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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPPS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 18, 2010.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Draw near, O Lord, our God. Graciously hear us. We know You as ultimately powerful, ultimately wise, and ultimately good. By Your power, we believe, our weakness is helped. By Your wisdom, our ignorance is corrected; and by Your goodness, our iniquity is washed away.

Turned to You in prayer and with expectations throughout this day, may both our intentions and our behavior give You glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentlewoman from California (Ms. HARMAN) come forward and lead the House in the Pledge of Allegiance.

Ms. HARMAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1789. An act to restore fairness to Federal cocaine sentencing.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

HEALTH CARE REFORM

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

Ms. HARMAN. Madam Speaker, in a few hours, the House leadership will finally introduce a rescission package on health care which will reduce our deficit over the next two decades to lower numbers than would either the House-passed or Senate-passed health bills. As a Blue Dog, I commend this.

But I stand here this morning specifically to say that information just released by the Energy and Commerce Committee, on which I serve, shows a very favorable impact on my district from the bill, which I intend to support.

I have received thousands of calls and emails from constituents. I will post this information on my Web site immediately after speaking this morning. But in a nutshell, the bill improves coverage for 427,000 of my constituents who already have health care. It gives tax credits and other assistance to up to 137,000 families and 15,100 small businesses. It improves Medicare coverage for 81,000 constituents by helping to close the doughnut hole. It extends coverage to 67,500 uninsured, guarantees coverage for people with preexisting conditions, and permits kids under 26 to stay on their parents' policies.

I ask my colleagues to support the bill.

HEALTH CARE TAKEOVER COSTS TOO MUCH

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

Mr. WILSON of South Carolina. Madam Speaker, as backroom deals and threats continue to force a health care takeover vote, the costs from the Congressional Budget Office have just been released of nearly $1 trillion. State leaders across the country have recognized that this takeover could bankrupt our great Nation.

Just yesterday, the State treasurer for Massachusetts, Tim Cahill, said, ''If President Obama and the Democrats repeat the mistakes of the health insurance mandate in Massachusetts on a national level, they will bankrupt this country within 4 years.''

Other State leaders have expressed great concerns about unfunded mandates. South Carolina is one of 36 legislatures considering barring individuals from being compelled to purchase health insurance. I applaud State leaders who are fighting Big Government mandates which the NFIB estimates will kill 1.6 million jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

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HEALTH CARE REFORM

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

Mr. HEINRICH. Madam Speaker, each of us faces a question about whose side we are on today. Will we continue to protect the insurance companies, or will we stand up for the American people? Protect the insurance companies, or stand up for people like Rebecca Gentry, small business owner, whose bottom line is suffering as the cost of health insurance for her employees continues to skyrocket.

Protect the insurance companies or stand up for people like Joseph Crumb, an educational assistant, who can't get health care coverage for his neck and back injuries because his insurance company said they were preexisting conditions.

Protect the insurance companies or stand up for people who are uninsured like Elise Perez-Alford, who will soon have only the emergency room to care for her seriously ill 2-year-old daughter because she can no longer afford the copayments.

The time has come for us to stand up for the American people and to hold the insurance companies accountable.

HEALTH CARE REFORM

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

Mr. BACA. Health care reform is needed now. Not tomorrow, not yesterday, but now.

After decades of working hard, the Hernandezes from my district now struggle to pay for prescription drugs with disability payments and unemployment checks. This is wrong.

With the fourth highest foreclosure in the Nation and 15 percent unemployment in my district, my constituents cannot wait any longer. We need health care reform now. Health care reform will lower the costs and hold health insurance companies accountable; provide new coverage for 31 million people; end discrimination based on preexisting conditions; close the doughnut hole for thousands of seniors; allow 75,000 young adults in my district under the age of 27 to stay under their parents' coverage; provide millions of dollars for funding for seven community centers in my district; cut the national deficit by a hundred-and-some billion over 10 years; and produce 4 million new jobs in the coming decade.

Health care reform is good for seniors, good for adults, good for women, good for families, good for America. Let's support health care reform now.

HEALTH CARE REFORM

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

Mr. SAM JOHNSON of Texas. You know, even while the President tours the country saying it's time for an up-or-down vote on health care, the Speaker is attempting to bypass a vote altogether. As Newt Gingrich said, This Congress has gone from voting on bills without reading them to passing bills without voting on them. That is unconscionable and unconstitutional.

It's time for an open and honest vote on health care.

Let's vote on how the bill cuts Medicare, let's vote on how the bill actually hikes health costs. Let's vote on how the bill uses taxpayer dollars to fund abortions.

But the Speaker can't do that. She's faced with the unfortunate inconvenience that some of her Members actually want to listen to their constituents and vote ''no.'' So now she intends to muscle through health care reform without an actual vote. That is just wrong.

I will say it again: Congress has gone from voting on bills without reading them to passing bills without voting on them. America deserves better.

HEALTH CARE REFORM

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

Ms. KILROY. Madam Speaker, I believe that a great strength of our democracy is in our First Amendment. It allows for the robust exchange of ideas and opinions. I welcome that. I want to hear what my constituents are thinking, what concerns they have, concerns about how health care will work for them. I want to listen to them discuss the lack of health care and how that affects their life, the high cost of health care and how they are coping with that.

I have held town halls, roundtables, small groups, over 20 meetings in my district over health care. And this week demonstrations for and against health care reform were held in front of my district office.

Unfortunately, some of those opposing health care reform went too far. Instead of making their arguments against the bill, they engaged in abusive language directed at one of my constituents who suffers the terrible ravages of Parkinson's disease. They treated him like a beggar. They threw dollar bills at him. They did not respect his humanity, did not respect his right to give his opinion on the health care bill. This type of protest goes too far. It has crossed a line.

The health care legislation is about respecting each other's rights as human beings. And when it comes to needed medical care, it should respect our rights as citizens to express our opinions.

HEALTH CARE REFORM

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

Mr. PENCE. This is a remarkable moment in the life of our Nation. After years of runaway Federal spending, deficits, debt, borrowing, bailouts, and takeover, against the opposition of a clear majority of the American people, the Democrats in Congress and in this administration are prepared to ram through a $1 trillion government takeover of health care. And it's just hard to believe.

Ignoring the will of the American people, twisting the rules of the House and the Senate into a pretzel, we're headed for a showdown this weekend.

But I've got to tell you, I like our chances. The reason House Democrats don't have the votes is because the American people know this is a government takeover of health care. Mandating that every American purchase health insurance, whether they want it or need it or not, passing hundreds of billions of dollars in job-killing tax increases, providing public funding for abortion, and setting into motion government-run insurance that will cause millions to lose the insurance they have is a government takeover of health care.

Let's have the debate. A minority in Congress plus the American people equals the majority. America, we can win this fight.

□ 1015

HEALTH CARE REFORM

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

Mrs. CAPPS. Mr. Speaker, I rise in recognition of March as Women's History Month. Throughout history, women have been at the forefront of our Nation's most important struggles; the abolition movement, support for people with disabilities, efforts to enact child labor laws, civil rights, and environmental causes, to name a few. And now we are again at the forefront of one of the most historic efforts of our time, the fight for affordable health care coverage.

It's not coincidence that we are finally making progress on health care reform with the first woman Speaker of the House at the helm, a woman in charge at the White House Office of Health Reform, as well as several Cabinet Secretaries.

Finally, with all due respect to our male colleagues, I believe it is very appropriate during Women's History Month that we pay special tribute to the women of the House as we continue fighting for the causes our mothers and grandmothers fought for before us. Together, we will continue to make history and will do so next with the passage of health care reform.

HEALTH CARE REFORM

(Mr. SMITH of Texas asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a true bipartisan health care bill would have included real lawsuit abuse reform that provides savings for the American people. The administration refuses to consider lawsuit abuse reform because they want to protect their political piggy bank, which is filled by trial lawyers. The legal industry contributed $43 million to President Obama's 2008 campaign. More than 78 percent of the money given to Congress by lawyers, mostly from trial lawyers, went to Democrats, almost $100 million.

By bankrolling Democratic politicians, trial lawyers have succeeded in preventing any lawsuit abuse reforms from becoming part of the health care legislation, despite the overwhelming support for lawsuit reform by a great majority of the American people.

HEALTH CARE REFORM

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

Ms. WOOLSEY. Mr. Speaker, the whole Nation desperately needs health care reform, but no group of Americans needs it more than women, women who face discrimination and insult at the hands of the broken status quo.

We all know that the current system allows insurance companies to deny coverage based on preexisting conditions, but I wonder how many of my colleagues realize that, essentially, being a woman is a preexisting condition. Pregnancy, for example, or C-sections can be deemed preexisting conditions. And most unbelievably of all, insurance companies can legally turn their backs on women who have suffered injuries due to domestic violence, because that, too, can be defined as a preexisting condition.

We should all be ashamed of a system that puts insurance company profits ahead of healthy American women. It's time for women to no longer be a preexisting condition. Pass the health care bill.

HEALTH CARE REFORM

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

Mr. BUCHANAN. Mr. Speaker, Speaker PELOSI recently said that we have to pass the health care bill so we can find out what's in it. I can tell you what's in it. It does nothing for cost.

I'm not a career politician. I have been in business for myself for 30 years and created thousands of jobs. Small businesses are dying. We need to bring down the cost of health care. Today it is $12,000 for a family of four. A recent study said it's going to take it to $28,000 for a family of four in the next 10 years. We are doing nothing about lowering the cost of health care. It's killing small businesses. It's killing jobs.

What also is in the bill, $740 billion in tax increases. Small businesses are going to be the ones that feel it the most. Most of them have pass-through income. It will be another big, job-killing opportunity for small businesses.

The third thing is that it really hurts seniors; $500 billion worth of real cuts, not just waste, fraud, and abuse. I have looked at the cuts. They are very serious cuts.

And now we have learned that the Speaker wants to pass the bill without actually taking a vote that will cover at-risk Members. No wonder the American people are fed up with Washington.

HEALTH CARE REFORM

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

Ms. CASTOR of Florida. My colleague from Florida, my good friend, is incorrect: health care reform is great news for small business owners and middle class families. For folks that already have insurance, there are important consumer protections. If you are paying your premiums and copays, these insurance companies will no longer be able to cancel you if you get sick. If you switch jobs, you will no longer be barred if you have a preexisting condition like asthma or diabetes. For parents, now your children will be able to stay on your policy until age 26, and we will ensure that the bulk of your payments and copays will actually go to health care rather than CEO salaries and bonuses.

My colleague is incorrect. Medicare will get stronger. Our parents, our grandparents, and our neighbors will see substantial improvements in their benefits. Not one benefit will be cut. Instead, we are going to pay Medicare doctors more to stay in Medicare. We are going to close the doughnut hole and make prescription drugs more affordable, and we are going to emphasize preventive care so they don't skip their checkups.

And for small businesses owners and families who don't have insurance, they will have a new shopping exchange and new tax credits to ensure you can afford your health care.

FALLEN MARINE LANCE CORPORAL ERIC LEVI WARD

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

Mr. REICHERT. Mr. Speaker, I am humbled and honored today to recognize the sacrifice of a fallen marine from my district, Lance Corporal Eric Levi Ward from Redmond, Washington, who was killed in Afghanistan on February 21.

Soon he will be buried at Arlington, the final resting place for those who so honorably sacrificed their lives for this country. When I talked to Eric's mom the other day, she said she understood her son's dedication to his country. She was a proud marine mom despite the sacrifice her family has made and the sense of loss and grief that they now bear.

It's important that we remember today that our country, the government, the people, our very way of life would not exist without those who sacrifice so willingly, who put on the uniform and sacrifice their lives, marines like Eric Ward, who gave their lives to honor our country to have freedom.

To Eric's family and to his friends, know that we will never forget Eric's sacrifice nor all those who have gone before him. His memory will live on, and we will continue to remember Eric's service to this country.

