worthless insurance policies that are sold across State lines today. They have a very low lifetime cap. You get a serious illness and you blow through that and you have no more health insurance from that company. Not only that, but now you've got a preexisting condition and you can't get insurance from any company. The legislation changes that.

Thank you for pointing that out.

Ms. SCHAKOWSKY. And annual caps—

Mr. GARAMENDI. That, too.

Ms. SCHAKOWSKY. Where people in the first few months of the year have great expenses on health care and suddenly they find that they're not going to be able to be insured any more. That's it. So we do a lot of things immediately. I will get back to some more of them later, but I did want to talk a bit about what we do.

Go ahead.

Mr. HOLT. I wanted to address another point that I hear from folks in central New Jersey about a lot. They get letters from their insurance companies saying Medicare is going to be cut. Again, it's misrepresentation, and we want to clear that up.

Let me give a little history about Medicare Advantage. A number of years back the insurance companies came to the then-Republican majority in Congress and said, You know, the government is really inefficient. We, the insurance companies, can provide the benefits of Medicare a lot more efficiently than the government can. In fact, if you give us 95 cents on the dollar, we will provide benefits to Medicare beneficiaries.

□ 1945

Ms. SCHAKOWSKY. Plus additional things. We're so good at it.

Mr. HOLT. Right. We're so good and so eager to move services into the private sector—in other words, to privatize Medicare. The then-congressional majority said, Fine. Well, it didn't take more than a couple of years before the insurance companies came back, tears in their eyes, hat in their hands saying, Well, we can't really do it for 95 cents on a dollar. It's actually about \$1.15 on the dollar. And those who liked privatization said, Hey, that's still a great deal. So right now we find ourselves where 20 percent of Medicare beneficiaries are getting Medicare benefits, and we are paying insurance companies a 15 percent premium to provide those benefits.

Ms. SCHAKOWSKY. And who ends up paying for that?

Mr. HOLT. All taxpayers and the other Medicare beneficiaries. So yes, those insurance companies, under this health care legislation, are not going to get paid for doing no more than the Federal Government does at a dollar on the dollar. We're not doing away with Medicare Advantage. We're just saying, It's not going to be a giveaway for the insurance companies. So they'll get a dollar's worth of payment for a dollar's worth of services rendered.

Mr. GARAMENDI. Oh, that's so unfair to the insurance companies, that you would take away their bonus for doing nothing more than you can do in another system.

Mr. HOLT. Ask your seniors. About 20 percent of the Americans on Medicare are a part of this Medicare Advantage program. Ask them how many let-

ters they have gotten from their insurance company saying that the sky is falling and that if Congress goes through with this health care reform, it will be curtains. Well, what it means is that there will be fairness, once again, restored to the Medicare program. And the Medicare beneficiaries will get a dollar's worth of services and benefits for a dollar's worth of expenditures. That's the way it should be.

Mr. GARAMENDI. That current unnecessary bonus that's given to the insurance companies will be brought back and reinvested in the Medicare program so that the Medicare program's solvency will be extended into the future. So we're not taking that money away from the Medicare program; we're taking it away from the insurance companies and bringing it back to the Medicare program.

The senior Advantage program is not a free program for seniors. They're paying for it. They're paying a premium themselves, and the Federal Government is paying an unnecessary premium to the insurance companies to do what doesn't cost any more in the regular system. So it's a great savings. It's something that should be done. And oh, the tears. The wailing and crying by the insurance companies.

Mr. HOLT. And it's based on a fallacy.

Mr. GARAMENDI. Yes, exactly.

Mr. HOLT. Because Medicare has low administrative overhead. It is an efficiently run program.

Ms. SCHAKOWSKY. What is it, about 3 percent?

Mr. HOLT. It's a couple of percent.

Mr. GARAMENDI. It's about 2 percent.

Mr. HOLT. And Medicare's costs grow at a slower rate—at least they have over the past 5 years—than the private health insurance for the same benefits. So it's just another indication of the efficiency of Medicare. Every year the government makes some changes. You know, ever since 1965, there have been changes made from time to time about Medicare to make it a more efficient program and to make it more directed toward healthy outcomes for the seniors.

Mr. GARAMENDI. A big piece of what is going to happen in this reform is that there will be a continuing study going on through the Medicare offices and the Department of Health Services to find better ways of treating seniors. You've talked about the home care, which we know is a better way of doing it, the continuity of care. We know that over time, new medical devices are found. New medical services are brought online, and other services that have become obsolete are taken off the benefit list, and new ones are brought on over time. That's the way it is because medical services are constantly evolving and changing—drugs, the kinds of services, the hospital services.

All of those things are evolving over time. So change is constant in this program. And specifically in the legislation is an effort to bring online those

new techniques and technologies that enhance the care of seniors. And, I will also say, for other Americans. So all of us, as a major part of the program, but specifically for seniors. And it would roll on. Proven, clinically proven services, evidence-based services. And these kinds of things save costs. Again, the insurance companies are going to cry. The U.S. Chamber of Commerce is spending over \$100 million in this last month or two with advertising designed to kill the reform effort.

Ms. SCHAKOWSKY. Let's talk a little bit more about that, about why it is that the insurance industry would be against this bill. Because you could say, Well, 30 million more people are going to go into the insurance market. Why wouldn't they want more people?

Mr. GARAMENDI. Because they are greedy, profit-driven, profit-before-people-oriented companies.

Ms. SCHAKOWSKY. And also, they are able to pick right now.

Mr. GARAMENDI. Exactly.

Ms. SCHAKOWSKY. I want to talk a little bit about something else that stops right away. And that's what is perhaps the meanest of all the insurance company practices, and this is called rescission. Which in plain English means canceling your health insurance when you get sick.

We had testimony in our committee from a woman who had been a nurse most of her working life. She is now in her fifties. She left nursing to start another kind of career, went out in the private market and bought insurance that she could afford, thought it covered everything she needed. Then she was diagnosed with very aggressive breast cancer. She went to her insurance company. She got scheduled for the surgery. The Friday before the Monday of her surgery—her name is Robin Beaton. I will never forget her because we adjourned the committee for 5 minutes while she got herself together. And she said that on that Friday, they called her and said, I'm sorry. We went back in your medical records, and what we found is something on there that says that you had a preexisting condition. And do you know what it was? There were two things. One was acne that, of course, could lead to some sort of a cancer cell. They said that she had lied about that. She didn't even remember that.

Mr. GARAMENDI. She must have been a teenager at that time.

Ms. SCHAKOWSKY. And the other was that she had misstated her weight—understated her weight. Now I make a little joke, like what woman hasn't? You know, you have an accident, and people look at the driver's license and say, Who is this woman? She is not 120 pounds. Anyway. And so she was out of luck. She spent the next 9 months looking for health care. Finally—actually it was her Congressman who convinced the insurance company to do it. And by that time, the cancer had progressed and was in her lymph nodes. So she was much sicker.

That policy of rescission will end on day one.

I see that we've been joined by someone else, KEITH ELLISON, a Representative from Minnesota. I'm happy to turn it over to you. How time flies.

Mr. ELLISON. To my extreme embarrassment, we're out of time. Support health care. To the Congressman from California, thank you very much, Mr. GARAMENDI.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes.

Mr. GARAMENDI. Madam Speaker, we have several of my colleagues here to join us. We will just continue the discussion that we had before. I think I'll move to the other side so I will have the easel available to me. If Ms. JAN SCHAKOWSKY will come join us. Mr. ELLISON can carry on. I see Mr. TONKO is now in the Chair.

We've got things we want to talk about here. Let's just continue this discussion that we had a few moments ago. Our friend on the Republican side is either late or has decided it wasn't worth continuing to discuss their position. We were covering the Medicare issues here in some detail over the last hour, and some of that we want to continue and make sure that people understand what's happened in Medicare. We want to also talk about the rest of America, those that are not yet 65 or will not soon be 65. We'll go through those issues.

I want to just start off by laying out what's happening here in Congress. I'm a newbie. I haven't been around all that long, and I'm going, Wow, how's this all work? And as I've watched it, I've listened to what our Republican colleagues talk about, ramming through this legislation. And I'm going, gee, I was the Lieutenant Governor in California until November 5 when I was sworn in here. And as near as I can recall, this debate started 14 months ago.

It was the President standing right there in the Well here giving his State of the Union—it wasn't the State of the Union at the time. It was his first speech to the House. He said, We have got to reform the health care system. And immediately, this House and the Senate took up the issue, debated it. We all listened to that debate. All year long it went on and on and on and on and on and on. And it was my good fortune, following my November 3 election, to come back here, and on November 6, be one of the people that were able to put before Americans from this House, the Democratic version of health care reform. It was Christmas Eve that the Senate finished their work and put that out on a 60 vote—not a simple majority, but on a 60-vote bill.

So now you've got both Houses having completed their work and doing

what has been the tradition of Congress since the very inception of our government—more than 200 years—doing the conference work, putting together the House and the Senate versions and finding the compromise between the two of them. And the mechanism that's going to be used is a majority vote of both Houses—51 in the Senate and 216 I think it is now because some of our Members have retired—to pass an extraordinarily important piece of legislation. So the process is not jammed down anybody's throat. This has been debated more than most bills will ever be debated, and the debate actually goes back to the turn of the 20th century. It's been here for a long time. So we're moving, as we should, in a way of openness.

It was the President who had his health care summit for 7 hours on television. That has never happened before. Discussing all the issues. Republican ideas, many of which are going to be in the final rescission vote that we'll take up this week. So this is not ramming anything through. This is a very deliberative process. It's gone on for a long time.

So I want the public to understand that. I want them to understand that as somebody that watched it from the outside and now somebody that's watching it from the inside, this is an extraordinarily open public debate that's gone on for 14 months this session, and this issue has been around for a long, long time—decades. So here we are. Let me call upon my colleagues. What's that sign behind you, Mr. ELLISON?

Mr. ELLISON. Well, what's behind me, if the gentleman will yield, is a simple sign which just talks about the 45,000 Americans who die every year because they are uninsured. You know, 45,000 people sounds like a big number, and the fact is that there are families, there are citizens, there are individual Americans behind every one of those numbers. There is a health care nightmare for every individual represented by each point of that 45,000.

□ 2000

And you know what? America is a good country. We are a compassionate country, and we are a country that will respond to the needs of Americans.

And so, Congressman GARAMENDI, I want to say that you may be a new Congressman, but you are a seasoned veteran at this fight because you've been working in the area of State government, and State government and local government is where the action is. You have just come straight from the land, right off the battlefield of the campaign, listening to people day after day about the suffering that people are going through, people being dropped by rescission.

You know, I actually had my own little health care nightmare recently, which I don't mind telling you about. I'm the proud father of a 22-year-old young man who is still in college. And

we recently got a letter from Blue Cross/Blue Shield telling us that on his 22nd birthday he was going to get a little present. Mr. Speaker, you might guess what that little present is. He's dropped from our insurance. This health care bill says he can stay until he is 26 years old, until he actually has a job. He's a senior in college. He doesn't have—he works at the library, putting books up, helping us get him through college. He's not ready to get out there yet.

So this 45,000 Americans losing their lives every year because of a lack of health care, that is something that we can do something about, we will do something about in a very short order.

And I want to yield back to the gentleman from California because I admire the work that you're doing. You're coming into this Congress with a bang. You're not waiting around for anybody to tell you, JOHN, get up and do something. You're getting up and you're taking charge, and that's the leadership we like.

I yield back.

Mr. GARAMENDI. I'm joined with three individuals that have done that throughout their entire career here. Mr. HOLT, I know you're going to have to go off to another meeting shortly, so you wanted to fill us in and carry on part of the conversation we were having early about the Medicare program.

Mr. HOLT. Well, I hear from so many seniors in my district. And of course, it is as we age that we become more aware of our ailments and our need for health care coverage, and so I understand their concern. I understand that they don't want anything that will leave them less secure. And I want to assure them that this legislation before us would not only leave Medicare intact under health care reform, the reform will make it better.

It would help the constituent of mine from Milltown, who wrote me recently about her struggles with the prescription drug program. She said, It was quite a surprise to me to see what the doughnut hole was all about. I'm on several inhaler drugs that are now running me \$650 for a 3-month refill. I was careful as a widow to save for my retirement. But this is going out the window very fast.

Closing that gap, filling in that cliff, where, after you've spend a certain amount you get no help from Medicare, ending that deficiency in Medicare will make people healthier. It is just one of the aspects that we wanted to underscore tonight, to assure people that if you are on Medicare, this legislation will help you.

And we will go on and talk about all of the other things. I mean, even if you are well insured, a lot of other people come up to me and say, my insurance is fine. My usual reply to them is, I'm pleased to hear that you've been healthy, because it is often when you're not healthy, when you have an accident, when you have an illness that you discover that your insurance

wasn't really quite as good as you thought it was, when, as Ms. SCHAKOWSKY pointed out, a rescission means, and this is a practice that, under oath, in testimony here before Congress, the insurance companies say they do, so it's not just hearsay. It's not just anecdote. It is policy in these companies. They will rescind your policy because you're sick, because there is expense incurred to them.

Now, most people would say, insurance is supposed to be there when you need it. That's kind of the definition of insurance. But not now.

But under this legislation, from day one, the practice of rescission stops, and a lot of other consumer protections go into place to make sure that consumers, those who pay premiums, who want insurance to cover them, will get coverage they deserve. They won't be denied for preexisting conditions. They won't be charged for preventive care and so forth.

So, whether you're young or whether you're as young as Mr. ELLISON's son, let's hope he has a good job and has health care coverage even before he's 26. But whether you're that young or whether you're on Medicare, this legislation provides benefits across the board.

Mr. GARAMENDI. Mr. HOLT, you raised a very, very important point, and I want to just follow up. And Ms. SCHAKOWSKY also raised this point, and it's the rescission issue.

Now, I was the insurance commissioner in California 2003 to 2007. And during that period of time, we received complaints about rescission, about people that had health insurance, had an illness and suddenly the insurance company canceled them.

And I'll tell you that we took action against the largest insurance companies, Wellpoint Anthem, that Blue Cross program in California, and others on this specific issue. And it is a very, very, real issue. I am so happy to be here in Congress and to vote on a bill that says no more, no how, will you be able, Mr. Insurance, to continue that very pernicious, very, very damaging and grossly unfair practice. Lawsuits have gone on. This bill will put a stop to that practice.

Let me just take one other thing. Mr. ELLISON had a chart: 45,000 die for lack of insurance. Yes, but there are other things here. America, because of the way in which we've structured our health insurance programs, we rank 19th among the industrialized nations of the world in preventing illnesses. And in the general health care statistics, we ranked below the country of Colombia on how healthy our population is.

We also know—and this is one that has really upset us as it came to all of our attention—I knew this in California, but now America knows, that over the last 2 years, in California alone, and in most other States, and I think in your State, 94 percent rate increase for individual policies. Ninety-

four percent. How in the world can they do that when health care inflation has been less than 10 percent? Well, they do it because they're more interested in their bottom line profits. And I think Mr. ELLISON's going to come to that in the next few moments.

In California, a study done by the State government, the six largest health insurance companies in California have denied 21 percent, this is the average, 21 percent of all claims. The range goes from 39 percent down to about 20 percent. So if you take the six largest companies, the number of times that they denied claims—you want to talk about a death panel, then you talk about the insurance companies that deny necessary treatment to keep people alive. That's what they're doing in California. One-fifth.

And, finally, the number of Californians, 24 percent of Californians, without insurance.

Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. Let's talk about rates for a minute. We had testimony from customers of Anthem Blue Cross/Blue Shield, which is owned by Wellpoint. We also had the CEO of Wellpoint, a woman named Angela Braley, who I suppose it was somewhat rude for me to ask her how much money she made. But she was kind enough to answer, and said that she made \$1.2 million a year, plus \$8 million in stock options. That was how well she did. But then she went on, of course, to absolutely justify these rate increases for their private insurance market.

Three people had testified before she got up there about what these rate increases meant to them. An individual, middle-aged guy, tended toward younger man, who had a preexisting condition. He had seen his rates go up about 75 percent, not quite the 90; but it was too much for him.

A woman who, because her son had a preexisting condition, had such a high deductible they had never even made their deductible, and yet their rates were going to go up even higher.

And another woman who had a preexisting condition, who was unable to keep her policy. And Ms. Braley is making all this money. The company, overall, was making literally billions of dollars in profit.

Mr. GARAMENDI. Mr. ELLISON, what's that thing behind you?

Mr. ELLISON. Well, what's behind me is just another little data point which we're trying to get Americans to see here, and Americans know this. Even if they don't know the number, they know it in their gut: Health insurers break profit records as 2.7 million Americans lose coverage. We should—that's worth saying again, I think, Mr. Speaker: Health insurers break record profits as 2.7 million Americans lose coverage.

As Congresswoman SCHAKOWSKY, from the great State of Illinois, illustrated just a moment ago, Americans are struggling. People have these high

deductibles. They're not even meeting them, and they're still getting rate increases.

Here's a stat for you that I don't have a board for: 60 percent of all the bankruptcy filings are because of medical debt, Americans going to bankruptcy because they can't afford to pay these ridiculous health care bills. These are people who already have insurance.

Ms. SCHAKOWSKY. Seventy-five percent of them already have health insurance. They're going bankrupt.

Mr. ELLISON. Let me yield to the gentlelady from Illinois. Tell the rest of that story: 75 percent have health insurance. Some people think, Mr. Speaker, we're talking about the uninsured, and we are, but that's not the only people we're talking about. Tell the story about the insured.

I yield back to somebody.

Mr. GARAMENDI. Well, we all know the stories of the insured. We all know the stories in our own districts and our own States about those people that have health insurance, but they blow through the deductible and then they blow through the annual, or they hit the maximum benefit package of that insurance, and then they're on their own. At that point they sell their house, and they often wind up in bankruptcy.

The other part of what's happening is the downturn of the economy. Millions of Americans have lost their jobs. You lose your job, you lose your health care, you have no way of paying for COBRA. Even though this bill and the previous bills that this House has passed and the Senate has passed and become law do provide a subsidy to help people stay on COBRA, if you're unemployed, you have a heck of a time trying to make that payment.

So people lose their jobs. They lose their insurance. They lose their health. They go bankrupt. And 45,000 Americans die because they've lost their insurance, or they never had it to begin with. So this is the story of America.

The legislation that will be before Congress in the days ahead specifically deal with that problem. They deal with it, as Ms. SCHAKOWSKY has said, by saying that no longer will you lose your policy when you get sick with medical underwriting or post-event underwriting. That's one thing.

Secondly, you will not be denied insurance because you have a preexisting condition. And who doesn't have a preexisting condition?

It was at the summit that Representative MILLER held up three pages, and he read. Each of these pages, in small type, was from an insurance company that listed the preexisting conditions that they would use to deny coverage. Everything from acne, the story that you told earlier, to kidney illnesses or colds or whatever.

I know a young lady, 23 today, that came off her family insurance, tried to go back to the insurance company that she had been with for her whole life,

from the day she was born. They had all of her medical records, denied her coverage because she had acne. I think the real reason was that she was a female in that child-bearing age. She wasn't pregnant, wasn't married, wasn't likely to have a child anytime soon. But she was in that child-bearing age.

I said, This is not right. What's going on? She said, Well, I tried to go online to get a policy. I said, That couldn't be. I said, Give it a shot. So we went online, put down her name, female, the health statistics: denied, no coverage available.

I said, let's try something. Let's just change one thing here. Let's say instead of a female, you're a male. Bingo, she got coverage.

The present system discriminates in the most pernicious ways. If you're a young female, you're likely to be expensive, medical care of different kinds; you're going to give birth to a child. You talk about family-friendly policies? Not from them. So these are things that are corrected in this legislation.

Ms. SCHAKOWSKY. Let me comment on this gender discrimination. I think the Speaker of the House, NANCY PELOSI, put it really well today—some of the women had a meeting with her—when she said, being a woman is a pre-existing condition.

Mr. GARAMENDI. Exactly.

Ms. SCHAKOWSKY. And the truth of it is that pregnancy, in some cases, is considered a preexisting condition. A C-section, a cesarean section, being a victim of domestic violence is a pre-existing condition that could make you ineligible.

If you go out on the private market right now, only about 12 percent of policies actually cover pregnancy.

□ 2015

Women overall are charged about 38 percent more for health care than men are. And in some cases it is as much as 70 percent more than men for health care just because we have slightly different—well, maybe extremely different parts to our bodies. That is so wrong. This bill ends gender discrimination.

But I do want to say one thing about rates that I don't want to forget to say.

Mr. GARAMENDI. Before you go there, let me just make this point. This is the point to the insurance companies. The day the President signs this bill, your discriminatory practices are over. You will not be able to discriminate against Americans because of their health status, their marital status, whether they are male or female. Those days are over.

Listen carefully, health insurance companies. I know why you are spending that hundred million dollars trying to oppose this bill, because you know that the day we pass this legislation, the day this is signed by the President, your discrimination is over and every American is protected.

Please go ahead.

Ms. SCHAKOWSKY. Thank you.

And that is so important to every woman in America, that we will finally be on a par, which under current circumstances isn't good enough, because the insurance companies—why is it that adding 30 million more people isn't good for them? Because they don't want everybody. They want to pick and choose. They want to pick the healthiest people. It really shouldn't be called health insurance. Well, I guess it is, it is only for healthy people. That is accurate.

What we do is we start deciding whether or not rate increases are reasonable or unreasonable. We are not against profits here. We are still doing private insurance. But for heaven's sakes, when you start talking about 50, 60, 94 percent rate increases, they are going to have to justify that. I am proud to have introduced that amendment that says that we are finally going to get a handle on it.

I come from a State where there are no limits, there is no regulatory body that can say how high rates can go. And as you can see, right now—in fact the insurance companies are kind of helping us pass this bill because they are showing us if we do nothing, they are going to keep raising their rates double digits, or almost triple digits and charging people.

Mr. ELLISON. If the gentlelady will yield, she just used the phrase “do nothing.” It just sparked in me sort of a reflection, that is, between the years 2000 and 2006, our caucus on the party opposite really did do nothing to fix health care.

Ms. SCHAKOWSKY. Right. Not our caucus.

Mr. ELLISON. No, the party opposite. The Republican caucus.

Mr. GARAMENDI. Speak the truth, man. The Republicans did nothing.

Mr. ELLISON. The Republicans didn't do anything. But then someone corrected me and said, KERTH, they did do something. They gave us the doughnut hole. I said, well, that's not anything to brag about really. As a matter of fact, in our health care bill we actually make some down payments on the doughnut hole.

You know, they had the House from 1994 to 2006. They had the House, the White House, and the Senate from 2000 to 2006. They absolutely didn't do anything. And if you sit here and listen to this House floor, you would actually get the impression that they were about offering some constructive solutions. But they are not the party of constructive solutions. They are the Party of No, the Party of No, the party of the health care insurance industry; the wholly owned subsidiary, as ANTHONY WEINER is fond of saying, of the health insurance industry. It is time that it come to an end.

I just want to again thank all the colleagues on the floor because you are right, when the President signs that bill, that discriminatory behavior, no.

Young people being able to stay on their insurance policy until 26, yes. We will see free preventive care right from the beginning. We are going to see a lot of good things happening right away, and know more good things are going to come in as this bill is rolled out.

Mr. GARAMENDI. Let me introduce to all of us a young woman from California who preceded me by about 9 months in a special election last spring, Congresswoman JUDY CHU.

Thank you for joining us.

Ms. CHU. Thank you, Congressman GARAMENDI, for bringing this special order together.

I wanted to say a few words as to why I think women in particular need health care reform. Republicans want you to believe that our health care reform bill is poison and that doing nothing is better. But the truth is doing nothing is poison. Insurance companies will in fact continue to cheat women on their health care. And it is women of America that truly do need health care reform.

Women have a harder time getting the care they need, women like Holly from Georgia. Holly is 3 months into her chemotherapy treatment for cervical cancer. She works at a small business that does not offer insurance to its employees, and she makes too much to qualify for Medicaid. She thought still she would do okay on her husband's plan, but then disaster happened. They got the devastating news that her husband lost his job. They shopped around for private insurance, but were turned away by the best plans because of her cancer. Now they are stuck paying \$850 a month to a private insurance company to cover their family of four, almost the same as her mortgage. It isn't fair. Insurance companies are cheating women.

Did you know that insurance companies make women pay more for health care? Today, women are forced to settle for less health care at a higher price. On average we pay as much as 50 percent more than men for the exact same coverage. But somehow the insurance companies justify price gouging young ladies even when they are at their healthiest.

Sarah, a 22-year-old woman in Chicago, pays one-and-a-half times the premium compared to her boyfriend for the same insurance. This type of gender discrimination, making women pay more for the same product just because of their sex, indicates how insurance companies are taking advantage of us. What's worse is that this blatant gender inequity is legal in 38 States.

Now, health care reform will make this type of gender discrimination illegal. Insurance companies will be forced to do what is right, and that is charge everyone the same rate for the same care.

Did you know that insurance companies don't invest in prevention even though that would save them money? Today, millions of women have trouble getting much-needed preventative

medical services. Now we all know the importance of prevention. It has long-term health benefits and helps contain medical costs for patients and society. Yet women forgo important tests and screenings simply because they can't afford the copays.

One-third of uninsured women go without preventative care, from mammograms and pap smears, tests that can save lives if done today. Because of poor access to reproductive care, more women suffer from serious STDs like gonorrhea and genital herpes than men. But early preventive reproductive care will catch diseases that are less likely to prove fatal with early treatment.