HEALTH CARE REFORM

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

Mr. CARNAHAN. Mr. Speaker, thousands of my constituents have shared their health care stories with me about America's broken health care system, like Christopher from St. Louis. He said, I stayed in a job that I hated for 5 years just for the insurance. Or like Stacy, also from St. Louis. Her grandmother died without preventive coverage 2 years ago, she said, leaving her grandfather broke due to medical debt and her family wondering why her medical problems couldn't have been detected sooner. She wrote, Please vote for health care reform for my grandmother.

Well, Stacy and the thousands of others that I represent, I want to tell you I will. The American people have had it with the partisan bickering here, and so have I. The folks who want to play partisan political games with your health care need to get out of the way. The insurance companies have made record profits during this economic recession and are sticking us with higher premiums all across the country.

Enough with the obstruction and the delay. This bill has already passed the House. A bill has already passed the Senate with a supermajority. It's time for every Member of this Congress to stand up and be counted, to have a final up-or-down vote. It's time to stand up for millions of Americans. I know where I stand. It's time for an up-or-down vote on health care now.

HEALTH CARE REFORM

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

Mr. GOHMERT. Mr. Speaker, I want to address some of the misstatements that have been made. I am also tired of the partisan bickering. I came in thinking that the Democrats who said, We want to work together, were serious.

We have been locked out of every single discussion except when the President came to preach to us, and he misrepresented it. Not intentionally, not lying, perhaps somebody who gave him the information was, but he wasn't. This bill that we're going to vote on starts with a lie. It says, This is an act that will modify first-time homebuyers credit in the case of members of the Armed Forces and other purposes. It started with deceit.

Telling people they are going to have insurance, man, if that's true, if we can save money by adding 30 million people to our rolls, we need to go insure everybody in China and then we will be done with the deficit. This bill is a disaster. Seventy-plus percent of the American people want us to throw it out and start over. Let's listen to the people.

HEALTH CARE REFORM

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, as we contemplate a historic vote to reform health care, I would like to emphasize how critically important this bill is to the women of this country. According to a report prepared by the Joint Economic Committee, which I chair, an estimated 64 million women in this country lack adequate health care; over one-quarter of our daughters between the ages of 19 and 24 lack health care, and women between the ages of 55 and 64 are particularly vulnerable. That's because so many women depend on their spouse's employer-based health care, and, all too often, they discover they are not age eligible for Medicare when their older husbands retire. A staggering 39 percent of all low-income women lack health care.

Ultimately, this is a vote about who we will be as a country. For our sisters, our daughters, and our mothers, yes, vote ''yes'' for them.

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, it occurs to me that one of the strangest things that happens on this floor is when you bring the gavel down and say, The time has expired, and then people keep on talking and then turn to you and they say, I yield back the balance of my time. That is sort of a metaphor for the problem here in Congress. When we announce a tax cut, we say we are giving something back to you as if we had the call on your money in the first instance.

It's just one of the fictions we deal with, such as the fiction that this bill isn't going to cost us any money, or the fiction that the American people don't know what's in the bill, or the fiction that the American people will love it once we pass it.

Let's remember August. It did occur. It's something that is a manifestation of the American people and how they feel. Let's not ignore the American people. Let's be the House of Representatives.

MOURNING THE PASSING OF ALEX CHILTON

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

Mr. COHEN. Madam Speaker, today I come before you with a heavy heart, for a friend of mine and a great friend of music in the world, and particularly from my hometown of Memphis, Tennessee, passed away last night. Alex Chilton, who was a rock-and-roller, who was an indie music alternative producer, songwriter, and guitarist, passed away. Alex Chilton, at age 16, had a number one hit with a group called the Box Tops, a song called ''The Letter.''

Gotta get a ticket for an airplane.

Ain't got time to catch a fast train.

Lonely days are gone. I'm a-going home.

My baby just wrote me a letter.

That was number one when he was 16. He went on with the Box Tops to do other songs.

And then he had a group called Big Star. Big Star wasn't well known. They did three albums. But ''Rolling Stone'' put all three albums in the top 500 albums ever produced in America, and two of his singles were among the top 500 singles ever done in America.

Alex Chilton was like so much in Memphis. He grew up at a time when Elvis Presley was our emissary to the world. He wanted to play music, and he did it, and he did it in his own way: independent, iconoclastic, innovative.

He never cared for the critics. He didn't have that much acclaim at the box office or in record sales, but he did with others. REM was a group that he influenced greatly, and the Replacements did a song called ''Alex Chilton.''

He was supposed to play at South By Southwest this week in Austin. They are mourning him. He was supposed to play in Memphis on May 15 with the reunion of Big Star at the Overton Park Shell. He won't do that.

His music will live on forever. He is an embodiment of Memphis music: hard, different, independent, brilliant, and beautiful. We are lucky he came our way.

He leaves a wife and a daughter.

□ 1030

HEALTH CARE REFORM

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

Ms. FOXX. Madam Speaker, the people of this country like to have simple truth; and the simple truth about the bill that we are probably going to vote on this week is that Americans are opposed to the health care bill. But the Democrats in charge of the Congress think they are smarter than the average American and are going to cram through this bill with tricks, and the people do not want it. It takes away individual freedom and puts the government in charge.

Even the President admitted at the Republican retreat that you would not be able to keep your health insurance if you like it, despite the fact that he had been saying that for months.

Even some Democrats don't like the Senate bill or didn't like the Senate bill that is what is going to be voted on. And the chair of the House Rules Committee said last year the Senate should, ''go back to the drawing board,'' and that the Senate bill, ''will do almost nothing to reform health care but will be a windfall for insurance companies.''

Vote ''no'' on this bill.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1190

Resolved, That it shall be in order at any time through the calendar day of March 21, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. Foxx). All time yielded during consideration of this rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1190.

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

There was no objection.

Mr. MCGOVERN. Madam Speaker, H. Res. 1190 authorizes the Speaker to entertain motions that the House suspend the rules at any time through the calendar day of Sunday, March 21, 2010.

This rule is necessary because under clause 1(a), rule XV, the Speaker may entertain motions to suspend rules only on Monday, Tuesday, or Wednesday of each week. The rule also provides that the Speaker shall consult

with the minority leader on the designation of any matter considered for suspension. In order for suspensions to be considered on other days, the Rules Committee must authorize consideration of these motions.

And I want to remind my colleagues that any legislation passed under suspension of the rules still must receive at least a two-thirds vote. This rule will help us move important bipartisan legislation before we recess for the upcoming district work period.

A list of suspension bills will be provided by the majority leader at the appropriate time. We expect a number of important bills to be considered. Additionally, we expect the Rules Committee to meet again to make several other rules in order.

Before I reserve my time, let me just state the obvious. We are waiting for the health care bill to ripen and be ready for floor consideration. While we wait, there is business that this House must attend to, and this rule helps us do that.

But let me be clear. We will vote on the health care bill in the next few days. We will do so with a publicly released CBO score that shows the health care bill does not increase the deficit; in fact, it reduces the deficit. And we will do so while allowing 72 hours for anyone who wants to read and analyze the bill before we vote on it, and we will do so knowing that we will insure 32 million people, 32 million people who currently lack health insurance today.

Madam Speaker, this rule simply allows the House to conduct business until that health care bill is ready to come to the floor for a final vote, a vote which I am confident will prevail.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I thank my colleague for yielding time.

Madam Speaker, we are on the cusp of voting on legislation to permit a Federal Government takeover of one-sixth of the Nation's economy.

This is the most significant piece of legislation in our generation. The American people get that, and they do not want this bill. They want health reform that makes sense and that will make health care more affordable and accessible.

When the chairwoman of the Rules Committee, Ms. SLAUGHTER, floated the proposed Slaughter solution last week, the outcry was immediate. You would think that my colleagues would take their title of ''Representative'' seriously and want to listen to the American people and have an open process. That is why I urge my colleagues to vote ''no'' on the previous question today, so that we can amend this rule to allow the House to consider H. Res. 1188.

This resolution, sponsored by Mr. GRIFFITH, will ensure an up-or-down vote on the Senate's health care takeover by preventing the Speaker from using the Slaughter solution to ram the Senate health care bill through the House, bypassing regular order. The American people do not want the Senate bill, and neither do most Members in this Chamber.

The American people deserve an open process and an up-or-down vote. Voting ''no'' on the previous question, Members will be on the record opposing the Slaughter solution and voting to allow for consideration of a remedy aimed at protecting against this attempt to ram through the Democrat plan to socialize medicine.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Ms. FOXX. I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, let me just state for the record that this has been an incredibly open process. And when I contrast it to the way my friends on the other side of the aisle handled a similar bill related to health care, and that was the prescription drug bill, I don't know what they are complaining about.

When they brought up the prescription drug bill, this is what it looked like, and it was given to the Rules Committee less than an hour before we were asked to vote on it, and then it was rushed to the floor a total of 27 hours between the time it was brought to the Rules Committee and the time Members were asked to vote on this bill. Contrast that to what we have done on this health insurance reform effort.

President Obama began with a health care summit at the beginning of 2009. Republicans and Democrats were invited and participated. Over the past year and a half, the House held nearly 100 hours of hearings and 83 hours of committee markups. We heard from 181 witnesses, both Democrat and Republican. Two hundred thirty-nine amendments were considered, 121 amendments were adopted. You know, this is the big lie that we are hearing from the other side that somehow this has been a closed process. The Rules Committee will convene on the health insurance reform bill with C–SPAN cameras present.

So this has been an incredibly open process. And I want to commend the Speaker of the House and the chairwoman of the Rules Committee for this open process, in contrast to the way they did their prescription drug bill, and just shoved it before the Rules Committee without anyone being able to read it. So I think that this has been an open process, and we stand by it.

But do you want to talk about process? Let's talk about the process by some of the big insurance companies in this country that routinely deny people coverage for the most silly reasons. They do it because they can.

In some States, Madam Speaker, believe it or not, insurance companies consider domestic violence as a preexisting condition. I mean, does anybody here think that is acceptable? And the gentlelady's home State of North Carolina, they are one of the States that still allow domestic violence against women to be used as an excuse to deny somebody health insurance. That is unconscionable, and the bill that we are talking about will fix that.

They were in charge for a lot of years, too many years, if you ask me. They drove this economy into a ditch. And during all that time, they did nothing, nothing, to deal with the rising cost of health insurance that families and small businesses face each and every day. They did nothing about the insurance companies denying people insurance because of preexisting conditions. They did nothing to deal with this issue that domestic violence in some States, including the State of North Carolina, can be used as a preexisting condition to deny somebody health care.

So we need to do what is right for the American people, and enough of the misinformation and enough of the lies and enough of the distortions. We need to do what the people want, and that is, fix this health insurance industry that we have in this country that, quite frankly, has denied millions and millions of people in this country insurance.

And even those who have insurance have found out as they have been wheeled to the operating room that their insurance didn't cover what they thought.

The time is now for reform, and we are going to do that.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, my colleague across the aisle talks about what the State of North Carolina does and does not do.

This insurance should be a State issue; it should not be a Federal issue. Maybe changes need to be made in the State of North Carolina, but that is up to the State of North Carolina. This is a Federal Government takeover, which is inappropriate.

Let me talk about the AARP and what they do about preexisting conditions, because our colleagues have put a special carve-out in this bill for the AARP. They deny access with preexisting conditions by imposing waiting periods on Medigap plans. They have a tremendous turn-down on preexisting conditions. Medicare turns down more people, twice as many people as the insurance companies do, and they want to put us all in Medicare-type plans. My colleague is a little disingenuous when he brings up selective situations like this.

I now would like to yield such time as he may consume to my distinguished colleague from California, the ranking member of the Rules Committee, Mr. DREIER.

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

Mr. DREIER. Madam Speaker, I thank my friend for yielding, and of course congratulate her on her fine management of this extraordinarily important rule because of what we are going to be doing when we deal with the previous question.

Now, before I get to that, I would like to engage in a colloquy, if I might, with my good friend from Worcester, and say that we have had this constant drumbeat of us versus them, class warfare. The Democrats are for the people; the Republicans are only for the insurance companies. I mean, we continue to hear that over and over and over again. So what I would like to do, Madam Speaker, is to disabuse my friend and others on the other side of the aisle and many people in the media who continue to put forth this argument by saying or making the charge that we have tried to do nothing to deal with this issue out there, and that is crazy. And, Madam Speaker, I would like to go through a few of the things that we have done that have been designed to bring the cost of health insurance down to make sure, to make sure that more Americans have access to quality health insurance.

Let's begin by something that I introduced, and I am happy to say we have put into law. I introduced it 23 years ago in 1987, the first bill to call for the establishment of medical savings accounts, which incentivize Americans to put more dollars aside to save for direct health care costs or health insurance costs.

The second thing that we have done, I am very proud of the work product of Medicare part D by ensuring that more seniors have access to affordable prescription drugs.

But, Madam Speaker, what I would like to do is talk about a couple of things that we have worked on and when we were in the majority that we passed through this House, but, unfortunately, were blocked by my friends on the other side of the aisle in the other body. Those two things are, number one, associated health plans.

Now, President Obama has said that he believes that the notion of allowing small businesses to come together to pool so that they can have the benefit of lower insurance rates is something that he finds somewhat appealing; and yet, when we passed that in this House, sent it to the other body, my colleagues on the other side of the aisle chose, unfortunately, to block that measure.

And what is it that has happened? Well, we have seen an increase in the number of people who don't have health insurance in this country because of the fact that Democrats in the other body chose to block our establishment of associated health plans so that small businesses out there can come together.

And the second issue, which, again, the President stood here in his address to the joint session of Congress, Madam Speaker, and talked about and he believed was important for us to utilize, and that is real lawsuit abuse reform.

Now, unfortunately, one of the reasons that we see this dramatic increase in health care costs is that—what has happened? Many doctors—and listen to this: Many doctors have to engage in what is described as defensive medicine. They have to constantly prescribe all kinds of tests which are unnecessary, but they do it for one reason, Madam Speaker, and that is they do it because they are afraid of being sued.

Now, Madam Speaker, in the last Republican Congress, in our attempt to bring the cost of health insurance down we passed out of this House real lawsuit abuse reform legislation. It was blocked in the other body by our Democratic colleagues.

So this notion that was put forward by my friend from Worcester that we somehow have done absolutely nothing to deal with the plight of those Americans who don't have access to quality health insurance is preposterous.

Now, Madam Speaker, we have heard about this issue of transparency, and disclosure, and accountability, and I listened to my friend from Worcester argue that we have had this great deal of transparency. Then I ask you, Madam Speaker, why is it that the American people are saying that we should start over and we should in fact have a process that is transparent and open?

□ 1045

Never before, never before in the history of the Republic have we seen the process that is being contemplated used on such a massive issue and on the signature issue of an administration. We all know that this is the signature issue that has been put forth, argued for more than a year; and now what we've had is the Speaker and the majority leader and the distinguished chairwoman of the House Committee on Rules say that it is acceptable for us to completely deny accountability, to avoid accountability, and to prevent Members from actually being responsible for the votes that they cast.

Well, Madam Speaker, the American people get it. No matter how diligently they work overtime in the back rooms in this Capitol to block any opportunity for transparency, the American people are able to see through what it is that they're doing. It's one of the great benefits of the new technology that exists today and the fact that there are Democrats as well as Republicans who are decrying this.

I joke with my friend from the Grandfather community that sometimes I watch some of the programs on television that may be a little left of center. And I'm proud to do that. I watch them with regularity. And I have listened to a number of their commentators who would in no way be considered supporters of the Republican vision that is out there actually say that it is wrong. It is wrong for Democrats to go down this road of self-executing this massive, massive bill. They're arguing for transparency and disclosure and accountability, and I believe that it makes a great deal of sense.

When we defeat the previous question—I hope, Madam Speaker, we will be able to do that—we will take the initiative that has been launched by our newest Republican colleague, PARKER GRIFFITH, who has come forward and offered a proposal to say that if we're going to debate this health care bill, we should have an up-or-down vote and we should have extended debate, because the process that's being contemplated right now, Madam Speaker, would not allow one single minute of debate on the floor of the people's House to debate the health care bill. The only thing that we would debate is 30 minutes on either side on the special rule that would come to the House floor.

And so, Madam Speaker, I urge my colleagues to vote ''no'' on the previous question. And when we do that, we will bring up and allow a vote on the Griffith proposal that will ensure that we will have an up-or-down vote on the health care issue and the kind of free-flowing debate that the American people deserve.

Mr. MCGOVERN. Give me a break. That somehow Republican ideas have helped anybody in this country dealing with the high cost of insurance, it's ridiculous. In California alone, 8 million people last year went without health insurance. That's about 25 percent of all Californians under the age of 65; 25 percent in California, where they have some of the strongest malpractice laws in place.

I mean, this is crazy. The fact is that people are struggling to pay for their health insurance. And people who pay for it ought to be able to get the insurance that they think they're going to get. We have a situation now where it's not just we have to worry about the uninsured; we have to worry about people with insurance who all of a sudden find themselves sick or a loved one sick and find for crazy reasons that they are somehow going to be denied coverage. This is the United States of America. We could do better. We can have the best for everybody. Why not?

At this point I'd like to yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank my colleague from the Rules Committee for yielding me some time. The beauty of sports—you know, we're entering into March Madness; we just witnessed the Olympics. When you get to sports, there's a scorecard. All the talk and all the bravado really doesn't matter. You kind of look at what the score is. And we had a Republican President, we had a Republican House, a Republican Senate for 6 years. And on the question of providing insurance to tens of millions of Americans who didn't have it, they did zero. On the question of reining in

insurance companies in terms of excess costs, they did zero. In terms of dealing with the practices of insurance companies taking away coverage on a preexisting condition, because they say pregnancy is a preexisting condition or acne or domestic violence, the Republican President and the majority in the House and the Senate for 6 years did zero.

Now we have a Democratic President and a Democratic House and a Democratic Senate. In less than 16 months, we have provided health care to over 10 million children, even against the tobacco lobby and all of our Republican colleagues, many of whom voted against it. We prevailed. We in this House voted to take away the antitrust exemptions from insurance companies. Within just a few hours, some 72 hours from almost this moment, we are going to provide over 32 million of our fellow citizens with health insurance coverage through a health care reform proposal. We're going to rein in the worst practices of insurance companies. We're going to eliminate lifetime caps and yearly caps. We're going to make sure that children with preexisting conditions can't be denied coverage, and then down the road, adults.

So we are moving to look now at the scorecard. All of the talk is wonderful. I heard my colleague say, Well, they've done this and they tried to do this. Whatever the Republican President and majority did over those 6 years is overwhelmed by what was left undone. And we have begun this work. We're going to finish this work. And we're going to make sure that in this country we join the rest of the industrialized world in providing insurance for all of our citizens. We began this fight, and we're prepared to vote about it in just some 72 hours, all of this talk notwithstanding.

Ms. FOXX. I want to say that, again, our colleagues across the aisle are in the business of picking winners and losers. They do love one insurance company. They love the AARP, which in 2008, from their financial statements, had royalty fees of $414 million. Pure profit on their bottom line. I raised this issue with Mr. RANGEL when he was at the Rules Committee before, because I am very concerned about the way AARP is being represented to the people. Their profits have skyrocketed in recent years, jumping 31 percent just from 2007 to 2008. So we find, again, that they want to pick the winners and losers instead of allowing individuals in this country to make their decisions on what they should be doing.

I'd like now to yield 2 minutes to my distinguished colleague, the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank Ms. FOXX for yielding. I want to ask three questions of my Democratic colleagues: Are you so arrogant that you know what's best for the American people? Are you so ignorant to be oblivious to the wishes of the American people? Three-fourths of America does not want this bill. Are you so incompetent that you ignore the Constitution; that you have to use tricks and deception to ram down the throats of the American people something that they absolutely do not want?

I hope and pray and I call upon the American people to speak louder, and I hope and pray that our Democratic colleagues will listen to the American people, listen to their constituents, and stop this government takeover of health care. I hope you will listen to President Obama when he says that the American people deserve an up-or-down vote.

I hope that I can encourage my Democratic colleagues to defeat this previous question so that Democrats and Republicans can work together, so that we can find some commonsense solutions to literally lower the cost of health care, so government doesn't take over the health care system that's going to drive a million people out of work, that's going to run the cost of everybody's health insurance up, if they have private insurance. It's going to destroy the private health insurance system. As a medical doctor, I'm not a proponent of the health insurance system. But please listen to the American people. Let's defeat this PQ and let's work together to find some commonsense solutions. This is in the best interest of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Georgia and all Members are reminded to direct their remarks to the Chair.

Mr. MCGOVERN. I think the gentleman from Georgia nicely summed up the tone of the opposition. They'd rather engage in name-calling than at finding solutions. Grand Old Party, indeed.

Let me tell you what I think incompetence and ignorance is, Madam Speaker. That's allowing 46 million Americans to go without health insurance. It's putting profits over patients. It's allowing insurance companies to discriminate for preexisting conditions. We can do better. This is the United States of America. We can do better for our people.

At this time I'd like to yield 3 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my colleague. You know, it's fascinating to have been engaged in this discussion for the better part of a year now as we talk about the things that we know the American people are demanding. They want us to act. They want us to act now in a comprehensive way to solve some of the problems facing the delivery of health care in this country.

We know because we've seen polls, just as our colleagues on the other side have seen, that when you ask the American people do they want competition and choice in their health care insurance system, they say, by margins approaching 75 or 80 percent, Yes, we do. Do they want an end to the insurance practices of ending prejudice, discrimination because of preexisting conditions; by overwhelming margins, they say, Yes, we do. When we say, Do you want protection against having your insurance canceled just because you happen to get sick, they say, by overwhelming margins, Yes, we do. When you work through all of the elements of the legislation we're considering and will approve this weekend, the American people overwhelmingly say, Yes, we want that.

I know our colleagues like to throw out these national poll numbers now and say, Well, these polls show that—now it's about 50–50—but the American people really don't want this. Well, there's one poll recently that asked those people who said they were against President Obama's reform plan, the congressional plan, they said, How many of you who say you're against it are against because it doesn't go far enough? And nearly 40 percent of those said, That's why we're against it. And that's kind of what I've been hearing in my district. Just like the shop owner I spoke to over Christmas who said, You know, I'm against what you're doing. I said, Really, why is that? She said, Because I have diabetes and I can't wait until 2014 to get the help I need. Is she against reform? Not on your life. Not on her life either. She wants reform. She wants it faster and she wants more of it.

And that's what I'm hearing all over in my community. I don't know what is going on in some of our Republicans' communities, but what I hear by overwhelming margins, people say, Do it. Do it now. We are desperate.

And you know what's interesting? As we've gone through this debate, and my friend Mr. DREIER was down here just a few minutes ago talking about how much they did when they were in control of Congress, well, they say they were for having insurance companies being able to sell insurance across State lines. Did they do anything when they had control of the Congress for 12 years? Did they make that possible? No. They say they're for ending preexisting conditions. Did they do anything about that? No. How about the rescission issue? Did they do anything about that? No. Yes, they passed the prescription drug plan. For some people, that's working out very well. For those who are in the doughnut hole, that middle portion where they pay 100 percent of the cost, it's not working out very well.

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

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. YARMUTH. Did they do anything about that? Yes, they did. They passed the bill, but they didn't pay for it. And now the CBO says that's going to add $8 trillion to our debt.

□ 1100

So while the Republicans say they've been concerned about solving America's health care problems, they really

haven't done anything about it. And the one thing that sticks with me throughout this entire debate, 1 year long, nobody on the Republican side has ever said in any discussion that they had any interest in insuring the uninsured. Those 47 million people, many of whom are going bankrupt, some of whom are dying, 18,000 a year are dying, almost a million a year are going bankrupt, did they say anything about insuring the uninsured? Not a word.

So we're committed to providing the health care system America needs, wants, and demands. We're going to do it this weekend. And as I said before, this will be the proudest vote I ever cast on the floor of the House of Representatives.