Now health care reform will make sure that every woman has access and can afford the crucial preventive care that can save her life. It will require insurance companies to offer basic prevention services, reproductive health and maternity care, and make the preventive tests free with insurance. That's no copays, no deductibles under health care insurance, our plan.

Did you know that women have less access to insurance? Today, fewer American women have access to their own health insurance compared to American men. Many of America's women don't get health insurance through work because they work for small businesses that can't afford to offer their employees insurance. These small businesses can't afford it. Or else women work part-time or stay at home to care for their families. Making matters worse, the effect of the economic downturn that is being felt across the Nation left women and their families even more vulnerable. Women and their families have lost access to insurance and a way to pay for it.

Since the recession began, over 1 million women have lost their health insurance because their spouse was laid off. And what about single women? Without a spouse, women are twice as likely to be uninsured than men. And it is not just women who are hurt by a lack of insurance. When women are denied adequate coverage or lose their job, their families are hurt, too.

The weak job market is tough for single mothers. Unemployment for this group has skyrocketed, leaving almost one-quarter of all single mothers without health insurance to cover their families. That has left 275,000 children without regular access to doctors' visits or medication. But health care reform will help every woman—single, married, unemployed, or working part-time—to buy affordable coverage through the insurance exchange.

And did you know that women are denied health services? Today, women are turned away by insurance companies because of supposed preexisting conditions. And what are those preexisting conditions? Believe it or not, domestic violence, pregnancy, and Cesarean sections. So rather than doing what is best for the patient or for society, the insurance company is just looking for a way to save a dollar.

One advocate for the insurance industry argued that covering a victim of domestic violence was like insuring a smoker who doesn't stop smoking. A woman from Atlanta was proud to become pregnant shortly after she began working at a small downtown law firm, but her firm's insurance declared her pregnancy to be a preexisting condition and refused to cover her prenatal care of the delivery, despite the fact that the plan covered those services.

But health care reform will make it illegal to deny coverage due to any preexisting condition. And women will no longer be denied coverage for being mothers or finding a lump in their breasts. Basic women's health will be covered.

So I stand here today because women must understand how little the insurance companies look after our interests and how little the current system promotes our health needs. Health care reform will make sure women like Holly, Sarah, single women and moms can afford the treatment they need from the best insurance that they can afford and that they won't be turned away. That is why I so strongly support this legislation. The women of America truly need health care reform.

Mr. GARAMENDI. Thank you so very, very much for a very good and thorough description of the problem that women face in this issue and why this reform is so important to them.

I see our colleague from Illinois was getting kind of excited and wanted to get into this and add to this, so please do.

Ms. SCHAKOWSKY. I wanted to point out that our colleague, Representative CAROLYN MALONEY from New York, is head of the Joint Economic Committee, which just did a study, too, on the effects of health care, the current health care problems that women face. One of the things that she mentioned, which I hadn't really thought about, is that a number of men reach the age of 65 and retire and go onto Medicare while their wives, who are often younger than they are, are then left stranded. Because many of them have been on their husbands' policies, so the husbands go into retirement, they have the coverage, and women don't. So we have this period between 50 and 65 where men and women alike are left stranded.

One of the things our bill does is to create a \$5 billion pool that would be available for people in those 50 to 65 years to get some help with their health care. So in addition to making sure that women can go onto the exchange.

The other point I wanted to make about women is many women—men too, but women—often work in small businesses. A big beneficiary of this legislation, and it starts right away, are small businesses who are going to get up to a 35 percent tax credit on their premiums. And that will be immediately available to firms that choose to offer coverage to their employees. And a lot of those employees

are women. A lot of those business owners are women. So this is another way that our bill will help women and men alike.

Mr. GARAMENDI. Let's take this just for a little more, and then I really want to come back to something that you talked about, and that is the bill that you introduced having to do with the rate regulation process.

Ms. SCHAKOWSKY. Which is part of our bill.

Mr. GARAMENDI. But before we go there, the statistics just came out from the Labor Department that the majority of workers in America are now women. If we keep women healthy, then the productivity of America is substantially increased. And in order to stay healthy, women or men, you really need that health insurance that provides for the preventative care.

□ 2030

And that is in this legislation that there is an expansion of the preventative care services. For seniors, they will be free. For the rest of the public, the insurance policies will have to offer that preventative care. So if we keep women healthy, the productivity of the Nation is going to increase.

So for many, many reasons. We'll come back and deal with the issue of the overall economy in a few moments, but I really would like you to pick up the issue that you raised about rate regulation as a result of the extraordinary announcements that the insurance companies made about their rate increases.

Tell us about what you have introduced.

Ms. SCHAKOWSKY. First of all, it's no wonder that the insurance industry is fighting us tooth and nail and with millions upon millions of dollars in TV advertising because they are making so much money and they do that by raising their rates. And it's really astonishing to me that in this period when the Congress is discussing how we're going to change and make the health care system affordable for people that they have the utter audacity to show their true colors by raising their rates.

Let's look again at your chart.

Anthem Blue Cross customers. That's in California, right?

Mr. GARAMENDI. That's California.

Ms. SCHAKOWSKY. Ninety-four percent rate increases in the last 2 years. Something clearly needs to be done to get them under control. This bill does that. It says that they will have to justify, they'll have to open their books, they'll have to explain, and if they can't, that those rates can be modified, consumers can get a rebate. Enough of their taking such tremendous advantage of American consumers.

Mr. GARAMENDI. I think in the testimony that you talked about here in Congress—and I know in California that when Blue Cross Anthem raised their rates about 39 percent on the average, or 39 percent maximum, about 25 percent on the average, and then had

done that previously just in the previous year, so it's actually—the 2-year period is actually 12 months over 2 years, 2 calendar years.

What happened, the profits of the company went from about \$300 million to over \$2.2 billion profit. And that's probably why this CEO came before—and correctly, because I suspect she was under oath; you don't lie to Congress—told that she now has a \$2 million salary plus an \$8 million bonus because she was able, by raising the rates, to obtain a higher bonus for herself and obviously an extraordinary increase in the profitability of the company.

Now, if this bill passes, there will be a national standard for rate increases. It also says that if the State governments—and many State governments already do this—that they will be able to continue their rate regulation process.

Now, in California, as insurance commissioner in 1991, there was a proposition passed that set up a rate regulation system for the property, casualty. This is auto and homeowner and business insurance. It didn't cover health insurance. But the effect of that rate regulation over a 20-year period as described by the Consumers Union is over a \$30 billion savings to consumers.

Now, I was able to do that because I became insurance regulator. I set up the rate regulator system. The insurance companies are allowed a profit. They have a steady 10 percent profit. The extraordinary swings in the system, eliminated. The extraordinary increases and then some decreases were eliminated. A steady state was put in place so that the market actually became more competitive. There were more insurers. The policy costs were held down for consumers. We were unable to get that for the health insurance industry. We were unable to overcome the political strength, the contributions, the advertising of the health insurance industry. California remains today a State where consumers in the private individual market in California faced this rate increase because there was no rate regulation.

I am so thankful that you have introduced the legislation. This has been the heart and soul of my work for more than 8 years over a 20-year span of time, and if this comes into place, I know from my experience as insurance commissioner, it will be a substantial improvement to the cost of insurance. It will bring rates down, not just over time, but immediately, because the insurance companies no way, no how can they justify the kind of increases that they're imposing upon the public. And that's now in this legislation.

Ms. SCHAKOWSKY. That's right.

And let me say I think truly this is one of the dividing lines between the Democratic majority that's about to pass this bill that stands with the American people versus the Republicans who persistently have stood on

the side of the insurance companies that have raised our rates for decades, have cut people off, have canceled policies, have put in preexisting conditions. We want to stop those kinds of abusive practices. That's what they are. It's really abuse. And the Democrats are standing with the American people. It's a really, Which side are you on?

Mr. GARAMENDI. Which side are you on?

Okay. I prepared a chart. I have got my donkey up here. This is the Democratic proposal, and, yes, this is a very partisan thing. There is not one Republican vote for our reform, but here's what our proposal will do: 31 million Americans will have access to insurance, and if you already have an insurance policy that you like, keep it. Nobody is going to take it away from you. Keep your insurance policy.

If you happen to be of low or moderate income, there will be a substantial—the single largest personal tax cut ever is in this legislation. You mentioned it earlier. It is the tax credit. We're not talking about a deduction for medical care. We're talking about a tax credit. It is taken right off your bottom line taxes, and its up to \$53,000—or excuse me, \$5,300 for a family of four with a \$50,000 income. This is a substantial tax cut going right to the middle class, middle America.

Secondly, denial of coverage. We have talked about this over and over again. Those days are over. Hey, insurance industry, it's done. The day the President signs this bill, you will end your discrimination. It's over. Millions of seniors will see the prescription drug—we've talked about that—and millions of Americans will have access to coverage.

We haven't talked about the insurance exchange. But before we go there, you mentioned the Republicans. Okay. Here we are.

Let's talk about the Republican program. What's the Republican program? And this is in the next 10 years.

If the Republicans have their way, 67 million Americans will remain uninsured. That's an increase. Some 40 million, in that range, today are uninsured. But if Republicans have their way, we're talking 67 million Americans.

Single and family health care policies will double over that period of time. We're already paying more than can be afforded today, and if they have their way, the Republicans have their way, you will see a doubling.

Employer premiums, the cost to employers will double.

And you want to talk about the American economy being uncompetitive; this is where you will find it, right here, out-of-pocket expenses. We'll go from \$315 billion today to over \$564 billion in the year 2020. And insurance availability from small businesses' employers will be cut in half.

That's the Republican program.

Ms. SCHAKOWSKY. That is a better Republican program, because that's if

we do nothing, that's what would happen. But actually, the proposal that was laid out by Representative PAUL RYAN, the top Republican on the House Budget Committee, he laid out what he called the roadmap that would actually end Medicare for you as an individual.

Mr. GARAMENDI. I hope to be 65. Well, I actually am 65.

Ms. SCHAKOWSKY. Are you?

Mr. GARAMENDI. Yes.

Ms. SCHAKOWSKY. So let's say you're 54. Let's pretend. Are you? Okay. I believed you. I thought you were 54. Okay. So let's pretend you're 54 years old.

Mr. GARAMENDI. Thank you.

Ms. SCHAKOWSKY. And what it means is, when you would get to 65 years old, rather than getting Medicare, you would get a voucher and be told, Go out and buy insurance. There is no more guaranteed Medicare for you. There is no more guaranteed package of benefits. You go out and buy insurance. And that is really privatizing Medicare and destroying it for every American that is currently under 55 years old. When they get to 65, they wouldn't have it.

Mr. GARAMENDI. So what you're saying is this is the do nothing, the best case Republican scenario. But if they actually were able to pass a bill, they're going to take men and women that are 54 now, that in 10 years will be 65 going for Medicare, they're going to take those men and women and toss them into the shark pool with the insurance companies?

Ms. SCHAKOWSKY. That is exactly what I'm saying. And that it would also hurt Medicaid.

Mr. GARAMENDI. So for my Republican friends, this is the best deal they have to offer, the do nothing deal?

Ms. SCHAKOWSKY. The do nothing deal is better than the plan that they say is good for Americans.

Mr. GARAMENDI. Let's take a moment, and we can go back and forth with the dialogue here for a moment about the American economy.

This debate has been focused principally on individuals and families and the effect of this, of our program, and how it will help families. Prior to, oh, the last month or so, there was a debate in America, at least there was a discussion in America about the effect of health care and the cost of health care on the American economy.

I don't have a diagram here. I thought I would bring it, but it didn't get over here. And it's the fact that the American economy, we're now spending somewhere close to 17 percent of all of our wealth, our GDP, on health care. It's an extraordinary number, particularly when you consider what other economies are doing around the world.

Our competitors, Japan, Korea, the European countries, all of the European Union countries, have universal health care. All of the people in their societies, including visitors, have access to health care. Their health statistics are better. They live longer. They

don't have as many diseases. Their children don't die as often as our children die. So yet the most any of those countries spend is 11 percent. Most of them are 10 percent or 9 percent of their total wealth. So we are at an extraordinary disadvantage.

One of the numbers I heard is like it's writing a check to our competitors for about \$800 billion a year, an advantage that we're giving them in our economy because we're spending so much more on a health care system that is so grossly inefficient in so many, many ways.

Part of what is taking place with the reforms we are putting forth here is an effort to hold down the costs in many, many ways, including making sure that people have access to health care in the most efficient, effective way; not waiting until they are very, very sick, uninsured, very sick, going to the emergency room, which is the most expensive place, and being extraordinarily sick when they arrive but, rather, getting preventative care, getting the early care.

I will never forget a young man about 35. We were doing this debate about 4 years ago in California and he was a speaker at this thing, and he said, I want you to know that I am a glazer. I put glass up in buildings. That's my business. I put glass up in buildings, and I worked for a company for 12 years. We had good health insurance. And the company hit upon a hard time and so they cut the health insurance, and they then decided that they would reduce our health program. I said, I'm a healthy young guy and I've got good health, but I will get my children covered.