Ms. FOXX. Madam Speaker, I want to say to my colleague from Kentucky, even his own President has said that Americans will not have competition and choice in terms of what they are able to keep. He said that people will not be able to keep the insurance plans they like under this plan. So I wanted to make a correction of that.

With that, I yield 2 minutes to my distinguished colleague from South Carolina and the next Governor of South Carolina, Mr. BARRETT.

Mr. BARRETT of South Carolina. I thank the gentlewoman for yielding.

Madam Speaker, I urge Members to vote ''no'' on the previous question so the rule can be amended and the House can consider H. Res. 1188. If passed, this bill will ensure a straightforward up-or-down vote on the Senate-passed health care bill.

From the moment this bill was introduced, Madam Speaker, this government takeover of health care has been on life support, kept alive only by closed-door processes and sweetheart deals. Over the past several months, I have spent a tremendous amount of time in South Carolina talking to folks about health care, and, quite frankly, the American people are tired of the games, the gimmicks, and they've been tired of us trying to muscle this bill through the legislative process. It's time we pull the plug on all these secretive schemes, Madam Speaker.

The cure is real and true transparency. The American people deserve an honest debate and an open vote by Congress on this legislation. Therefore, I urge all of my colleagues to vote ''no'' on the previous question. Madam Speaker, let's give the American people a true up-or-down vote on this legislation.

Mr. MCGOVERN. Madam Speaker, can I inquire how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 16 minutes remaining. The gentlewoman from North Carolina has 15 minutes remaining.

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

I want to make something clear, and that is the President has said over and over and over again that if you like what you have in terms of your insurance, you can keep it. No matter what my friends on the other side say, no matter how much they don't like the fact that people can keep their own insurance—and the President has assured that over and over again—no matter what you say, the facts are the facts, and that is a fact.

The other facts are: what will health insurance reform do starting the first day it becomes law? On day one, on day one annual caps on coverage would be eliminated. On day one, rescissions, the practice of dumping people even if they have paid their premiums, would be eliminated. On day one, preexisting conditions, exclusions for children would be eliminated, and, over time, all preexisting condition exclusions would be eliminated. On day one, parents would be allowed to carry their children on their health insurance policy until their 26th birthday. On day one, a down payment toward completely closing the doughnut hole for seniors would be met with a $250 rebate for those in Medicare part D.

This is all what will happen on day one when we pass it. These things here are important to the American people. These are the things that when they were in charge, they didn't have time to do. We had to do tax cuts for people who were wealthy. We had to give corporations more tax cuts and more subsidies. Well, the time has come for us to care about the American people and do something for the American people, and this is it.

I reserve the balance of my time.

Ms. FOXX. Would the gentleman yield for a question?

Mr. MCGOVERN. On your time, I will.

Ms. FOXX. Let me say, Madam Speaker, that the gentleman obviously did not pay attention to what the President said at the Republican retreat, because he said he had made a mistake in saying that people could keep their insurance plans if they liked them, that a few stray cats and dogs had gotten into the Senate bill. And what I wanted to ask my colleague is: Can he guarantee the American people that, in the Senate bill that they are going to vote on under a trick being used by the Rules Committee, that the American people will be able to keep their insurance plan if they like it? Because the President has said that isn't the case, and I think it's really important that we get that said here.

With that, I yield 3 minutes to my colleague from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I do appreciate my friend across the aisle earlier saying that all lies and distortion must stop, and I am glad that he has finally agreed with us on that proposition. It is important, because, for one thing, people have been misled about what this bill does and doesn't do. I heard one of my friends across the aisle yesterday saying, Gee, great news. I've got 25 names of religious leaders who are pro-life who have now taken a look, and they've said this is okay.

As a pro-life person, I don't believe this changes existing law. They look at page 119, and they see under subparagraph capital B, little I: Abortions for which public funding is prohibited. The services described in this clause are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is not permitted, and based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.

So they look at that and say, Oh, okay, that doesn't change existing law. That's great. And they don't look over to page 124 that says, Under this bill you have to provide insurance policies that will actually cover—it says here—there is at least one plan that provides coverage of services described in clause little I of subparagraph B. That's the one that says you can't use Federal funds to pay for abortion. And a few pages over it says you have to provide these policies that will fund abortions from the paragraph we said we won't fund. That's the kind of gamesmanship that's in here, and people will suffer as a result. That's just a small example.

Now we hear over and over that you guys are killing people by not letting them have this plan that we've got for them. Well, we heard the President say in 2007, Gee, the first step will be—this bill is actually what we're talking about passing here. That will be the first step, and then there will be the transition basically into full socialized medicine.

He said Canada had to start with this kind of bill and then go to the full socialized medicine. Well, let's look at what they did. Here you find out that if you want to die quicker from cancer than any other country, don't come to the United States because you'll live longer here. Folks, that's just not right.

I have a bill that does the things that we're talking about, and Newt Gingrich told me back in June, Man, that will revolutionize the discussion of health care. I've been trying since June to get that scored, and I can't get it scored. I'm shut out. Oh, yeah, they're objective. They'll snap their fingers. They'll get you a CBO score the next day, but not for this Republican, even with the support of all the people they said I needed to get it scored. Let's get fair for a change.

Mr. MCGOVERN. Madam Speaker, gamesmanship my foot. There is no Federal money in this bill for abortion. The Hyde amendment applies to this bill. That's the law of the land. To get up here and to try to——

No, I will not yield on that. There is enough misinformation being said on this floor. I will not yield.

And, Madam Speaker, in terms of scores, let me read the CBO score today from how it appeared in Roll Call. ''An analysis of the Democratic health care

overhaul by the Congressional Budget Office shows it would cost $940 billion over a decade and expand insurance to 32 million people. The package also will slice the deficit by $130 billion in the first decade and a whopping $1.2 trillion in the second,' a House Democratic leadership aide said Thursday. 'The CBO report, which will soon be published, will show that the plan cuts the growth of Medicare costs by 1.4 percent per year while eliminating the doughnut hole. Those cuts would extend the solvency of Medicare for at least an additional 9 years.' ''

If you want to talk about scores, that's one of the scores here. This bill will not only insure 32 million people, it will cut our deficit, which is something that everybody says they want to do. So let's stick to what's real here.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I think the thing that my colleague across the aisle fails to mention when he talks about the deficit is that, in order to do that, they raise taxes, and that's something they always leave out. They're never real about that.

I yield an additional 30 seconds to my colleague from Texas.

Mr. GOHMERT. I appreciate my colleague saying there is no money in here for abortion because the Henry Hyde amendment doesn't allow it. He is correct with regard to the appropriations through Labor and HHS. That's all the Hyde amendment applies to. It doesn't apply to the trillions of dollars that are appropriated in this bill around Labor-HHS. That is money the Hyde amendment doesn't apply to. My colleague asked us to get real. That's as real as you get. There's money that goes around the Hyde amendment.

Mr. MCGOVERN. I yield myself 30 seconds.

Again, just to reiterate that there are no Federal funds in this bill to cover abortion, there was an amendment in the Senate by Senator NELSON which made that clear. It is crystal clear. There should be no debate about it, and anybody here on the floor who is saying that somehow it does is just plain wrong.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 2 minutes to my distinguished colleague from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentlewoman from North Carolina for yielding.

You know, here we're talking, and this is about the only opportunity we're going to have for real debate on this because Speaker PELOSI and her liberal lieutenants have decided that they're going to try to ram this down the throats of the American people without even having an actual vote on the House floor, which, of course, violates Article I, section 7 of the Constitution. There are a tremendous number of constitutional questions about the bill, but they keep talking about how good their bill is.

Let's just look at their credibility on this issue. Of course when Speaker PELOSI got the gavel in 2006 and became Speaker, she said, The Democrats intend to lead the most honest, most open, and most ethical Congress in history. Well, let's review the record. Of course, just a few weeks ago, Speaker PELOSI says, But we have to pass the bill so that you can find out what is in it. They don't even know what's in the bill. They won't even release the CBO score. There are rumors flying around. There are all these backdoor secret negotiations. They said all of this would be on C–SPAN. The President said it eight times. They're meeting behind closed doors this very minute cutting more sweetheart deals, and no C–SPAN cameras. They threw the public out of those hearings. They broke that pledge multiple times.

Now let's look at the latest on this Slaughter rule. Speaker PELOSI just said this the other day, But I like it because people don't have to vote on the Senate bill.

Now, do they really think the people of this country are stupid? Of course the people know what's going on. The people are watching this closely, and the people will not be fooled by this abomination of the process. But if their bill really was so good, why are they doing all of this behind closed doors?

They broke every promise they made along the way, but yet they want you to believe, Don't worry. It's still going to work out the way we want it. If you like what you have, you can keep it. We've seen multiple times where the President has said that, and that turned out not to be accurate. We know now—and it has been confirmed—that you will lose health care you have that you like under their bill. We have seen on abortion language, they keep saying even to this minute, Don't worry; no taxpayer funding for abortion.

Now, are you going to believe folks that broke every promise or are you going to believe the Catholic bishops and National Right to Life who confirm there is taxpayer funding for abortion?

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

Ms. FOXX. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. SCALISE. I thank the gentlewoman.

I will finish it up with this. Are you going to believe the people who have broken every other promise they have made about the bill or are you going to believe the Catholic bishops and National Right to Life who said this would be a career-defining pro-abortion vote? That was National Right to Life. Do you believe them or do you believe the folks who broke every other promise and are meeting behind closed doors right now, cutting more sweetheart deals that they don't want anybody to see?

If their bill was so good, why are they trying to pass it without an actual vote? Because they know the American people are sick and tired of this proposal to have a government takeover of health care, and they don't want it. The public will be heard on this issue. We need to defeat this bill.

Mr. MCGOVERN. Madam Speaker, I don't know how to respond to that tirade. Let me just say this. The reason why this bill is good is because it insures 32 million people right now in this country who don't have insurance. The reason why this bill is good is it's going to ultimately contain the costs that average families and small businesses have to deal with right now with the rising cost of health care. The reason why this bill is good is it prohibits insurance companies from discriminating against people with preexisting conditions.

We have heard story after story where people were denied insurance because their preexisting condition was acne. I mean, we have heard stories where insurance companies have cut people off from insurance because their weight was wrong on the application. I mean, we have heard stories where women have been denied insurance because their preexisting condition was they were a victim of domestic violence. I mean, give me a break. We are supposed to be the greatest deliberative body in this country. We should be talking about how we solve these problems, not all these rhetorical flourishes that are just misinformation, blatant misinformation.

□ 1115

Enough. Let's get down to what matters, and that is doing something for the American people.

I know it may not be convenient for your elections in November. I know, you know, you're all trying to figure out how do you deny President Obama any victory. How do we obstruct the process? You here in this House, your friends over in the Senate who used the filibuster over and over and over again.

People are sick of that. People want us to help deal with this issue that, quite frankly, is becoming an issue that they can not handle because the costs are going up and up and up. Small businesses aren't hiring people because their health insurance costs are going up. Average families are going bankrupt when someone gets sick. So let's do the right thing.

I reserve my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to others in the second person.

Ms. FOXX. Madam Speaker, I find it so interesting that our colleagues across the aisle talk about the problems with the filibuster in the Senate. But that is exactly why bills could not

get passed that Republicans in the House passed but couldn't get them passed in the Senate because Democrats filibustered.

And about misinformation, there probably has never been a bill that has been more misrepresented to the American people than what is going on here in terms of this bill. And I do think the American people understand the truth, and they're going to act on the truth later on this year. They're doing it now. They're telling them, don't vote on it. But they feel obliged to do it.

I want to say that while my colleague across the aisle keeps ranting and raving about corporate profits for insurance companies, he doesn't say a word about the corporate profits for the Big Pharma companies. And yet, these are, they are wholly-owned subsidiaries of the Big Pharma companies.

Of all the single industry lobbies in Washington, the largest is the Pharmaceutical Research and Manufacturers of America. PhRMA sent $26.2 million on lobbying last year. That's nearly three times as much as the insurance lobby, which spent only $8.9 million.

And let's talk about profits. Drugmakers' combined profit margin last year—this is from an article of The Examiner from March 17, 2010, yesterday—profit margin was 22.2 percent, compared with the insurers' 4.4 percent. Drugmaker Merck's net income, $12.9 billion, exceeds that of the 10 largest insurers combined. And I can go on and on. Madam Speaker, I'd like to put this article in the RECORD.

And the reason they don't talk about Big Pharma and the drug industry is because Big Pharma helped write this bill, because it protects them. They know that they are going to get a windfall out of this bill, and they, again, our colleagues across the aisle, are wholly owned subsidiaries of them.

Madam Speaker, our colleague, my colleague from Louisiana, brought up a very, very important point that I think needs to be mentioned again and again. What Chairwoman SLAUGHTER has proposed, and what will be done here, is to use a rule providing for consideration of both the Senate and reconciliation bills to deem the Senate bill passed, avoiding the political problem that stems from taking a true up-or-down vote on the horribly unpopular legislation.

If this legislation is doing so much good for the American people, then our colleagues should be proud to be voting for this in an up-or-down vote. They keep saying it, but you know, saying it doesn't make it so.

Even though, again, Speaker PELOSI said on page 23 of her ''New Directions for America'' document issued in the 109th Congress that ''Every person in America has a right to have his or her voice heard. No Member of Congress should be silenced on the floor.'' Then on page 24 she states that ''Bills should come to the floor under a procedure that allows open, full and fair debate, and Members should have at least 24 hours''—later expanded to 72 hours—''to examine the bill text prior to floor consideration.''

Yet, as Mr. SCALISE has said, all we've seen are broken promises. And now, Speaker PELOSI is advocating parliamentary trickery to avoid an up-or-down vote on the Senate health care bill. And he quoted her as saying, ''This is a great way to do it because it avoids an up-or-down vote.''

This is not what the American people sent us here for. They didn't send us here to undermine the rule of law and to do things with tricks. They know this is the wrong thing to do. That's why they have been jamming the phones and telling our colleagues, vote ''no.''

[From the Examiner, Mar. 17, 2010]

DEMS TAP DRUG MAKER MILLIONS FOR PHRMA-FRIENDLY BILL

(By Timothy P. Carney)

As they whip for the health care bill, Democratic leaders pack a mean one-two punch of populist rhetoric and the hefty financial backing of the drug industry.

In the heated yearlong health fight, President Obama has often accused his opponents of willful misrepresentation, even as he and his allies have endlessly repeated the biggest whopper of all—that the bill would rein in the special interests.

The Obama team regularly dismisses opponents as industry lackeys. The Democratic National Committee blasted out e-mails this week warning that ''for every member of Congress, there are eight anti-reform lobbyists swarming Capitol Hill'' and ''Congress is under attack from insurance lobbyists.''

But drug industry lobbyists, according to Politico, spent the weekend ''huddled with Democratic staffers'' who needed the drug lobby to ''sign off'' on proposals before moving ahead. Meanwhile, we learn that the drug lobby is buying millions of dollars of ads in 43 districts where a Democratic candidate stands to suffer for supporting the bill. The doctors' lobby and the hospitals' lobby are also on board with the Senate bill.

So the battle at this point is not reformers versus industry, as Obama would have you believe. Rather, it is a battle between most of the health care industry and the insurance companies.

(And the insurers are not opposed to the whole package. On the bill's central planks—limits on price discrimination, outlawing exclusions for pre-existing conditions, a mandate that employers insure their workers and a mandate that everyone hold insurance—insurers are on board. They object mostly that the penalty is too small for violating the individual mandate.)

Pharmaceuticals are a far more entrenched special interest than the insurers.

Of all the single-industry lobbies in Washington, the largest is the Pharmaceutical Researchers and Manufacturers of America. PhRMA spent $26.2 million on lobbying last year—that's nearly three times as much as the insurance lobby, America's Health Insurance Plans, which spent $8.9 million.

If you include individual companies' lobbying pharmaceuticals blow away the competition, beating all other industries by 50 percent, according to data at the Center for Responsive Politics.

Given this Big Pharma clout, it's unsurprising that the bill Obama's whipping for—Senate bill—has nearly everything the drug companies wanted; prohibiting reimportation of drugs, preserving Medicare's overpayment for drugs, lengthy exclusivity for biotech drugs, a mandate that states subsidize drugs under Medicaid, hundreds of billions in subsidies for drugs, and more.

PhRMA chief Billy Tauzin, who was vilified by Obama on the campaign trail, worked out much of this sweetheart deal in a West Wing meeting with White House Chief of Staff Rahm Emanuel. Tauzin visited the White House at least 11 times. He left his imprint so deeply on the current bill that it should probably be called BillyCare rather than ObamaCare.

Recall that pharmaceutical executives and political action committees dug deep trying to save the flailing candidacy of Democrat Martha Coakley in Massachusetts—a race that was explicitly a referendum on health care. She took in more than 10 times as much drug company cash as Republican Scott Brown.

This week, PhRMA, through a front group called Americans for Stable Quality Care, is rolling out millions of dollars in advertisements for the Democrats' jury-rigged package consisting of the BillyCare bill and some as-yet-undetermined ''budget reconciliation'' measure. The ads reportedly will target wavering Democrats.

But supporters of BillyCare will continue to attack opponents as shills for insurance companies, demonizing, as Obama puts it, ''those who profit from the status quo.''

Let's look at those profits. Drug makers' combined profit margin last year was 22.2 percent, compared with insurers' 4.4 percent. Drug maker Merck's net income, $12.9 billion, exceeds that of the 10 largest insurers combined.

Pfizer, which netted $8.64 billion last year, gave its CEO, Jeff Kindler, a 12.5 percent salary increase, bringing his compensation to $14.9 million. Pfizer, in a federal filing, attributed the raise partly to Kindler's work ''developing and advancing U.S. and global public policies that serve the overall interests of our Company,'' including his ''constructive participation in the U.S. legislative process.'' Kindler contributed the maximum to Obama's election, and Obama raised more money from the drug industry than any candidate in history.

On this bill, Republicans side with insurers, and Democrats mostly side with the richer and more powerful drug makers. The difference: Republicans didn't cut a backroom deal with the insurers. Obama will still play the populist card, even as the drug lobby is his ace in the hole.

Madam Speaker, I am going to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, let me just yield myself 30 seconds to remind my colleagues that there's a cost to doing nothing. There's a cost to embracing the status quo, as my Republican colleagues have suggested. For middle-income families alone, the number of uninsured people in this income group would increase by 7.3 million people. That's in the middle-income categories. Is that the direction we want to go? To force millions and millions of more people into the ranks of the uninsured, which will ultimately add to our deficit and to our debt? I don't think so.

Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this rule, and for his unequivocal call for being realistic about

some of the outrageous things that we've heard on the floor.

I just heard my friend from Texas talk about demonizing the Canadian system and calling it socialized medicine. It's really kind of ironic. First of all, Canada has basically Medicare for all. It is a government-funded insurance program, but Canadians pick who they want to be their doctor, just like Americans who are on Medicare pick their doctor. And I would say, frankly, that most Americans would be happy with the overall outcome of the Canadian health care system. They pay less, they get sick less often. When they do get sick, they get well faster, and they live longer than Americans.

The sad truth is that our nonsystem of health care, which is very good for veterans, it's pretty good for senior citizens, but for other Americans, particularly the uninsured now approaching 50 million, it's a problem. And increasingly, if we don't do something, the increasing premiums that we're seeing for private insurance, higher copays, higher deductibles, and coverage that is getting skinnier and skinnier puts us on a path that is disastrous for American families.

I hope that we'll be able to come forward, move past some of the outrageous rhetoric and the falsehoods, to look at the facts. Americans have, if they can afford it, some of the best health care in the world.

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

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. For those who can afford it, they have some of the best health care in the world. But Americans, overall, by any objective measure of performance, like life expectancy, or how soon babies die, we don't perform very well.

And increasingly, the pressure on small business to deal with the failing system, what's happening on families who are having more and more insurance bureaucrats trying to prevent them from getting coverage, is a prescription for disaster. That's why this year there will be more than 1,000 people that I represent who will go bankrupt from medical costs, and most of them have insurance.

Madam Speaker, that doesn't happen anywhere else in the world. And if we're able to move forward with this health care reform, it will no longer happen in the United States.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, at this time I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Madam Speaker, I think it is so important for us to move forward and not be derailed in our efforts to reform what is important policy in this country. Health care, obviously, is something that needs to be provided in terms of insurance to our working families out there. We know the impact of delay and the impact of no reforms. Status quo simply does not cut it. We cannot afford to allow our families to continue with such gross injustice.

Obviously, the increase projected, $1,800 per year for family plans, is a train wreck waiting to happen. Today the average of some $13,000 for family plans would grow in the next decade to some $31,000. Which small business out there could afford to pay that or even a fraction of that for its employees?

We know that what we're trying to maintain here is an employee-based health care insurance system. Well, the employer-based system needs some sort of relief. We need to know that there are assurances for containing those costs, for making certain that into the future we'll have a safety net for our working families and for our business community. In the measure we're advancing there is assistance for small businesses. It's providing them the opportunity to make this sharing affordable.

We know that the benefits that come with reducing the deficit with our bill, having been scored by CBO, is looking at $130 billion for the first 10 years and some $1.2 trillion into the next 10 years. This is progress. This is a step in the right direction.

We also know of the reforms where those who are denied, for whatever bias—for gender, for preexisting conditions, for acne, almost a laughable concept, but used to deny people. Toddlers who are denied because of overweight, individuals who have perhaps been violated, sexually violated, or domestic violence, have been denied. These reforms are essential, and let's do them now.

Ms. FOXX. Madam Speaker, I'd like to yield 1 minute to my colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, you know, it's often said around this place that nobody cares about process. It's only the substance of the policy. But the process lends itself to the substance. And bad process equals bad policy, especially when it's done over and over again.

Now we've seen over the past couple of years a shrinking of the ability of the minority party to actually come to the floor, offer the amendments it would like to offer, actually have an impact on the policy debate. Now, that's process. But it has an impact on the policy.

Over time, if a majority simply asserts its rights under the House rules to minimize debate or to have a vote without having a vote, to deem something through, if you do that kind of thing continually, you're going to get a bad product. And I would suggest that the health care reform bill that we will vote on, maybe, or we will deem later this weekend, is a bad product, and it's partly because of a flawed process.

Mr. MCGOVERN. Madam Speaker, I yield myself 10 seconds. You want to talk about process? Over the past year and a half the House held nearly 100 hours of hearings. In 83 hours of committee markups we heard from 181 witnesses, both Democrat and Republican. Two hundred thirty-nine amendments were considered, and 121 were adopted. I think that's a pretty good process.

I reserve my time.

Ms. FOXX. Madam Speaker, I continue to reserve.

Mr. MCGOVERN. Madam Speaker, I'm the final speaker, so I would yield to the gentlelady to give her closing, and I'll reserve my time.

Ms. FOXX. Madam Speaker, I want to say that what my colleague from Massachusetts just said about all those hours of hearings, it was a totally different bill. No hearings have been held on this bill; a totally different bill. That isn't the way we work around here.

What they're asking people not to vote on is a bill that came from the Senate. It isn't the House bill. So let's, again, get real here and let's talk about what we should be talking about.

You know, my colleagues across the aisle were against the Senate bill before they were for the bill, and I would like to quote my distinguished colleague who is the Chair of the Rules Committee when she said on December 23, 2009, ''Under the Senate bill, millions of Americans will be forced into private insurance plans which will be subsidized by taxpayers. That alternative will do almost nothing to reform health care, but will be a windfall for insurance companies.'' She went on to then say ''The Senate has ended up with a bill that isn't worthy of its support. Supporters of the weak Senate bill say, just pass it. Any bill is better than no bill. I strongly disagree.''

□ 1130

Now that very same person has done everything possible to get this bill passed in this House so that it will become law. It is no wonder that the majority is considering procedural tricks and sleight of hand, because the bill that they are proposing to pass doesn't provide true health care reform. And the process doesn't pass the sniff test.