So he covered his children, and he eliminated his own coverage. He came down with a cold, simple cold. The cold got worse. He didn't have coverage so he didn't go to get care. He wound up with pneumonia, and he wound up then with a collapsed lung; wound up in the hospital for 3 or 4 weeks, became bankrupt. It could have been taken care of with a very simple antibiotic that would have cost \$50. It became a \$50,000 event.

This is happening across America. Those 45,000 people that die every year, this is the young man that didn't get care.

□ 2045

This is the extraordinary cost in our system because we don't cover everybody. We intend to deal with that and over time bring down the percentage of our economy that we are spending on health care as we make it more rational, more universal and more efficient.

Ms. SCHAKOWSKY. Those are the tragic stories that result from our health care system. But there are also enormous lost opportunities. One of the things that we know about our health care system is people get locked in jobs. They may dream about creating something, a really innovative product, or starting a new business or

becoming a great artist, thinking of a new invention that will transform medicine or energy, but they are stuck in their job. A Canadian was telling me about the incredible freedom that people in Canada have to innovate, to experiment, to create, to do all the things that so many Americans, because of our health care system, are unable to do. If America, the United States of America, wants to be number one in innovation, we want to release that creative spirit and that spirit of innovation which is trapped in a job because of health care.

Mr. GARAMENDI. Let me give a personal example. My son is married with two children. He worked for the University of California for almost 19 years. In the last 5 years, he wanted to start his own business. He and his wife wanted to start their own business—actually it has been about 10 years. They hesitated, hesitated year after year and didn't start their own business until finally he just said, I'm going to do it. I'm going to run the risk. Why did he wait all that time? One very important factor: Two young children. Obviously there were some pregnancies and deliveries involved in that, during that period of time. He could not afford, and he could not get, his personal health insurance, so he stayed with the university for an extra 5, 7 years. And the entrepreneurial spirit, his entrepreneurial spirit, was dampened because of his inability to get health insurance in the private individual market because of a preexisting condition that his wife had. He knew that if he left the university, they would be uninsurable.

That is repeated a million times across America, the great entrepreneurial society stifled by this health insurance industry that we have. We are going to change that. And if the Republicans want to join us in changing and freeing the American entrepreneurial spirit, then come and join us. Join us on this bill. Join us on a bill that eliminates the discrimination against women, join us on a bill that eliminates the ability of the insurance companies to discriminate against individuals of all kinds. Free the American entrepreneurial spirit. Give people health care. Make it affordable. We haven't talked about the subsidies that are in this. There are extraordinary subsidies for individuals, for small businesses, so that it becomes affordable, available, and honest insurance.

That's our promise. That's in this bill. And we are going to pass it, because it is the right thing for America. Thank you for joining us. Thank you so very, very much for the leadership and all you have brought to us.

And to the American people, pay attention. This is important. America for more than a century has tried to get to the point that we are going to be voting on in the days ahead.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the request for a 5-minute special order speech in favor of the gentleman from Texas (Mr. BURGESS) is hereby vacated.

There was no objection.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. The last hour just ended, and you heard the admonition at the end of the hour that it is extremely important for people to pay attention. And during this hour, I am going to echo that thought. It is important for people to pay attention, Mr. Speaker, and, yes, I will direct my remarks to the Chair. But, Mr. Speaker, if I could talk to the American people, what I would tell them is now is the time, it is late at night, but now is the time for you to be keeping this House under intense scrutiny and watch what happens here over the next 72 hours as we drag this carcass of a health care bill across the finish line.

Now, how did we get here? It's probably useful to think about things for just a moment. We had a big election in 2008. People said they voted for change. Right before that election in 2008, in the other body, the chairman of the Senate Finance Committee held a big meeting over in the Library of Congress and had all the big players and the stakeholders in health care in the room, and came up with what was called a white paper on health care reform. For all the world, it looked like a bill. For all the world, it looked like it would be the bill that was brought forth in the Senate should the Democrats take control of the White House, the House and the Senate. Indeed, the election was held, and they did.

I will tell you, Mr. Speaker, I was somewhat surprised that there was not a health care bill, no health care bill came forth in those early days after the election. I thought perhaps we would see one in December of 2008 during the holiday season, but no health care bill. No health care bill in the weeks that the Congress was getting organized. We had a big inauguration, no health care bill. We had a designee named to be Secretary of Health and Human Services. Still no health care bill was forthcoming. Well, surely it will come along right after that confirmation for Health and Human Services. But as it turns out, that individual had some tax problems and that nomination was withdrawn before it ever got to the confirmation vote in the full Senate. So we were left without a Secretary of Health and Human Services for several months, no health care bill.

Suddenly, it was early summer. There was a letter sent from the other

body from the two committees of jurisdiction, the Health, Education, Labor and Pensions Committee over in the other body, and the Senate Finance Committee in the other body, they sent a letter to the President and said, We will be producing a health care bill within the next couple of weeks. In fact, the Health, Education, Labor and Pensions Committee did produce a bill. The coverage and cost numbers were quite startling when they were revealed: A cost of \$1 trillion. It left a lot of people uncovered as the original plan was unveiled, and then several weeks were spent in what was called the markup of that bill over in that committee over in the Senate.

Then the three committees of jurisdiction in the House had a health care bill that was rapidly brought forward. We didn't really get a lot of time to look at it. There was certainly no subcommittee markup. It came straight to our Committee on Energy and Commerce for a markup. And to give credit to the chairman of the Energy and Commerce Committee, we did get a little more time than the other two committees, the Committee on Education and Labor and the Committee on Ways and Means. They each had a day, a 24-hour period, to mark up this bill. Think of that. This bill, this legislation that's going to affect the lives and livelihood of Americans for the next three generations was allowed 1 day in markup in Ways and Means, 1 day in markup in Education and Labor. We at least had 8 days in Energy and Commerce. Four of those days were spent recessed because we couldn't agree on some things, but we did have more time in the Committee on Energy and Commerce than in any other committee in the House.

Think back, Mr. Speaker, to the Clean Air Act in the early 1990s. I'm told it was an 8-month markup for the Clean Air Act, 8-month. Think how the people on those committees must have hated each other at the end of those 8 months. But what did they get? What did they get for that 8 month investment? They got a bill that had support from both Republicans and Democrats, eventually passed the House, eventually passed the Senate, eventually was signed into law by George Herbert Walker Bush, and the Clean Air Act became the law of the land and arguably has been successful since that time. So that's the way the process is supposed to work.

Let me take one step back. The House passed a bill, the Senate passed a bill, they went to a conference committee, had a continuation of that long and drawn-out process, but the conference committee produced a conference report that was endorsed by the Senate, endorsed by the House, again bipartisan majorities on either side, the bill then went to the President for his signature, and that's what we now know as the Clean Air Act.

But think of the difference between that major piece of legislation that had

a great and far and reaching affect on the lives and livelihood of every American, contrasted with what we've done over the past year.

And quite honestly, Mr. Speaker, it's not that we didn't have time. It's not that we didn't have time. After all, we have been working on this thing nearly 15 months. We actually had time to do a real markup in each of the three House committees. We had time to do a real markup. We had time to do a real conference committee.

Look at the timeline of this bill. We got it in Energy and Commerce in the middle in July. We didn't have a lot of time to deal with it before, but when we got it, we worked on it, we worked hard. I offered a multitude of amendments. I had 50 amendments prepared in committee. Five of those were accepted by the time the bill passed out of committee, all of those on a voice vote, so presumably a unanimous vote, and every one of those amendments was stripped out when the bill went to the Speaker's Office before it came back to the House, to the House floor in late October, and then we had the vote in the House in early November.

The Senate had their bill. The Senate Finance Committee completed their work in the fall. They brought their bill to the Senate in the month of December. It was voted upon, famously, on Christmas Eve, and then the normal sequence of events would be for the bill to go to a conference committee. And there in the conference committee, yes, the Democrats have substantial majorities in the House and the Senate. The Democrats would have had a significant advantage in the conference committee. The idea of the conference committee is to meld the differences of those two bills to create a product that can be endorsed by both Houses in the Capitol.

But they didn't do that. They thought, well, that was hard to get that one through the Senate. Let's not go through regular order. Let's try something different. And that something different was, maybe we can just get the House to pass the Senate bill because the Senate bill was, in fact, a House bill. It has a House bill number. In fact, it was our appropriations bill, I think, for Treasury Department appropriations last year. It did pass the House as an appropriations bill, went over to the Senate for work on their appropriations bills. That never happened, but the bill was then used as a shell. The legislative language for appropriations was stripped out, the health care language was put in, so the Senate passed a House bill on Christmas Eve, and then that bill can come back through those doors, come into the House, and the Speaker of the House will say, the business of the House is now, will the House concur with the Senate amendment to H.R. whatever it is, the House agrees by a simple majority, at that time 218 votes, and the bill goes to the President's desk.

But House Members didn't want to do that. They didn't like the Senate bill. For some it didn't go far enough. For some it went way too far. But the Senate bill was not seen to be an acceptable product. So while all of that discussion was going on, there was a little-noticed, to that point, election that took place in the State of Massachusetts, and the election was to fill the vacancy that was created when Senator Kennedy died. And that election was won by SCOTT BROWN, who is a Republican who said he would be the 41st Republican vote against this health care bill.

Whoa. Now, a lot of doors are closed over in the other body. They can no longer go to a conference committee and expect that they will have their 60-vote majority to pass anything they want. In fact, to take any bill back to the Senate now, and under Senate rules where you need to have 60 votes to cut off debate, that is going to be a pretty tall order because they only have 59 votes, 41 votes on the Republican side.

So what to do? We do still have the bill that was passed by the Senate. That Senate bill passed with a 60-vote margin, so it is still quite viable. If there is just some way to convince the House to vote for that bill. Now the Republican side, we didn't vote for it in the first place, we are not likely to vote for it in the second place. But on the Democratic side, if they can put together enough coalitions and enough votes, now the number is only 216, with some unfortunate deaths we have had on this side and some people who have left the House of Representatives, so 216 is the simple majority in the House. That is all that is required. So, well, look, maybe if we could do some technical corrections, we can't really do them to the bill because the bill has already passed the Senate, and if we took those corrections back to the Senate, we would have to have 60 votes to cut off debate. But there is a Senate process called reconciliation to deal with budgetary and fiscal matters. And under reconciliation, only a simple majority is required in the Senate. Maybe we could do those technical considerations in the Senate under reconciliation and pass that through the Senate with 51 votes.

□ 2100

And if we, the Senate, do that, will the House then agree to pass our bill with the understanding that these technical corrections would quickly be instituted? That is the big question right now. And are there going to be any problems with any of those technical corrections to be done under reconciliation?

Well, there might be. There might be. Because, remember, reconciliation is to pass those very tough budget and fiscal bills that are really hard to get the number of votes because sometimes you are actually cutting spending, sometimes you are actually irritating a constituency back home because we

are reducing Federal spending in some of those reconciliation bills.

If it deals with budgetary issues and spending issues, then it could pass under reconciliation with 51 votes. The Vice President gets to vote in the case of a tie over in the Senate. So 50 Senators plus the Vice President would actually pass any of those reconciliation provisions, unless, unless someone makes a point of order over in the Senate that they don't deal exclusively with budgetary issues, that they are in fact changes in policy that are outside the budgetary process. Then the Senate has rules that say if a point of order is made, that it would require 60 votes to put that provision into the reconciliation bill, the so-called Byrd rule initiated by ROBERT BYRD, the dean of the Senate many, many years ago, to keep just this type of problem from happening. Didn't want the Republicans if they got in charge to be able to do things like this.

So the Byrd rule has been in effect for a number of years; and the Byrd rule would say, well, say you have a contentious issue in the House bill. Say there is some issue with the language regulating the Federal funding of abortion. Say there is some question of what do we do as far as dealing with people whose legal status in this country may be in some question. Well, those issues are beyond budget and may in fact be subject to a point of order and may require 60 votes to then be included in the reconciliation bill.

So it is not a given that everything that is wanted by House Democrats in changes in the Senate bill for the House to agree to pass the Senate bill, they may not be there when those technical corrections are finally voted on in the Senate. And that will take some time, because every amendment in the Senate may not necessarily be debated, but every one will be voted on; and all of that is going to take some significant time.

So where we are in the House tonight is that my understanding is the Rules Committee is to meet soon, if they are not already meeting, and the Rules Committee will come up with the language for that reconciliation bill. None of us have seen that yet. It hasn't really been scored by the Congressional Budget Office, so no one really knows what this bill will cost yet. So all of that is still hanging out there.

Then there is one more wrinkle thrown in. The Speaker of the House said it very well the other day: no one wants to vote for the Senate bill.