Republicans will never accept the status quo for health care. We can do better. We need to have a bill that will lower the cost of health care in America. But you do not lower the cost of health care by creating new government-run programs. We can lower the cost by putting patients, average, everyday Americans in charge of their health care, not insurance companies and not the government. Lower costs will result from putting patients in charge of their health care through innovations like expanded health savings accounts and by making sure that trial lawyers are not driving up the cost of health care with a blizzard of frivolous lawsuits.

We should be revitalizing America's economy and promoting economic freedom. The nonpartisan Congressional Budget Office estimates that the Republican plan will reduce the deficit by $68 billion.

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

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

My friends on the other side of the aisle would have you believe that there won't be a vote on health care in the next few days. Nothing could be further from the truth. My friends on the other side of the aisle are very good at making things up.

Let me be clear: This House will vote to move the Senate bill forward. The process will work. The President will have a bill to sign and the Senate will have a set of corrections and improvements to the bill, much of what we have done here in this Congress. We will have corrections and improvements to the bill that President Obama will sign into law. This idea that the House will not vote on the health care bill is simply not true. It is I guess a good smoke screen, but it is simply not true.

Madam Speaker, our friends are using this previous question to hide the fact that they simply do not want to improve the health care system, that they prefer to leave 32 million people uninsured. Because that is what will happen if we do nothing. And that they are happy to have skyrocketing insurance premiums and health care costs drive our country into further economic distress.

No one in this Chamber, no Member of Congress has to worry about their health insurance. Why can't the American people have the same plan and the same choices and the same assurances as us? Why do my Republican friends think that somehow we should have some sort of special privilege? You know, if it is good enough for us, the American people ought to have the same thing. And that is what this bill would do.

For political purposes, Republicans have been against this important reform from the start. Remember, it was Senator JIM DEMINT, a Republican, who said that Republicans must oppose this plan at all costs, and that its defeat will be President Obama's, quote, ''Waterloo.'' The debate and votes that we are going to have are simple. You are either on the side of the patients or on the side of the big insurance companies. You are either on the side of people who no longer want insurance companies to discriminate against them because of preexisting conditions or you are on the side of the status quo and the special interests.

Let me close with one example. Eight States, including North Carolina and the District of Columbia, do not have laws that specifically bar insurance companies from using domestic violence as a preexisting condition to deny health coverage. Now, just think about that for a minute. In 2010 in the United States of America a woman can be denied health care because she has gotten beat up by a husband or a boyfriend. That is wrong. That is unconscionable. That has to change. And we are going to change it.

I urge my colleagues to do what is right. Stand with the American people who are sick and tired of waiting for Congress to act on health care. Vote ''yes'' on the previous question and ''yes'' on the rule.

Mr. COOPER. Madam Speaker, I will vote against the Previous Question Motion today because I think the American people deserve a clear, up-or-down vote on health reform. They deserve to know how their elected representative voted, without any parliamentary confusion or obfuscation. In addition to being a transparency and fairness issue, this may also be a constitutional issue because of the consensus that the House and Senate must pass identical bills before they can be sent to the President for signature.

With all the publicity surrounding the so-called ''self-executing'' rule, this procedure will not fool anyone back home, nor should it. It is, however, apparently designed to fool enough members of the House into believing that they did not support the Senate bill, even though, if they support the health reform package, they voted for it as the major component of the health reform.

Unless we return to regular House procedure, we will never know how members would have voted on the Senate bill, by itself, and/or the reconciliation amendment, by itself. Since the President is apparently planning on signing the Senate bill before the Senate can take up the reconciliation amendment (as the Senate parliamentarian insists), no one will know who in the House of Representatives, in fact, supported the Senate bill. In simplistic terms, the White House will not know whom to invite to the signing ceremony.

All this might be a parliamentary dispute if the possibility did not exist that a constitutional challenge would be brought against health care reform legislation. All it would take is one or two federal judges to void this law because of a procedural failing. Supporters of reform will then regret taking this procedural shortcut, while opponents will welcome the opportunity to overturn the law and reopen the debate.

I realize that both political parties have used self-executing rules dozens, even hundreds, of times. But, to my knowledge, these rules have never been used on an issue larger than banning smoking on airplanes, a $40 billion deficit-reduction measure, or raising the debt ceiling of the United States. None of these issues compares with the scope of health care reform. To my knowledge, no serious constitutional challenge has been mounted against these rules, but one is certain to be lodged against the passage of health reform.

Voting is the most important part of our job. We must vote honestly and openly on the separate issues that come before us.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 1190 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution, add the following new section:

SEC. 2. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the resolution (H. Res. 1188) ensuring an up or down vote on certain health care legislation. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 1188.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information foci Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. FOXX. 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, further proceedings on this question will be postponed.

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 35 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1334

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 1 o'clock and 34 minutes p.m.

ROY WILSON POST OFFICE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4214, 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. 4214.

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

[Roll No. 128]

YEAS—419

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

NOT VOTING—11

Ackerman
Buyer
Capito
Costa
Hall (NY)
Hastings (WA)
Hoekstra
Lofgren, Zoe
Marshall
Stark
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1404

Mr. CLEAVER, Mrs. EMERSON, and Mr. MCCARTHY of California changed their votes from ''nay'' to ''yea.''

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.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on House Resolution 1190, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adoption of House Resolution 1190, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 203, not voting 6, as follows:

[Roll No. 129]

YEAS—222

Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle

Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—203

Aderholt
Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Ackerman
Hastings (WA)
Hoekstra
Lofgren, Zoe
Stark
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1422

Ms. GIFFORDS and Messrs. LIPINSKI and SHULER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. CANTOR was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. CANTOR. Mr. Speaker, I yield to the majority leader to inform the House of this weekend's schedule.

Mr. HOYER. I thank the Republican whip for yielding. As previously announced, on Friday the House will meet at 9 a.m. for legislative business. On Saturday, Members are advised that the House will meet at 9 a.m., which is the custom, with recorded votes as early as 10 a.m. This is a change from the previously announced schedule.

For those Members who said they couldn't hear me, let me tell you a little story Senator Sarbanes used to tell. He was giving a speech once and a man in the back of the room said, ''I can't hear you.'' And immediately somebody in the front of the room jumped up and said, ''I can; and I'll trade places with you.''

Now back to this exciting weekend that we're about to have. On Saturday, as I said, we'll come in at 9 a.m., which is the custom, with recorded votes as early as 10 a.m. This is a change from the previously announced schedule. In addition, on Sunday, the House will meet at 1 p.m. for legislative business. On Monday, Members are advised votes could be earlier than 6:30 p.m. Now, many of you will be here on Sunday and not go home. We're going to try to work that out. I wanted to talk to the minority leadership, the Republican leadership, on this issue.

These are also changes that were not previously announced. We will consider several bills under suspension of the rules. In addition, we will consider H.R. 3644, the Ocean, Coastal, and Watershed Education Act; and H.R. 1612, the Public Lands Service Corps Act. In addition, we will consider the health care legislation, which is now posted on the House Rules Committee Web site. We will consider that with 72 hours notice to all the Members of that posting.

Mr. CANTOR. Mr. Speaker, I'd ask the gentleman if we are here on Monday, no matter what, is what I heard from the gentleman. Secondly, I'd ask the gentleman, Mr. Speaker, what time could Members expect votes to begin on Sunday?

Mr. HOYER. Votes will not begin before 2 o'clock. I don't know exactly. We come in at 1 o'clock. We may have votes at 1 o'clock in terms of procedural votes. But I want to make it clear we will have no vote on the health care bill until 72 hours after the posting that has just occurred.

Mr. CANTOR. I thank the gentleman, Mr. Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 187, not voting 11, as follows:

[Roll No. 130]

AYES—232

Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich

Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Diaz-Balart, M.
Ehlers
Eshoo
Hastings (WA)
Hoekstra
Kanjorski
Lofgren, Zoe
McMorris Rodgers
Stark
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1433

So the resolution was agreed to.

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. 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.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3671) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3671

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Upper Mississippi River Basin Protection Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Reliance on sound science.
TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK
Sec. 101. Establishment of monitoring network.
Sec. 102. Data collection and storage responsibilities.
Sec. 103. Relationship to existing sediment and nutrient monitoring.
Sec. 104. Collaboration with other public and private monitoring efforts.
Sec. 105. Reporting requirements.
Sec. 106. National Research Council assessment.
TITLE II—COMPUTER MODELING AND RESEARCH
Sec. 201. Computer modeling and research of sediment and nutrient sources.
Sec. 202. Use of electronic means to distribute information.
Sec. 203. Reporting requirements.
TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS
Sec. 301. Authorization of appropriations.
Sec. 302. Cost-sharing requirements.

SEC. 2. DEFINITIONS.

In this Act:

(1) The terms ''Upper Mississippi River Basin'' and ''Basin'' mean the watershed portion of the Upper Mississippi River and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri. The designation includes the Kaskaskia watershed along the Illinois River and the Meramec watershed along the Missouri River.

(2) The terms ''Upper Mississippi River Stewardship Initiative'' and ''Initiative'' mean the activities authorized or required by this Act to monitor nutrient and sediment loss in the Upper Mississippi River Basin.

(3) The term ''sound science'' refers to the use of accepted and documented scientific methods to identify and quantify the sources, transport, and fate of nutrients and sediment and to quantify the effect of various treatment methods or conservation measures on nutrient and sediment loss. Sound science requires the use of documented protocols for data collection and data analysis, and peer review of the data, results, and findings.

SEC. 3. RELIANCE ON SOUND SCIENCE.

It is the policy of Congress that Federal investments in the Upper Mississippi River Basin must be guided by sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.

(a) ESTABLISHMENT.—As part of the Upper Mississippi River Stewardship Initiative, the Secretary of the Interior shall establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purposes of—

(1) identifying and evaluating significant sources of sediment and nutrients in the Upper Mississippi River Basin;

(2) quantifying the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water;

(3) quantifying the transport of those sediments and nutrients to and through the Upper Mississippi River Basin;

(4) recording changes to sediment and nutrient loss over time;

(5) providing coordinated data to be used in computer modeling of the Basin, pursuant to section 201; and

(6) identifying major sources of sediment and nutrients within the Basin for the purpose of targeting resources to reduce sediment and nutrient loss.

(b) ROLE OF UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior shall carry out this title acting through the office of the Director of the United States Geological Survey.

SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.

(a) GUIDELINES FOR DATA COLLECTION AND STORAGE.—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

(b) RELEASE OF DATA.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station

identifiers and hydrologic unit codes. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.

(a) INVENTORY.—To the maximum extent practicable, the Secretary of the Interior shall inventory the sediment and nutrient monitoring efforts, in existence as of the date of the enactment of this Act, of Federal, State, local, and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps and redundancies.

(b) INTEGRATION.—On the basis of the inventory, the Secretary of the Interior shall integrate the existing sediment and nutrient monitoring efforts, to the maximum extent practicable, into the sediment and nutrient monitoring network required by section 101.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary of the Interior shall make maximum use of data in existence as of the date of the enactment of this Act and of ongoing programs and efforts of Federal, State, tribal, local, and nongovernmental entities in developing the sediment and nutrient monitoring network required by section 101.

(d) COORDINATION WITH LONG-TERM ESTUARY ASSESSMENT PROJECT.—The Secretary of the Interior shall carry out this section in coordination with the long-term estuary assessment project authorized by section 902 of the Estuaries and Clean Waters Act of 2000 (Public Law 106–457; 33 U.S.C. 2901 note).

SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRIVATE MONITORING EFFORTS.

To establish the sediment and nutrient monitoring network, the Secretary of the Interior shall collaborate, to the maximum extent practicable, with other Federal, State, tribal, local and private sediment and nutrient monitoring programs that meet guidelines prescribed under section 102(a), as determined by the Secretary.

SEC. 105. REPORTING REQUIREMENTS.

The Secretary of the Interior shall report to Congress not later than 180 days after the date of the enactment of this Act on the development of the sediment and nutrient monitoring network.