Well, that is a problem if you are going to need to get 216 votes in the House for the Senate bill to allow the reconciliation bill to then go forward to fix the technical problems in the Senate bill. I know this gets a little confusing, but no one wants to vote for the Senate bill.

Is there a way around voting for the Senate bill? Probably not. But, wait. What if we voted on a rule that allowed us to go forward with reconciliation,

and within that rule we kind of made it like the Senate bill had already passed without actually having to vote on it?

Mr. Speaker, I would just ask the question: Do you really think the American people are not paying attention? The last Democrat who spoke here in the well of the House said it is time for the American people to pay attention to this process. I would submit that is exactly right.

Now, many people will recognize this icon, the Capitol Rock figure from when my children were young. This was the individual who was just a bill, and one day he hoped to be a law but today he was just a bill. But you can see today he is mad. He is angry. And why is he angry? He is still a bill. He wants to be a law. But he doesn't want to be deemed, and he doesn't want to be "slaughtered," referring to the Slaughter rule that the House may vote on. By this time on Sunday the House may vote on the Slaughter rule which would deem acceptance of the Senate product.

Well, you can see why Mr. Bill is upset. He wants to go through regular order. He wants to go through committee, he wants to be voted on by the House, he wants to be voted on by the Senate. He really would have liked to have gone to a conference committee and have those two products melded together and then come back for an up-or-down vote in the House or the Senate. But as it appears tonight, he may not get his wish.

And is there a consequence to doing this? Now, you are going to hear people say that, oh, things have been deemed for a long time. This is nothing new. I will tell you, this is different. This is new. This is not something that, certainly in my short tenure, I have seen.

In fact, I recall a reconciliation bill in 2005 when the Republicans were in charge, it was called the Deficit Reduction Act, a very contentious bill, because we were trying to bend the cost curve on Medicaid spending. Does that sound familiar? You have heard the term "bending the cost curve." We were trying to bend the cost curve on Medicaid spending from an increase of 7.7 percent year over year to 7.3 percent growth year over year. Not a heavy lift in anyone's book, but it was a big lift here in the United States House of Representatives.

Now, we were coming to the end of the calendar year 2005. In fact, it was coming up on to the Christmas holidays. People were anxious to get home and be with their families. We voted on that bill, as I recall, early on a Monday morning. We had been here through the weekend, up all night, debates, debates, debates. A lot of changes, a lot of moving things around on the chessboard. And then, in the final analysis, the bill passed very early in the morning on a Monday morning. I think it was December 19, so it was getting very close to that cutoff for Christmas.

Later in the week, that bill was voted on in the Senate. And this was a

conference report. We had voted on the regular bills, it had gone to a conference, so these were the conference reports that we were voting up or down on.

The House passed its version. The Senate passed its version on Tuesday or Wednesday, quickly left town, and were gone. The House had already vacated the premises. And it was found that there was a little discrepancy. There were some differences in wording between the two bills.

Well, as they should have done, the Democrats that were then in the majority went nuts and they said, You cannot send that bill down to the White House for a signature because the House and the Senate did not pass the same bill, the same identical language. And it was a big deal.

The reason I remember this so well is, remember the doctor fix that we talked about a lot? In fact, we did a little doctor fix today. We extended the time before the doctors get their big pay cut; we moved that from April 1 to May 1. Well, there was a doc fix in the Deficit Reduction Act. At that point, I think the doctors were facing a 6 percent reduction in Medicare reimbursement, and that clock ran out at midnight on December 31.

We fixed it in the Deficit Reduction Act, but there was a problem. The House bill and the Senate bill were not word for word identical. I don't even remember the number of words that were different. It was not many. It seemed like an awfully picky process. But in order to comport with all of the laws in our Constitution, the House and the Senate had to pass identical bills for the bill to be regarded as passed and be available to go down to the President for his signature. So the clock ran out on Medicare and the doc fix.

Now, everything else that was in the bill was not perishable, and it would keep until the House came back in January of 2006 and could fix the damage. In the meantime, there was much wailing and gnashing of teeth here in the House on the then-minority Democratic side: this is unconstitutional. We will go to court. We will take this down. So the bill did not go to the President for his signature. It stayed and languished. And then, when the House came back, they passed identical language to the Senate. The bill was passed and went off to the President for his signature. The doc fix was taken care of a month late.

Dr. Mark McClellan, who was then the administrator for the Center for Medicare and Medicaid Services, told the country's doctors that he would make good and retroactively supply that difference in the bills that they had submitted; they would not have to resubmit. He tried to paper over the problem and make it as painless as possible.

But it was a big deal. It was a painful deal for the country's doctors. That is why I remember it so well, because so

many were calling me in my district office and my staff here in Washington and voicing their displeasure that Congress really couldn't have gotten this right and passed the identical bill through the House and the Senate. But the fact is they didn't. And the fact is that that was a problem as far as passing a bill and getting it signed by the Senate.

Well, what are we doing today or this weekend? What are we doing? We are not even going to pass the bill. We just deem it as having passed. Because, you know, a lot of the things that are in the Senate bill are things that we have talked about a lot here in the past 14 or 15 months, and some of them we may have even voted on a time or two. So we can just deem it as having passed.

Well, no wonder, no wonder Mr. Bill is so mad. That is not what he signed up to do. He didn't want to be deemed or Slaughtered. Slaughtered refers to the chairwoman of the Rules Committee who has created the so-called Slaughter rule, which means that the rule that allows us to take up the reconciliation bill is a self-executing rule and will deem passage of the Senate product that passed on Christmas Eve.

Do you think the American people can't see through that, Mr. Speaker? Do you think there are many phone calls going into Members' offices over the past couple of days about this? I think so, because I have heard from a lot of people. They are not happy about a lot of things right now, but they are really upset about this, and I think rightly so.

We are supposed to do things by the book. That book is called the Constitution. And when we stray from that on something like this—and this is no small matter—this is going to affect one-seventh of the Nation's economy. This is going to affect the lives and livelihood of every American not just this month, not next month, not the month after that, but for the next three generations.

Think of Medicare, passed in 1965. How has that affected people's lives, for good or for ill? But this is sweeping legislation that has a long half-life and is going to affect the way of life in this country from this day forward, really long past my time on this Earth, and I suspect a long time past the life expectancy of almost everyone who is serving in this body.

So it is so important that we get this right. It is our obligation. It is the oath that we swore on this floor the early part of January of 2009 after those very famous elections, those historic elections that created the new Presidency, created a supermajority for Democrats in the House, created almost a filibuster-proof majority in the other body. A historic election.

We were signed in, we put our hands on our hearts, we put our hands on the Bible, we swore an oath to protect and defend and uphold the Constitution.

What happened to that, men and women who are here with me tonight?

What happened to that oath? Did you not believe it then, or has something happened that you don't believe it now?

This is critical. I know it looks light-hearted. I know I have copied a figure from a children's musical. But this is critical. This is going to change the way of life for every American, not just now, but for far into the future.

Now, we don't even know yet the cost of this bill. There are multiple iterations of the reconciliation package that have been floated around the Congressional Budget Office. You call them up and try to get them to do anything at all and they will not because they are working on health care. Unfortunately, it has been that way now for well over a year. It is almost impossible to get any piece of legislation scored by the Congressional Budget Office, but we don't even know what this thing is going to cost.

We talk about bending the cost curve. The Commonwealth Foundation, the good folks at the Commonwealth Foundation, I attend a number of their seminars. I think they do a good job of trying to educate Members of Congress. They will talk in lofty terms about bending the cost curve. Well, we are just bending the cost curve, all right. We are just bending it in the wrong direction.

Now, this bill is supposed to cost on the order of \$800 billion and change. I think it was \$824 billion. But anyone will tell you that is not the real cost. In fact, when this reconciliation stuff gets scored, it is very likely that we are going to see a number in excess of \$1 trillion.

You know, just a lot of this stuff people look at it and say, What is the plain truth here? You say that you are going to raise taxes by \$500 million, you are going to cut expenses in Medicare by \$500 billion, and you are going to cover 30 million more people. How is that not going to affect me? You say if I like what I have, I can keep it, but how in the world is it possible to do all of those things and it won't affect me?

And the President said this several times during the summer. He said: Many people look at this bill and say, What is in it for me? What do I see differently, either positively or negatively, after this bill has passed?

□ 2115

For one thing, we know what they will see is a lot of new Federal regulations. We're going to see new fees on insurance companies, new fees on medical devices, new fees on prescription drugs, new fees on insurance plans. All of those, of course, have to, by definition, drive up health care costs.

One of the things that we're not doing—and you've heard me reference the "doc fix" in the Deficit Reduction Act. We had a baby "doc fix," if you will, for just the next month. But there is a looming 21 percent reduction in reimbursement for physicians who practice in the Medicare system, doctors

who take care of some of our sickest patients, our seniors who might have multiple medical comorbidities. We've asked them to do this, and yet we come at them every year with a formula that says we're going to pay you a little less this year than we paid you last year.

Now maybe that's okay if you're fortunate enough to practice medicine in a location where energy prices are falling by 5 percent every year, labor costs are falling by 5 percent each year, cost of capital is no concern because the banks are just giving away plenty of money at a zero percent interest rate. Maybe if you live in that area, this is not a problem.

But most of the doctors who live in the real world, the same world as you and I, know that their costs of labor are going up. Their cost of capital is going up. In a doctor's office, you don't make a great many large capital purchases, but you sometimes hire a new doctor; and in order to do that, you sometimes have to go down to your friendly banker and secure either a loan or a line of credit. So the cost of capital goes up for those physicians' offices year after year.

Energy costs go up the same as they do for every other American. Even the cost of the doctor buying the health insurance for their employees will go up. Believe it or not, the insurance companies don't come into the doctor's office and say, Doc, you know what? You've done such a good job at taking care of all the people enrolled in our insurance company that we're going to enroll your employees for free or at a very reduced rate. It doesn't happen.

In fact, what happens in doctors' offices across the country every year is the insurance underwriter comes in and says, Hey, you've had some claims activity. Your rates are likely to go up in your small business here. And the doctor says, Well, maybe that's okay because maybe my reimbursement rates are going to go up enough to match it. But then most private insurance companies actually peg their reimbursement rates in the private sector to Medicare. So if Medicare is reduced by 5 percent, 8 percent, 21 percent, as we're scheduled to do this year, guess what? Insurance reimbursement rates go down. So the poor doctor is left scratching his or her head, saying, How come it costs me more to insure my employees and my reimbursement rates are going down? How's that going to work out for me?

The cost of doing business in a medical office is no different than any other small business in America, and doctors' offices simply cannot continue to survive if we continue to impose this draconian pay formula upon them, and yet nothing in this bill fixes that problem. We had a temporary fix today. We talked in grand terms about this great and wonderful fix that the House passed last fall, but we all knew over here in the House, even those of us who voted for it, we knew that the Senate was never going to take it up and pass

it. In fact, they had already rejected it. As a consequence, this provision has been left out of this big, gargantuan health care bill, this 2,700-page bill, and there is no fix for the problems that the doctors face in the Medicare reimbursement system. There is no fix in the bill.

It's a simple arithmetic problem. The simple arithmetic problem is that it costs somewhere between \$280 billion and \$350 billion to fix that problem. Well, clearly, if you're trying to keep the cost of your bill under a trillion dollars, and I'm not sure that they have done that, but if you're trying to do that, a \$350 billion addition to the price tag is not likely to make your life any easier.

There is a cost for simply repealing the sustainable growth rate formula, as it's called. Medicare part B has an additional problem in that, by law, seniors are charged 25 percent of the actual cost of their premium. The Federal Government picks up the other 75 percent very generously. But if the cost of the Medicare part B program increases, then Medicare part B premiums, by law, have to increase, and they have to increase by a formula which, again, is 25 percent of the actual cost.

Now we hear a lot of talk about insurance companies raising the rates. They do. Can they justify it or not? There are supposed to be State insurance commissioners to oversee that process. I know we had a big hearing in my committee on Energy and Commerce a few weeks ago on the Anthem, WellPoint rate increases that occurred out in California, but I honestly don't know where the California insurance commissioner was when all of that was going on. And the people at Anthem did say they submitted their paperwork to the insurance commissioner. I don't know what happened there. I honestly don't know what the disconnect was, but there are rules in place where these types of increases are supposed to be justified.

But the fact is that part B recipients will likely get a big increase in their premiums this year because the cost of paying for the part B program goes up every year, and, just interestingly enough, that increase is likely to be somewhere in the order of 12 to 16 percent. The President is very critical of private insurance companies that will do that but, wow, he is the CEO of the biggest insurance company in the world. It's called Medicare. And he's raising his rates by 12 percent this year. In fact, over the last decade, over the last 10 years, those premiums have increased almost 150 percent. Again, it's by law. It's no one doing something that they shouldn't be doing. It is just the cost of delivering that medical care has, in fact, increased over time, more people making claims on the system. And as a consequence, those costs have gone up, and, by law, the seniors who are participants in the part B program are obligated to pay 25 percent of the cost of the program in their premium.

So when people tell you that the cost of insurance is going to increase, that's true whether you're talking about a Federal program, such as Medicare, or programs in the private sector.

One of the things that concerned a lot of us as the debate was going through the House this summer was the appearance of what was called a public option. At the time, a lot of concern by, actually, Members on both sides of the aisle—probably voiced more consistently by people on the Republican side—about what this public option was going to do to pay for insurance coverage in this country. Many people on the Democratic side said, Oh, it'll be competition for the insurance companies so it'll bring their prices down.

Well, here's part of the problem. One of the reasons that the insurance companies are raising their prices is because there is a cross-subsidization, that there is a shifting of cost from the government sector onto the private sector. Medicare reimburses at a rate that's far lower than most of the private insurers for both doctors and hospitals. In order for those doctors and hospitals to keep their doors open, that means they need to charge a little bit more to those patients who come in who have actual insurance coverage. So that cost shifting or cross-subsidization exists because the government isn't actually carrying its share of the load today. So if we expand that part, how are we going to help keep the costs low on the private side? Because, again, it's a cross-subsidization that we're already doing in the existing public plans—Medicare, Medicaid, SCHIP, and the variety of other programs that exist. Those public programs are not filling the holes that are being dug, the overhead holes that are being dug at hospitals and doctors' offices, and those holes have to be filled with dollars from private insurance.

So right now it's about a 50-50 mix. Well, that's not fair. Fifty cents out of every health care dollar that's spent in this country today is already spent on one of those public options—Medicare, Medicaid, SCHIP, add the VA, Federal prison system. It's about fifty cents out of every dollar that is spent on health care, and it is going up. The other 50 percent is not all private insurance. Some of it is paid out of cash flow for some families; some of it is paid out of savings for some families, and some doctors and hospitals just simply have to write off some debt because it will never be paid. They certainly do contribute more than their share of charity care.

So the government, which has about 50 percent of the health care dollar right now, is not carrying its load, which drives up the cost for people with private insurance. So we're going to expand that part and expect that the cost for private insurance is somehow going to go down. You're talking about magical thinking. That's just never going to work out. There's no way it can work out.

And sometimes you step back and you look at this and you think, Wow, the people who want a single-payer, government-run system have really set the wheels in motion to accomplish just that. Let's create another public option, bleed off more dollars from those greedy folks on the private side. Their prices go up. The President, whoever the President is at that point, says, Well, I tried. We tried to keep the private sector involved, but look what they've done to you. There's nothing we can do about it. We will just have to take over everything. At that point, you have a completely nationalized health care system in the United States of America.

A lot of people look at that and say, No, that's not what we want. You said, if you like what you have, you can keep it. That's what we want.

Sixty-five percent of Americans have insurance either through their employer or in the individual market, and they like what they've got. They're concerned about cost, to be sure. They want costs to be held down, but they like what they have and they want to keep it. So it does concern them when they look out over the horizon and say, What might have happened with this public option?

Now, the Senate bill, at least in theory, does not have the public option written into the bill. It does. It's kind of hidden. You kind of have to look for it a little bit. The Senate bill sets up insurance exchanges across the country in order to ensure that everyone has access to at least two products in an insurance exchange. The Senate has said that the Office of Personnel Management, OPM, will ensure that there is at least one for-profit and one not-for-profit insurance company in each of those exchanges. Well, what happens if no one shows up on the day they hold the auction to sell the insurance? Office of Personnel Management will find a for-profit company and a not-for-profit company, and if they can't find one, somehow they will make one.

Now, the Office of Personnel Management right now is a relatively small Federal agency. It administers Federal benefits. It administers things like the Federal Employees Health Benefits Plan. It does a good job with that, arguably, but this is a vast expansion of their mission, a vast expansion of scope to then put them in charge of these various exchanges that are in place all around the country. The Office of Personnel Management could become the de facto public option, and in fact, as it was looking like this bill was getting very close to being enacted in the early part of January before that famous election in Massachusetts, the Office of Personnel Management was indeed gearing up to take on that responsibility.

So whether you get the House bill or the Senate bill, there's still a possibility that you're going to see a public option. It may not be the so-called robust public option that you heard

talked about here on the floor of the House ad infinitum last summer, but it will be a public option nevertheless, and it remains to be seen what happens to that over time. It may always stay a small part of what is available to the insurance market or it may grow significant.

What has been mystifying to me about that process, and you heard the President say earlier or last year in the fall, he cited there's a part of Alabama that you go to and you have only got one choice of an insurance company; and if you've only got one choice of an insurance company, there's not a lot of competition, so let us put a federally administered program on the ground to compete with that one insurance company.

□ 2130

But there's well over 1,000—in fact, over 1,300 insurance companies—in business right in the United States of America. What if we changed the regulations such that more companies could, in fact, sell in that market in Alabama? It looks to me like a market that companies might be interested in because, after all, there's not much competition there. That's the way to get robust competition in the market, and that is the way to get the types of cost controls that we would all like to see that could be delivered more efficiently by a competitive marketplace than it can be by government regulation and price-fixing.

We know what happens when you fix prices. Those of us my age who are old enough to remember gasoline purchases in the 1970s, when you put price controls on gasoline, you end up with gasoline shortages. You remove the price controls, and miraculously there's enough gasoline for everyone to buy. And as more gasoline becomes available, then the price comes down. It was a wonderful study in just how markets were supposed to work. You put the price controls on, it becomes very scarce and very expensive. And I can remember as a young resident at Parkland Hospital waiting for hours in line at a gas station because I did not want my gas tank to be empty and risk running out of gasoline on the way to the hospital in the middle of the night. It's something I couldn't afford to let happen to me. So I missed a lot of family time sitting in those gasoline lines. Fortunately, that didn't last long because the folly of that decision was recognized, the price controls were removed, and the price went up temporarily, and then it came back down as the supply of gasoline increased.

We don't know where we're going on the cost of this bill that's before us. The one charge that the American people gave us was, We want you to do something about the cost of health care. The one thing that we're not doing in this legislation is moving in a sane way towards doing anything that would get control of those costs. In fact, some of the things we're doing

may, indeed, lead to a reduction of availability, and that means a reduction of access for patients to medical care.

An interesting little article that I found online on the way over here tonight was about what will happen to health insurance premiums under the bill that has been proposed. And what got this reporter's attention was a Presidential speech where he said that the cost of insurance if the bill was enacted would drop by 3,000 percent. Later on, the White House clarified and said the President meant to say the premiums would drop by \$3,000, and that is money that could be returned to the worker.

The next quote in the story is, "There's no question premiums are still going to keep going up," said Larry Levitt of the Kaiser Family Foundation, a research clearinghouse on the health care system. "There are pieces of reform that will hopefully keep them from going up as fast. But it would be miraculous if premiums actually went down relative to where they are today." So next line in the story is, "It could be a long wait." Indeed, it could.

I do urge people to pay attention. I do urge people to dig a little deeper in the story—don't necessarily accept what I am saying here tonight. But do look carefully into this story and understand what your Congress is doing because if it doesn't affect you the day after the bill passes, it will affect you at some time.

Now convincing reluctant Members to vote on this bill by doing the Slaughter rule and deeming the bill passed may be a way to trick some wavering Members into voting for the bill. But I promise you, it's not tricking anyone out there in America. You hear stories of people going to the supermarket at the checkout line, and the person who's checking their groceries will say, You are not really going to deem that bill as passed, are you? They get it. People understand it. They've been watching this. We've been working on this for 14 or 15 months. Goodness knows we're tired of it. The country is tired of it. People do understand and are watching.

Now tomorrow in *The New England Journal of Medicine*, it's been widely reported that they're going to have an article detailing the attitude of America's physicians towards this legislation that the House of Representatives is likely going to try to pass sometime this weekend. The numbers were somewhat startling, and I don't have the exact numbers in front of me. But if the bill were to pass, around 30 percent of practicing physicians would consider concluding their practice and finding something else to do with their time. And if a public option is included, that number gets significantly higher—45, 46 percent.

People who have been working in the trenches, who have been delivering the health care, understand how pernicious

it has been with the constant reduction in rates for Medicare, to be sure, Medicaid in some States. In most States, physician reimbursement is just an easy target. When those State budgets start getting stressed, that's one of the first places that the State legislatures will go to try to pull some of those dollars back in. They'll reduce reimbursement rates to physicians. And as a consequence, if it was difficult to keep your doors open and pay your overhead costs with the reductions that we were seeing in Medicare, it becomes an absolute certainty that those doors are not going to stay open if Medicaid rates are vastly curtailed.

One of the things we're going to do with this bill is significantly expand Medicaid. The cost to the States right now is somewhat in flux. Nebraska got a pretty good deal on the Senate floor right before Christmas that would kind of protect them against some of the dollars that the State would have to match into the Medicaid program. Now there's talk of extending that to every State and not just making Nebraska a special case but extending that to every State. I promise you, I promise you that is not going to make the cost of this legislation go down. It is going to make the cost of that legislation go up significantly.

If we don't do that, right now there is a Federal share and a State share of Medicaid expenses that are paid. It varies from State to State. In some, it's a 50-50 proposition. In some, it's much more generous from the standpoint of what the Federal Government contributes. On average, about 57 percent of the Medicaid cost is contributed by the Federal Government. The State pays 43 percent. In this bill, the language might be more generous than that, but there would still—unless the so-called Cornhusker kickback is applied to every State, then States are going to be hit with additional Medicaid expenditures.

I have received communications from senators and legislators back home in my State where that number could approach \$20 billion for the 2-year budgetary cycle that we have in Texas. And although many people in Washington would consider that so small as to not even be worthy of consideration, in a State budget, it is significant, and that is why the legislators and senators have written to their Members of Congress to advise them of this that's occurring. That means money that's not going to be available to fund transportation projects in the State. That means money that's not going to be available to pay for educational activities in the State. These will be real dollars that are taken out of circulation in the State to pay for the expansion of Medicaid that the Federal Government is going to require.

The whole question of making everyone buy health insurance, the question of an individual mandate that is contained within the Senate policy, is something that this country has not

done before. That is a new phenomenon. Now I know you hear people say, Well, look, look Massachusetts has a mandate, and it's working okay up there. Well, maybe. Maybe not. I think the costs went up a little bit because the insurance companies are now under no—there's no reason for them to try to hold costs down to attract customers because, hey, you've got to buy it. It's the law. But still, if a State wants to pass an individual mandate or an employer mandate, for that matter, within their State to cover health care costs, that's their business. They can do that under the 10th Amendment, that those powers not taken by the Federal Government are reserved to the States. That's one of those powers that are reserved to the States. So if a State wishes to do that, and the people who elect the Governor and State legislators and State senators in those States are saying, Well, that's okay with us, then good on 'em. That's what they should do.

But what's working in Massachusetts likely wouldn't work in Texas. It's a different demographic, different problems. So we can't apply a one-size-fits-all solution across the country, and the Founding Fathers recognized that. You will hear people say, Well, look, it's a mandate that you've got to have car insurance if you drive your car. But you are driving your car voluntarily on a public road, and that is a State mandate for the purchase of that insurance. Not every State has them. I think there are two States that don't have an insurance mandate. Texas didn't until a few years ago. I don't know if it's actually increased the number of people who carry insurance because you are forever hearing about some poor soul that was hit by someone else who carried no insurance. But that's a State issue. And the States make that requirement.

Again, those State governments have to be responsive to their citizens in the State. If the citizens get too upset by the liberties that are being taken from them by a State government, they are free to react against that. And that's what a democratic process is all about. That's what elections are all about. But never in the history of this country has there been required the purchase of a product just as a condition for living in the United States.

Now we do have to pay income tax, it's true. You don't have to earn any money. And if you don't, then you don't have to pay taxes. But in order to ensure that this program is administered effectively, we go to the meanest, biggest Federal agency of all, that very same Internal Revenue Service, and say that they're going to collect—they're going to enforce this individual mandate that you buy health insurance.

Just a thought on that in some of the moments that are remaining to us this evening. Does putting an individual mandate on people increase the number of people who carry, say, health insur-

ance? Putting an individual mandate on for the requirement that everyone have health insurance, does that increase the number of people who have health insurance? Right now in the country with a robust employer-sponsored insurance program, people who are employed in the individual market, small businesses who provide insurance in the individual market for their employees, the compliance rate or the insured rate is about 85 percent. We hear the figure of the number of people uninsured in this country, and it works out to be about 15 percent.

In the Federal tax system, does everyone file and pay taxes who should? The answer is no, they don't. By the IRS' own estimates, by their own estimates, 15 percent of the population decides not to file or not to pay their income taxes. Now that's a pretty stiff mandate that the IRS puts on us. Most people don't know exactly what the penalty is, but they're pretty darn sure that they don't want to find out firsthand because they do know it to be severe. So with this very severe penalty hanging over people's heads, you still have 15 out of 100 who will say, No, thanks, I'll still take my chances. How many more people are going to buy health insurance who don't already have it if we put that on as a requirement?