SEC. 106. NATIONAL RESEARCH COUNCIL ASSESSMENT.

The National Research Council of the National Academy of Sciences shall conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

TITLE II—COMPUTER MODELING AND RESEARCH

SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDIMENT AND NUTRIENT SOURCES.

(a) MODELING PROGRAM REQUIRED.—As part of the Upper Mississippi River Stewardship Initiative, the Director of the United States Geological Survey shall establish a modeling program to identify significant sources of sediment and nutrients in the Upper Mississippi River Basin.

(b) ROLE.—Computer modeling shall be used to identify subwatersheds which are significant sources of sediment and nutrient loss and shall be made available for the purposes of targeting public and private sediment and nutrient reduction efforts.

(c) COMPONENTS.—Sediment and nutrient models for the Upper Mississippi River Basin shall include the following:

(1) Models to relate nutrient loss to landscape, land use, and land management practices.

(2) Models to relate sediment loss to landscape, land use, and land management practices.

(3) Models to define river channel nutrient transformation processes.

(d) COLLECTION OF ANCILLARY INFORMATION.—Ancillary information shall be collected in a GIS format to support modeling and management use of modeling results, including the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Information on sediment and nutrient reduction improvement actions.

(5) Remotely sense data.

SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE INFORMATION.

Not later than 90 days after the date of the enactment of this Act, the Director of the United States Geological Survey shall establish a system that uses the telecommunications medium known as the Internet to provide information regarding the following:

(1) Public and private programs designed to reduce sediment and nutrient loss in the Upper Mississippi River Basin.

(2) Information on sediment and nutrient levels in the Upper Mississippi River and its tributaries.

(3) Successful sediment and nutrient reduction projects.

SEC. 203. REPORTING REQUIREMENTS.

(a) MONITORING ACTIVITIES.—Commencing one year after the date of the enactment of this Act, the Director of the United States Geological Survey shall provide to Congress and make available to the public an annual report regarding monitoring activities conducted in the Upper Mississippi River Basin.

(b) MODELING ACTIVITIES.—Every three years, the Director of the United States Geological Survey shall provide to Congress and make available to the public a progress report regarding modeling activities.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) UNITED STATES GEOLOGICAL SURVEY ACTIVITIES.—There is authorized to be appropriated to the United States Geological Survey $6,250,000 each fiscal year to carry out this Act (other than section 106). Of the amounts appropriated for a fiscal year pursuant to this authorization of appropriations, one-third shall be made available for the United States Geological Survey Cooperative Water Program and the remainder shall be made available for the United States Geological Survey Hydrologic Networks and Analysis Program.

(b) WATER RESOURCE AND WATER QUALITY MANAGEMENT ASSESSMENT.—There is authorized to be appropriated $650,000 to allow the National Research Council to perform the assessment required by section 106.

SEC. 302. COST-SHARING REQUIREMENTS.

Funds made available for the United States Geological Survey Cooperative Water Program under section 301(a) shall be subject to the same cost-sharing requirements as specified in the last proviso under the heading ''**UNITED STATES GEOLOGICAL SURVEY—SURVEYS, INVESTIGATIONS, AND RESEARCH**'' of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 510; 43 U.S.C. 50).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 3671, introduced by our colleague, Representative RON KIND of Wisconsin, would authorize the Secretary of the Interior, acting through the United States Geological Survey, to establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin. The findings of the monitoring network would be used as a basis to assist public and private sediment and nutrient reduction efforts.

Mr. Speaker, I would note that this legislation has passed the House in previous Congresses, and I ask my colleagues to again support its passage.

I reserve the balance of my time.

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

The majority has adequately described the bill. Based on the history of this legislative proposal, we're not opposing the measure; however, Members should note that today's bill has been changed from prior versions. The 10-year sunset has been removed.

We were also concerned that the Federal Government would have unfettered access to private property under this program and that the data collected on this private property could be used against the landowner. However, after meeting with the affected parties, we've concluded that the U.S. Geological Survey regulations require prior written landowner permission for entry and for release of any data collected on an individual's property.

I would like to include in the RECORD the appropriate permission form that is used for these purposes. It's our understanding that the program authorized in this bill would follow this longstanding practice.

[From the U.S. Geological Survey Manual]

FORMAT FOR LETTER REQUESTING PERMISSION TO ENTER PRIVATE PROPERTY (TO BE PRINTED ON OFFICIAL LETTERHEAD)

(Insert Date)

(Insert Name of Private Landowner)

(Insert Address of Private Landowner)

Dear (Insert Name of Private Landowner):

The U.S. Geological Survey requires employees to obtain written permission from landowners in certain cases before entering onto private property to conduct new surveys or scientific sampling. Consequently, we are hereby requesting your approval to enter your land for the purpose described below. The data and/or samples collected will be used for scientific purposes and will be provided to you upon request.

Specific information regarding this request is as follows:

1. (proposed date and time of entry and departure, or period of time during which recurring visits will be necessary).

2. (kind and number of vehicles to be used).

3. (number of persons in the party).

4. (name, office address, and contact information of chief of party).

5. (purpose of the work).

6. (locations on the property where work is to be done).

7. (approximate frequency of aircraft flights along lines of sight for temperature and pressure measurements, in connection with geodimeter or similar work, if applicable).

We will make every effort to minimize disturbance or disruption to your property. However, in the unlikely event that property damage results, you are entitled to file a claim to recover your damages (tort claim). Please contact (insert name and telephone number of tort claims contact) immediately if property damage should occur.

If you have any questions about this program of the U.S. Geological Survey, you may contact (insert name of chief of project) at the following telephone number: (insert number).

If you consent to this request, please sign below and (list method of return, e.g., envelope provided, leave at a designated location, etc.). Thank you for your cooperation.

Sincerely,

(Signature and Printed Name of Requestor).

With that, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, we agree with our colleagues on the other side of the aisle that proper protocol should be followed. I again ask our colleagues to support this legislation.

At this time, Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I want to thank the gentlelady for yielding me this time and also for her help and support with this legislation. I also want to thank the gentleman from California and the members on the Natural Resources Committee for their bipartisan support of the Upper Mississippi River protection bill.

As the gentlelady indicated, this has passed the previous Congresses. We're working with the Senate to finally get it to the President so it can be enacted.

And to address a couple other concerns—and we've worked in a bipartisan fashion on this bill—there is concern about privacy protection and data collection. We feel that what has been worked out is a reasonable compromise to ensure that privacy but also, more importantly, that there is buy-in of private landowners which will be crucial for the implementation of this legislation.

What we're trying to do is put the science in place in the Upper Mississippi River Basin. The greatest threat that this great national treasure that we have running through the middle of America, comprising roughly 50 percent of the landmass of our Nation, is the amount of nutrients and sediments that flow into the river basin doing incalculable ecological damage. We've heard of the stories of the dead zone being created in the Gulf of Mexico. Well, 40 percent of the nutrients that are flowing south through the river and ending up deposited in the Gulf, contributing to the dead zone, emanates in the Upper Mississippi River Basin.

What we want to do is utilize the expertise that exists at USGS so that they can do better monitoring of sediment and nutrient flows and develop computer models so we can identify the hot spots, and then utilize the resources that are available to target those hot spots to prevent the increased flow of sediment and nutrients into the river basin.

This has received wide support in the Upper Mississippi River region. All five of the State Governors in the Upper Mississippi region have endorsed this. The Mississippi River Basin has endorsed it. Countless outdoor recreational groups, such as Ducks Unlimited, Trout Unlimited, the Nature Conservancy have endorsed this approach, because it is a vital national treasure that we must do more to preserve and protect.

The Mississippi River affects over 30 million people who rely upon it for their primary drinking source. It is North America's largest migratory route, with 40 percent of the waterfowl species using this corridor during their biannual migration in the spring and during the fall. It's a multiple use resource, with commercial navigation, recreation, tourism, bringing roughly $1.5 billion of direct economic activity to the Upper Mississippi region but, additionally, over $1 billion with tourism activity to the Upper Mississippi. But what's been lacking is the scientific data that this legislation will put in place so we can start collecting it, tracking it, and then be smarter with the use of the various public and private approaches that this bill calls for so we can maximize the resources to intercept the nutrients and sediments that would flow into it.

Again, I want to thank the chairman of the committee, the members on the committee. I want to thank the members of the U.S. Geological Survey, especially Mike Jawson and his team at the Upper Mississippi River Environmental Science Lab. I have worked very closely with them with regards to this legislation and their long-term resource monitoring program. They do have incredible competency to do the science that we're asking them to do in this bill.

I also want to personally thank my own river advisory group who has consulted me on all things related to river issues.

I would encourage my colleagues to once again support this much needed but also bipartisan piece of legislation. I ask my colleagues to support this bill.

Mr. McCLINTOCK. Mr. Speaker, I yield myself just enough time to wish a belated happy birthday to the gentleman from Wisconsin.

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

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3671.

The question was taken.

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

Ms. BORDALLO. 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.

INLAND EMPIRE PERCHLORATE GROUND WATER PLUME ASSESSMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4252) to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4252

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 ''Inland Empire Perchlorate Ground Water Plume Assessment Act of 2009''.

SEC. 2. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.

(a) IN GENERAL.—Not later than 2 years after funds are made available to carry out this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the ''Basin''), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 4252, introduced by our colleague, Representative JOE BACA of California, would authorize the Secretary of the Interior, acting through the United States Geological Survey, to study the health and quality of the aquifers in the Rialto-Colton Basin. This includes a study of any perchlorate concentration plumes within an aquifer and its possible contamination of other nearby aquifers.

□ 1445

The ground water constitutes about 79 percent of the drinking water supply in the entire Inland Empire area of California, and it is, as such, critical to understand any threats posed by contamination to this supply.

Mr. Speaker, I ask my colleagues to support passage of H.R. 4252.

I reserve the balance of my time.

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

Mr. Speaker, this well-intentioned bill tries to force the administration into making ground water cleanup in the Rialto-Colton Basin of California a priority. Everyone acknowledges that this bill is a restatement of current law, and that new funding is not authorized in this bill, but we all understand what the gentleman from California is trying to accomplish and, in the spirit of bipartisanship, Republicans supported his efforts in the Natural Resources Committee.

But I need to point out that this bipartisan gesture continues to go unreciprocated. We've been trying in vain for months now to get the same kind of bipartisan cooperation to restore full water deliveries to the Central Valley of California. The valley's economy has been devastated by the diversion of 200 billion gallons of water in order to dump that water into the Pacific Ocean to serve the left's pet cause, the 3-inch Delta Smelt.

Apologists for this policy argue that, well, it's the drought. Well, they ignore the fact that the drought we've had is a relatively minor one by historical standards, it appears to be over, and that in far more severe droughts in the past, far more water has reached the Central Valley. But that's before the environmental left took over our water policy and diverted 200 billion gallons of that water into the Pacific Ocean.

It's unfortunate that the majority actually rewrote this bill specifically to keep us from offering amendments that would address the agony of the Central Valley.

Time and again, the majority, using parliamentary gimmicks, has prevented any attempt to restore normal water deliveries to the San Joaquin Valley.

By the Obama administration's own numbers, it spent about $1.5 billion as part of the so-called ''stimulus'' in the Central Valley's six Congressional districts to save or create 1,600 jobs.

Well, today Congress has the power to restore tens of thousands of jobs lost because of water diversions at no cost to taxpayers. This House is in possession of a bill to do just that, H.R. 3105, by my colleague, Congressman NUNES. But still it studiously avoids exercising that power because this administration and this majority in Congress have chosen fish over people.

Farmers in the San Joaquin Valley are now faced with making planning decisions. Despite near record precipitation in the northern Sierra watershed—NOAA this week reported that precipitation is now 129 percent of normal—the Department of the Interior has just announced Central Valley farmers will be guaranteed only 25 percent of their normal allocations. Let me repeat that so it sinks in. Precipitation is 129 percent of normal; guaranteed water delivery is 25 percent of normal.