And then one of the other considerations is, if the fine is not as much as the insurance policy itself, then someone who believes themselves truly to be at zero risk for any medical condition says, You know what, I'll just pay the fine if it's less money, and I'll worry about insurance if I get sick. Of course under the plan that's over in the Senate now, they can do that because there will be what's called guaranteed issue. If they get sick, they can literally purchase the insurance policy from the back of the ambulance on the way to the hospital.

You know, we heard a lot during the course of this debate on health care over these past 15 months. One of the things that I will never forget is the energy and enthusiasm that I encountered this summer in doing town halls during the month of August. As you will recall, we passed the bill out of the Energy and Commerce Committee sort of at midnight Friday night, July 31. We all went home to our districts. We started seeing the stories on the evening news of vast throngs of people showing up at Representatives' town halls, both Republicans and Democrats. Whether they had come out in favor or in opposition to the bill. We hadn't voted on the bill on the House floor at that point. Because I was sitting in the committee that voted on the bill, I could tell my constituents back home that I voted no in committee, and I would vote "no" when it came to the floor, unless there were substantial changes. And people supported that decision overwhelmingly in the town halls that I did this summer.

But it doesn't mean that they said, We don't want you to do anything.

They had some rather specific things that they would like to see Congress do to help them with the problems that they were having with either insurance companies or with their doctors or with their hospitals. There were some things they thought that Congress could do. Now bear in mind the approval rating for Congress is somewhere south of 20 percent. We do not enjoy a significant amount of political capital. In order to do something this big, you really have to have the American people behind you, but we don't. And therein is the trouble that the Democrats are having passing this bill. Right, they've got no Republicans, but then they really didn't try. They weren't interested in having any Republicans a year ago when this process was beginning.

□ 2145

So it's no surprise that at this point, a year later, they don't have any Republican support for their proposals. Their problem is within their own conference.

Now, they've got 40 seats on us. It really shouldn't be a problem. I'm sorry, they have 40 more seats than they need to pass this bill, because in the House it's a simple majority. It really should not be a problem. All you've got to do is keep 40 people from leaving you. That shouldn't be that hard. These are people who feel the same as you. They're members of your same party. They believe the same things you do. That shouldn't be a hard lift.

Why is it so hard?

It's hard because there's not the popular support for this bill that everyone assumed would be there shortly after the 2008 election. We had an election. President Obama won the election. Health care was a big deal during the election, so it was just naturally assumed that the American people would be with the Democrats no matter what they did, with, to or from health care. As a consequence, they didn't need any Republicans. They really couldn't be bothered. We were noisy and inarticulate in meetings, and they just wanted to write the bill they wanted to write, and they'd get it passed without any Republican votes.

Now they're up against an impasse with their own side. Very difficult to pass something this large that affects this many people without at least some input from both sides. That's never been done before, to my knowledge, in this country; and that's what we're trying to do tonight. You might be able to do that if you had the popular support of the American people behind you. You could say, well I've got the people with me. I don't need Republicans. And that would be true, but they don't have the people behind them.

So the fact that the Republicans are not supporting the Democratic bill is actually of no consequence. Their difficulty is the people don't believe what

they're doing. And, quite frankly, I don't see how there is a way to change that equation between now and Sunday, the day we're supposedly going to vote on this monstrosity.

I did hear from people in town halls about things they do want done. I maintain a Web site that's devoted to health care policy. It's called healthcaucus.org, @healthcaucus.org. "Healthcaucus" is all one word. Healthcaucus.org. Under the issues tab, you see Dr. BURGESS' prescription for health care reform. And I've listed there the nine things that people told me most consistently during the summer and fall that they wanted to see us do.

Number one thing, people sure do want some help with preexisting conditions. There are things we can do to provide some help, and it doesn't mean an individual mandate. It doesn't mean guaranteed issue. It means helping those people who need help. It does cost some money. The Congressional Budget Office scored an amendment that Ranking Member JOE BARTON had on our committee. It scored at \$20 billion. NATHAN DEAL, the ranking Republican on the Health Subcommittee and I have introduced legislation that captures the spirit of that amendment. We erred on the side of being more generous. That's a \$25 billion authorization for that program. The Congressional Budget Office said \$20 billion over 10 years. We plussed it up by \$5 billion. Let's start it and see what happens.

After all, that Senate bill comes over here and becomes law, no one gets any help tomorrow. It's 4 years before they get help. Preexisting conditions are a problem today. We heard this over and over again in the summer time. This is something people actually wanted us to work on. We could work on this in a bipartisan fashion. We never even had a hearing on how to approach the problems of preexisting conditions without a mandate. We never even had one word of testimony about that in our committee leading up to this.

Does there need to be some fairness in the Tax Code? You bet. Why does someone in the individual market who's paying for their health insurance out of pocket have to pay with after-tax dollars when someone who works for a large multi-state corporation gets their insurance paid for with pre-tax dollars by their employer? That fundamental unfairness is something that has to be fixed. I'm not sure that I know the best way to fix that, but I know we haven't even tried. We haven't even had those discussions.

We do need some medical liability reform. It's working in Texas; it could work in other places around the country. It does help keep costs down, in spite of what congressional Democrats and the White House tell you.

Portability, the ability to carry insurance with you through life, is extremely important, especially to younger workers. Think of the rela-

tionship with your insurance company if you had a longitudinal relationship with that insurance company.

There are some things that we could be doing that are not that heavy a lift and don't cost that much money. Most importantly, we can show the American people we can deliver real value and work together while we're doing it. Then we could improve those approval rates, that low esteem that the country holds us in.

DR. BURGESS' PRESCRIPTIONS FOR HEALTH CARE REFORM

1. INSURANCE REFORM

We should eliminate the bias against patients with pre-existing conditions, outlaw rescissions except in cases of fraud, and ensure states have well-designed high-risk pools.

H.R. 4019—Limiting Pre-Existing Condition Exclusions in All Health Insurance Markets (Deal)

H.R. 4020—Guaranteed Access to Health Insurance Act (Burgess)

2. TAX FAIRNESS

Providing individuals the same tax benefits no matter where they want to get their health insurance, and tax credits to help individuals purchase insurance in the individual market.

H.R. 3218—Improving Health Care for All Americans Act (Shadeegg)

3. MEDICAL LIABILITY REFORM

The success of Texas' 2003 reforms: Texas has licensed over 15,000 new physicians and Texas hospitals have delivered more than \$594 million in charity care.

H.R. 1468—Medical Justice Act (Burgess)

4. PORTABILITY

Allowing patients to shop for health insurance plans across state lines = more choices at lower costs. Example: Average health insurance premium for a family of four: New Jersey: \$10,000, Pennsylvania: \$6,000, Texas: \$5,000.

H.R. 3217—Health Care Choice Act (Shadeegg)

5. MEDICARE PAYMENT REFORM

The current formula Medicare uses to pay doctors—the SGR—is unstable, and a permanent fix is needed to ensure seniors continue to have access to their doctors.

H.R. 3693—Ensuring the Future Physician Workforce Act (Burgess)

6. DOCTORS TO CARE FOR AMERICA'S PATIENTS

We must ensure that we have enough doctors to care for all of America's patients—now and in the future. H.R. 914—Physician Workforce Enhancement Act (Burgess)

7. PRICE TRANSPARENCY

Health care services are the only product that we don't know the actual cost of before utilization, so let's have the prices up-front, just like in a restaurant or clothing store.

H.R. 2249—Health Care Price Transparency Promotion Act (Burgess)

8. PREVENTATIVE CARE AND WELLNESS PROGRAMS

Health care reform must include participation from America's patients, so living healthy lifestyles and making healthy decisions is very important.

9. CREATE PRODUCTS PEOPLE WANT

Mandates have no place in a free society. Instead, we should challenge insurance companies to create innovative health plans that Americans want. Example: Health Savings Account—offers flexibility and control.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of illness caused by food poisoning.

Mr. SMITH of New Jersey, for 5 minutes, today and March 18.

the fiscal year ending September 30, 2010, and for other purposes.

Mr. POE of Texas, for 5 minutes, March 24.

Mr. JONES, for 5 minutes, March 24. Mr. MORAN of Kansas, for 5 minutes, March 24.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

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. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today. Ms. WOOLSEY, for 5 minutes, today. Mrs. CAPPS, for 5 minutes, today. Ms. JACKSON LEE of Texas, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today. Mr. PENCE, for 5 minutes, today. Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today. Mr. WAMP, for 5 minutes, today. Mr. BURGESS, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 946, the Plain Writing Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 946, THE PLAIN WRITING ACT OF 2010, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON MARCH 12, 2010

Table with 14 columns (2010-2020) and 1 row (Statutory Pay-As-You-Go Impact) showing net increase or decrease in deficit.

Pursuant to Public Law 111-139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 1387, the Electronic Message Preservation Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 1387, THE ELECTRONIC MESSAGE PRESERVATION ACT, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON MARCH 13, 2010

Table with 14 columns (2010-2020) and 1 row (Statutory Pay-As-You-Go Impact) showing net increase or decrease in deficit.

Pursuant to Public Law 111-139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 3954, the Florida National Forest Land Adjustment Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3954, THE FLORIDA NATIONAL FOREST LAND ADJUSTMENT ACT OF 2009, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON MARCH 17, 2010

Table with 14 columns (2010-2020) and 1 row (Statutory Pay-As-You-Go Impact) showing net increase or decrease in deficit.

Pursuant to Public Law 111-139, Mr. SPRATT, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 4851, the Continuing Extension Act of 2010, for printing in the CONGRESSIONAL RECORD. Section 4 of the bill has been scored using a current policy adjustment. The bill also includes emergency designations.

H.R. 4851, THE CONTINUING EXTENSION ACT OF 2010, AS AMENDED [By fiscal year, in millions of dollars]

Table with 14 columns (2010-2020) and multiple rows (Total Changes, Less: Designated as Emergency Requirements, Current-Policy Adjustment, Statutory Pay-As-You-Go Impact, Memorandum: Components of the Emergency Designations: Change in Outlays) showing net increase in deficit.

H.R. 4851, THE CONTINUING EXTENSION ACT OF 2010, AS AMENDED—Continued
 [By fiscal year, in millions of dollars]

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Changes in Revenues	– 654	– 435	– 168	– 165	– 116	– 58	44	0	0	0	0	– 1,597	– 1,640

^a Section 11(c) of the Continuing Extension Act of 2010 would designate all sections of the Act, except section 4, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

^b Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

Notes: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS,
 ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Beauveria bassiana HF23; Amendment of Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0316; FRL-8814-6] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6632. 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; Minnesota [EPA-R05-OAR-2009-0369; FRL-9125-3] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6633. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Application Review Schedule [EPA-R06-OAR-2006-0850; FRL-9123-7] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6634. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Permit Renewal Application and Permit Renewal Submittal [EPA-R06-OAR-2008-0192; FRL-9125-9] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6635. 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; Revision to Clean Air Interstate Rule Sulfur Dioxide Trading Program [EPA-R03-OAR-2009-0599; FRL-9125-2] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2009-0512; FRL-9125-6] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-

R09-OAR-2009-0859; FRL-9123-3] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6638. 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; Wisconsin; NSR Reform Regulations — Notice of Action Denying Petition for Reconsideration and Request for Administrative Stay [EPA-R05-OAR-2006-0609; FRL-9123-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6639. 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; 1-Hour Ozone Extreme Area Plan for San Joaquin Valley, California [EPA-R09-OAR-2008-0693; FRL-9108-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6640. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2010-0011; FRL-9122-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6641. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Non-attainment and Reclassification of the Atlanta, Georgia, 8-Hour Ozone Nonattainment Area; Correction [EPA-R04-OAR-2007-0958-201005(C); FRL-9122-1] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6642. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Michigan: Final Authorization of State Hazardous Waste Management Program Revision [Docket No. EPA-R05-RCRA-2009-0762; FRL-9129-2] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6643. 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 — Technical Amendment [EPA-HQ-OAR-2008-0053; FRL-9122-9] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule — Gowanus Canal [EPA-HQ-SFUND-2009-0063; FRL-9120-8] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6645. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 49 [EPA-HQ-SFUND-2009-0579, EPA-HQ-SFUND-2009-0581, EPA-HQ-SFUND-2009-0582, EPA-HQ-SFUND-2009-0583, EPA-HQ-SFUND-2009-0586, EPA-HQ-SFUND-2009-0587, EPA-HQ-SFUND-2009-0590, EPA-HQ-SFUND-2009-0591, EPA-HQ-SFUND-2005-0005; FRL-9120-7] (RIN: 2050-AD75) received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6646. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation [EPA-R09-OAR-2006-0185; FRL-9122-3] (RIN: 2009-AA00) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6647. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Technical Amendment to the Outer Continental Shelf Air Regulations Consistency Update; Correction [EPA-R10-OAR-2009-0799; FRL-9123-1] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6648. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the March 2010 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

6649. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting various reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6650. A letter from the Public Printer, Government Printing Office, transmitting the Office's annual report for fiscal year 2009; to the Committee on House Administration.

6651. A letter from the Ombudsman for the Energy Employees, Occupational Illness Compensation Program, Department of Labor, transmitting the Department's 2009 Annual Report of the Ombudsman for the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

6652. 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; Correction [EPA-HQ-OW-2008-0465; FRL-9118-7] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "Federal Civilian Employees in Zones of Armed Conflict Benefits Act of 2010"; jointly to the Committees on Oversight and Government Reform, Armed Services, and Foreign Affairs.

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. MCGOVERN: Committee on Rules. House Resolution 1190. Resolution providing for consideration of motions to suspend the rules (Rept. 111-441). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4715. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes (Rept. 111-442). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPRATT: Committee on the Budget. H.R. 4872. A bill to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010 (Rept. 111-443). Referred to the Committee of the Whole House on the State of the Union.

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. LYNCH (for himself and Mr. CHAFFETZ):

H.R. 4865. A bill to amend title 5, United States Code, to provide that an employee of the Federal Government or member of the uniformed services may contribute to the Thrift Savings Fund any payment that the employee or member receives for accumulated and accrued annual or vacation leave, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COFFMAN of Colorado:

H.R. 4866. A bill to reestablish a competitive domestic rare earths minerals production industry; a domestic rare earth processing, refining, purification, and metals production industry; a domestic rare earth metals alloying industry; and a domestic rare earth based magnet production industry and supply chain in the United States; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, 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. JONES (for himself, Mr. WHITFIELD, and Mr. CONNOLLY of Virginia):

H.R. 4867. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. HINOJOSA, Mr. AL GREEN of Texas, Mr. BACA, Mr. LYNCH, Ms. KILROY, Mr. HIMES, Ms. CLARKE, and Mr. DELAHUNT):

H.R. 4868. A bill to prevent the loss of affordable housing dwelling units in the United States; to the Committee on Financial Services, and in addition to the Committees on the Budget, and Ways and Means, 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. TOWNS (for himself, Mr. ISSA, Mr. VISCLOSKEY, and Ms. CLARKE):

H.R. 4869. A bill to provide for restroom gender parity in Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, 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. POLIS (for himself, Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARNAHAN, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATSON, and Mr. KUCINICH):

H.R. 4870. A bill to provide plant-based commodities under the school lunch program under the Richard B. Russell National School Lunch Act and the school breakfast program under the Child Nutrition Act of 1966, and for other purposes; to the Committee on Education and Labor.

By Mr. KRATOVL (for himself, Mr. CHILDERS, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Mr. SCHRADER, Mr. BACA, Mr. COSTA, Mr. THOMPSON of California, Mr. HOLDEN, Mr. SHULER, Mr. MATHESON, Mr. HILL, Mr. WILSON of Ohio, Mr. COOPER, Mr. MARSHALL, Mr. BOSWELL, Ms. HERSETH SANDLIN, Mr. DONNELLY of Indiana, Mr. TANNER, Mrs. DAHLKEMPER, Mr. BOYD, Mr. MINNICK, Mr. MELANCON, Mr. BRIGHT, Mr. CARDOZA, Mr. DAVIS of Tennessee, Mr. TAYLOR, Mr. BARROW, Mr. BOREN, Mr. MCINTYRE, Mr. CARNEY, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Mr. MITCHELL, Mr. SCOTT of Georgia, Mr. MURPHY of New York, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. ROSS, Mr. ARCURI, Mr. BERRY, Mr. ELLSWORTH, Mr. SPACE, and Mr. NYE):

H.R. 4871. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish nonsecurity discretionary spending caps; to the Committee on the Budget, and in addition to the Committee on Rules, 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. CHANDLER (for himself, Mr. GUTHRIE, Mr. WHITFIELD, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, and Mr. YARMUTH):

H.R. 4873. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 4874. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to waive, if in the public interest, certain requirements relating to the letting of contracts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KANJORSKI (for himself and Mr. CARNEY):

H.R. 4875. A bill to provide for the construction, renovation, and improvement of

medical school facilities, and other purposes; to the Committee on Energy and Commerce.

By Mr. GRIFFITH (for himself, Mr. BOEHRNER, Mr. CANTOR, Mr. TIAHRT, Mr. BURTON of Indiana, Ms. JENKINS, Mr. INGLIS, Mr. ROE of Tennessee, Mr. LANCE, Mr. BACHUS, Mr. OLSON, Mr. ADERHOLT, Mr. UPTON, Mr. CHAFFETZ, Mr. ROGERS of Michigan, Mr. HELLER, Mrs. CAPITO, Mr. GRAVES, Mr. DUNCAN, Mr. FORTENBERRY, Mrs. MILLER of Michigan, Mr. SHUSTER, Mr. ISSA, Mr. ROSKAM, Mr. CONAWAY, Mr. ROONEY, Mr. BROUN of Georgia, Mr. FLAKE, Mr. REHBERG, Mr. PAUL, Mr. BLUNT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. POE of Texas, Mr. WILSON of South Carolina, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. PENCE, Mr. MANZULLO, Mr. GOHMERT, Mr. SHADEGG, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. BILIRAKIS, Mrs. McMORRIS RODGERS, Mr. HASTINGS of Washington, Mr. CASSIDY, Mr. LOBIONDO, Mr. GOODLATTE, Mr. SCHOCK, Mr. McCAUL, Mr. ROHR-ABACHER, Mr. BOOZMAN, Mr. ROGERS of Kentucky, Mr. BUYER, Mr. COLE, Mr. LUETKEMEYER, Mr. MORAN of Kansas, Mr. CULBERSON, Mr. GALLEGLY, Mr. STEARNS, Mr. HALL of Texas, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. SIMPSON, Mr. BONNER, Mr. LEE of New York, Ms. GRANGER, Mr. PLATTS, Mr. WALDEN, Mr. MCCOTTER, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. SMITH of Nebraska, Mr. COBLE, Mr. HARPER, Mr. ALEXANDER, Mr. JOHNSON of Illinois, Mr. LATOURETTE, Mr. BUCHANAN, Ms. FALLIN, Mr. YOUNG of Alaska, Mr. BURGESS, Mr. TURNER, Mr. DENT, Mr. PITTS, Mr. WITTMAN, Mr. AKIN, Mr. LEWIS of California, Mr. SOUDER, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. WESTMORELAND, Mr. AUSTRIA, Mr. SULLIVAN, Mr. SCALISE, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. LINDER, Mr. FORBES, Mr. MCHENRY, Mr. ROGERS of Alabama, Mr. TAYLOR, Mr. FRELINGHUYSEN, Mr. BOUSTANY, Mr. CARTER, Mr. DAVIS of Kentucky, Mrs. BLACKBURN, Mr. COFFMAN of Colorado, Ms. GINNY BROWN-WAITE of Florida, Ms. FOX, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FLEMING):

H. Res. 1188. A resolution ensuring an up or down vote on certain health care legislation; to the Committee on Rules.

By Mr. YOUNG of Alaska:

H. Res. 1189. A resolution commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. CUMMINGS and Mr. LEWIS of Georgia.

H.R. 158: Mr. HINCHEY and Mr. McDERMOTT.

H.R. 442: Mr. BOUCHER, Mr. TIAHRT, and Mr. LEWIS of California.

H.R. 816: Mr. SHULER.

H.R. 868: Mr. ENGEL and Mr. ETHERIDGE.

H.R. 953: Mr. MICHAUD.

H.R. 1034: Mr. BISHOP of Utah and Mrs. McMORRIS RODGERS.

H.R. 1074: Mr. WITTMAN.

H.R. 1077: Mr. BISHOP of Utah.

- H.R. 1169: Mr. SESTAK.
H.R. 1210: Mr. GARRETT of New Jersey.
H.R. 1283: Mr. CAO.
H.R. 1339: Mrs. DAVIS of California.
H.R. 1616: Mr. DOGGETT and Mr. SESTAK.
H.R. 1796: Ms. SUTTON.
H.R. 1835: Mr. PASCRELL and Mr. TAYLOR.
H.R. 2156: Mr. ALEXANDER.
H.R. 2296: Mr. FLAKE and Mr. LEWIS of California.
H.R. 2358: Ms. SCHWARTZ.
H.R. 2483: Mr. ANDREWS.
H.R. 2579: Mr. KAGEN.
H.R. 2739: Mr. SCOTT of Georgia.
H.R. 3393: Mrs. DAHLKEMPER and Mr. SPACE.
H.R. 3564: Mr. CLEAVER.
H.R. 3655: Mr. BARROW.
H.R. 3696: Mr. SOUDER.
H.R. 3790: Mr. LEWIS of California, Ms. TITUS, and Mr. LANCE.
H.R. 3943: Ms. ZOE LOFGREN of California.
H.R. 4090: Mr. SCHAUER.
H.R. 4150: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. PAUL, Ms. WATERS, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. GENE GREEN of Texas, Mr. REYES, Mr. CUELLAR, Mr. POE of Texas, Mr. GOHMERT, and Mr. SESSIONS.
H.R. 4196: Mr. MCNERNEY.
H.R. 4278: Ms. WOOLSEY and Mr. LARSON of Connecticut.
H.R. 4353: Mr. ANDREWS.
H.R. 4354: Ms. ROYBAL-ALLARD.
H.R. 4415: Mr. CARTER.
- H.R. 4440: Mr. KAGEN.
H.R. 4486: Mr. OLVER.
H.R. 4494: Mr. RUSH.
H.R. 4598: Mr. QUIGLEY.
H.R. 4603: Mr. CHAFFETZ and Mr. EHLERS.
H.R. 4610: Mr. HOLT.
H.R. 4647: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4653: Mr. PENCE.
H.R. 4684: Mr. KENNEDY and Mr. PASCRELL.
H.R. 4692: Mr. ARCURI.
H.R. 4720: Mr. HODES.
H.R. 4731: Mr. BURTON of Indiana.
H.R. 4732: Mr. MEEKS of New York.
H.R. 4733: Mr. GEORGE MILLER of California.
H.R. 4745: Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. BRADY of Pennsylvania, and Mr. KRATOVIL.
H.R. 4770: Mrs. LOWEY.
H.R. 4789: Ms. CASTOR of Florida, Mr. DELAHUNT, and Mr. WELCH.
H.R. 4794: Mr. ROGERS of Michigan and Mrs. SCHMIDT.
H.R. 4805: Ms. SUTTON.
H.R. 4812: Mr. ANDREWS, Ms. WATSON, Mr. CLYBURN, Mrs. CHRISTENSEN, Mr. CLEAVER, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. KUCINICH, Mr. BISHOP of New York, Ms. SCHAKOWSKY, and Mr. CUMMINGS.
H.R. 4825: Mr. CARNAHAN.
H.R. 4846: Mr. POLIS
H.J. Res. 80: Mr. LANGEVIN, Mr. MICHAUD, Ms. DELAURO, and Mr. BOOZMAN.
H. Con. Res. 252: Mr. KINGSTON, Mr. ROYCE, and Mr. SHULER.
- H. Con. Res. 253: Ms. SHEA-PORTER.
H. Res. 173: Mr. ANDREWS.
H. Res. 193: Mr. PRICE of Georgia.
H. Res. 407: Mr. MURPHY of New York.
H. Res. 764: Mr. POE of Texas and Mr. BILIRAKIS.
H. Res. 869: Mr. BILIRAKIS and Mrs. BIGGERT.
H. Res. 1053: Mr. SPACE, Mr. INSLEE, Ms. CASTOR of Florida, Ms. SUTTON, Ms. SCHWARTZ, Mr. SARBANES, Ms. MATSUI, Mr. TIM MURPHY of Pennsylvania, Mr. MURPHY of Connecticut, Ms. ESHOO, Mrs. BONO MACK, and Ms. HARMAN.
H. Res. 1075: Mr. BERRY.
H. Res. 1139: Mr. PENCE, Mr. BARTLETT, Ms. FALLIN, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. SHIMKUS, Mr. GINGREY of Georgia, Mr. MANZULLO, and Mr. LATTA.
H. Res. 1155: Mr. McCAUL, Ms. WATSON, and Mr. HIGGINS.
H. Res. 1157: Mr. SESTAK and Ms. WOOLSEY.
H. Res. 1171: Mr. KILDEE, Mr. MARKEY of Massachusetts, Mr. ISRAEL, Mr. HARE, Mr. BISHOP of New York, Mr. CAPUANO, Mr. CROWLEY, Mr. MCDERMOTT, Mr. OWENS, Mr. KING of New York, Mr. POLIS, Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. MURPHY of New York, and Mr. KAGEN.
H. Res. 1174: Mrs. McMORRIS RODGERS and Ms. TSONGAS.
H. Res. 1176: Mr. FLAKE.