Even Senator FEINSTEIN tried to give the farmers a 40 percent water allocation, yet that effort has been opposed by the environmental left and its friends in Congress.

Perchlorate contamination in the Inland Empire is the indirect result of Federal policy, and the Federal government has a responsibility to assist the people of the Inland Empire with cleanup. But the agony of California's Central Valley is the direct result of policies that Congress could change in this very bill. It's disappointing to me that the majority chooses not to do so. I think it makes a mockery of any claims of bipartisanship, although we once again extend that offer of bipartisanship by supporting this bill, and invite the majority to join us.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from California (Mr. BACA) such time as he may consume.

Mr. BACA. Mr. Speaker, I rise today in strong support of H.R. 4252, the Inland Empire Perchlorate Ground Water Plume Assessment Act to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

I would like to also thank Chairman RAHALL and Ranking Member DOC HASTINGS, and my good friend, chairwoman from the Water and Power Subcommittee, GRACE NAPOLITANO, and the ranking member, my good friend from the State of California, Representative TOM MCCLINTOCK, for their support of this legislation.

And I want to thank Representative BORDALLO from Guam for speaking in support of this much-needed legislation.

I also want to take the time to thank my colleagues in the House of Representatives for their bipartisan support on an important bill, not only the Inland Empire, but it will also give us a study in terms of the effects it has on many cities too as well.

In addition, I want to commend the city of Rialto and the Perchlorate Task Force, city Councilman Ed Scott and Rialto Mayor Pro Tem Joe Baca, Jr., for their hard work and dedication in protecting families.

The city realizes that the water from over 20 wells was contaminated by perchlorate. I state, 20 wells were contaminated by Perchlorate. Perchlorate is a rocket fuel additive, an unstable organic compound that has been found to be harmful to humans because it interferes with the thyroid function. And you know when it interferes with the thyroid function it affects many women and others in that area.

I'm very familiar with the water contamination. My family lives in the city of Rialto. My children, my friends and close neighbors know what it's like to live with water that is contaminated.

When we first learned that our water was not safe to drink, we were all very much scared in terms of the water and the quality that came out and the neighbors and the people in that area. We wondered how long this water was bad. We worried about the damage caused by poor quality water. We were nervous because we drank the water, cooked with the water, bathed our children with the water.

Therefore, I drafted this bill to make sure that other families and neighboring cities will not have to suffer or have that kind of fear.

This bill is requesting that the plume in the Rialto-Colton basin is studied, and I state studied. Plumes are underground pockets of water, and some are pools of water. Some travel like underground rivers.

In Rialto, the plume has perchlorate in it. We know that the water in this plume is moving. The contaminated water is traveling underground. We don't know how big it is or how fast the water is moving. We need to know more about the plume to permanently the fix the problem.

The research established by the study in H.R. 4252 will guarantee that the problem will be identified. A study by the U.S. Geological Survey is not something done lightly. It is an intense research endeavor.

As the Nation's largest water and earth and biological science and civilian mapping agency, the U.S. Geological Survey collects, monitors, analyzes and provides scientific understanding about the nature of the resource, the conditions, the issues, and the problems. The diversity of the scientific experts enables them to carry out large-scale investigations and provide impartial scientific information to resource managers, planners, and other customers.

As an unbiased science organization that focuses on biology, geography, geology, and water, they are dedicated to the timely, relevant, impartial study of the landscape, our national resources, and the natural hazards that threaten us.

The USGS study will reduce the perchlorate problems in my area that have caused heartaches, frustration, and fear. Fortunately, under the city council of Rialto's zero tolerance policy, the city does not blend any detectable level of perchlorate into the water system. They are all making sure that water is safe by conducting well-head treatment.

But what about the cities that do not have the policies or the treatment facilities to clean their water? How will those people be affected? How will the children be affected—how will those be affected by it?

We are very familiar with the wealth of water problems in California, as described by my colleague on that side, not only in the northern portion of California, where water is very much needed in that area. Apart from those problems, water contamination is one that can be prevented.

I ask that all Members vote in support of this legislation, not because it is a California issue, but because it is a national issue that could impact anyone. It is a way to help correct a wrong and to prevent further problems.

Commissioner Connor from the Department of the Interior stated that the directives in this bill are within the USGS's jurisdiction. The USGS has found that ground water constitutes about 79 percent of the drinking water supply in the entire Inland Empire. A study by the USGS is long overdue.

We have learned that perchlorate contamination began in 1940 through the actions of the U.S. military and continued to 1960 through the work of U.S. defense contractors, and was made worse by fireworks companies.

Some cities in the area discovered the high level of perchlorate contamination in drinking water in 1996. Since that time the USGS has not made the plume a priority. I state: It has not made the plume a priority.

Water managers need to know the source, and the fate, and the transportation of perchlorate within the Rialto Colton Basin and the adjacent basin in order to effectively mitigate the contamination. That is why I drafted this bill. That's why I'm grateful that we are here today.

In the administration's written statement regarding this legislation, they indicated that the citizens relying on water from the Rialto-Colton Basin would have to compete with other administrative priorities for funding.

The message you will be sending to USGS by voting in support of this study will be that families deserve clean drinking water throughout our country, and especially those areas like mine that are being affected. Families that rely on drinking water from the tap should not have to drink contaminated water, or wonder what's going to happen to their child or fear to give that water to their children or have to go out and purchase additional water to make sure that the thyroid does not affect that woman or that child or the individuals in that home.

This is a national issue, and it's a basic right for our citizens and their families. When someone has contaminated the only source of drinking water for the community, this issue becomes a national issue.

These families should not suffer from health problems associated with perchlorate. It is common knowledge that perchlorate affects the thyroid in our body. Women and infants are at greatest risk.

I want to let you know the hardship faced by people living in the area and why this bill is important. The people are innocent victims. Others misused the land and left us with a legacy of contaminated water.

The families in my area are living under a median household income of $41,254, very low for the State of California; and 17.4 percent of these citizens live below the poverty line. People in the area have had double-digit unemployment rates for many months. This area has ranked in the top five consistently for having the highest foreclosure rate. These families already shoulder too much of the cost associated with trying to find a solution.

H.R. 4252 moves beyond finding those at fault. We need to know and fully appreciate the extent of the damage. We must do this to help isolate the problems and prevent other cities from suffering.

The contamination plume is moving and many other areas will suffer. The hot spot for contamination is in Rialto, California, which has an area that in 2009 was designated as a Superfund site. That shows how bad the problem is because it is very difficult to obtain this designation.

This Superfund designation will help take care of the hot spot. But what about the water traveling? What about the water traveling underground in the plume?

□ 1500

What about other cities that are impacted? What about my neighboring city and the City of Riverside? The contamination is spreading and no one knows exactly how much of the contamination is moving or where exactly it is going. The well-head treatment alone will not solve the problem because of the contamination in the ground.

The Rialto-Colton basin has a plume that is contaminated by TCE, perchlorate, and other harmful chemicals. Without treatment, the water is dangerous. I fear for the communities that do not have well-head treatment facilities. The study will identify the extent of the damage underground.

The bill does not violate PAYGO. I state the bill does not violate PAYGO requirements, but serves to notice and highlight that there is a plume in the Rialto-Colton basin that must be reviewed. We have an opportunity to be proactive. Your vote in support of this bill is proactive and will help families.

Again, I want to thank Rialto City Council member Ed Scott for coming in September of 2009 to testify in support of H.R. 4252. He spoke not only for his residents in the city of 96,000 people, but also approximately 400,000 residents who reside in the neighboring cities that are affected by the chemicals which have polluted the Rialto-Colton basin.

I want to thank the Association of California Water Agencies for writing a letter in support of the legislation. What we learn from the study in H.R. 4252 will help other areas where there is the hardship of perchlorate. There are many States who have perchlorate issues. This study will help them be aware of what could be happening underground.

I urge my colleagues to support H.R. 4252.

Mr. MCCLINTOCK. Mr. Speaker, I yield whatever time he may consume to my friend and colleague representing the Central Valley of California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I want to make sure that we have a clear record of what has happened in the House of Representatives regarding what is now called H.R. 4252. This bill actually was originally called H.R. 2316, and it was marked up in the Resources Committee and then altered later. Now, why did that happen? It happened because the Democratic majority cares about clean drinking water for their constituents, but could care less about providing water to the San Joaquin Valley of California.

So I really enjoy hearing people come down here and cry about how they have contaminated drinking water. And I would only say that there is one thing worse than contaminated drinking water, and that is having no water. What has really happened here is that the radical left and the radical environmental group has taken over the entire Democratic Party, so much so that they won't even allow free and fair and open debate on not only an easy California water bill, because they are afraid to have to actually consider any amendments, but they are also doing the same thing on the government takeover of health care bill, to

where they are going to try to deem a bill passed mysteriously.

This is a terrible abuse of power. It is a terrible facade that is being put up saying that people need clean drinking water. I don't have a problem with people having clean drinking water. I think this is a noble bill, a noble cause. But you should not choose some constituents in California over an entire valley in California that has 3 million people and hundreds of thousands of acres of farmland that has been idled to the point where tens of thousands of farm workers have been thrown out of work because the Democrats in this body choose to do funny little things and change bills like this, change the numbers and think that the American people won't figure out the games that you guys continue to play on that side.

The more that you play little games like this, the more that you play little tricks like this, the more that myself and other colleagues of mine will come down here and point out the hypocrisy of the Democrats in the majority.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER). Members are reminded to direct their remarks to the Chair.

Mr. MCCLINTOCK. Mr. Speaker, in closing, I will simply appeal again to the majority, water might be controversial, but it needn't be partisan. We have done everything we can in good faith to support this bill for clean drinking water for Rialto and Colton. We would ask the majority again to reconsider its opposition to restoring the full water entitlement to the Central Valley. Again, there is something desperately wrong with our public policy when we are at 129 percent of normal in our Sierra precipitation and yet only 25 percent of the water deliveries to the Central Valley.

With that final appeal for bipartisanship, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4252.

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.

HUDSON RIVER VALLEY SPECIAL RESOURCE STUDY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4003) to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4003

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 ''Hudson River Valley Special Resource Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area''—

(A) means the portion of the Hudson River that flows from Rodgers Island at Fort Edward to the southern-most boundary of Westchester County, New York; and

(B) includes any relevant sites and landscapes within the counties in New York that abut the area described in subparagraph (A).

SEC. 3. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—As soon as funds are made available for this purpose, the Secretary shall complete a special resource study of the Hudson River Valley in the State of New York to evaluate—

(1) the national significance of the area; and

(2) the suitability and feasibility of designating the area as a unit of the National Park System.

(b) STUDY GUIDELINES.—In conducting the study under subsection (a), the Secretary shall—

(1) use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));

(2) determine the effect of the designation of the area as a unit of the National Park System on existing commercial and recreational activities, including but not limited to hunting, fishing, trapping, recreational shooting, motor boat use, off-highway vehicle use, snowmobile use, and on the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure, and the effect on the authority of State and local governments to manage those activities;

(3) identify any authorities that will compel or permit the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if the area is designated a unit of the National Park System; and

(4) closely examine park unit models, in particular national river and recreation areas, as well as other landscape protection models, that—

(A) encompass large areas of non-Federal lands within their designated boundaries;

(B) foster public and private collaborative arrangements for achieving National Park Service objectives; and

(C) protect and respect the rights of private land owners.

SEC. 4. REPORT.

Not later than 36 months after the date that funds are first made available for this purpose, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study authorized by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 4003, introduced by our friend Representative MAURICE HINCHEY of New York, would authorize the Secretary of the Interior to evaluate the resources in the Hudson River Valley and determine the suitability and the feasibility of establishing the area as a unit of the National Park System.

Mr. Speaker, for more than half a century various local, state, and Federal agencies have helped to protect, preserve, and celebrate this historic and significant landscape. The valley is home to numerous state and Federal parks that honor a variety of historic events. Representative HINCHEY is to be commended for his tireless efforts on behalf of his constituents and the outstanding historic and cultural resources found in New York State. We support passage of H.R. 4003, and urge its adoption by the House today.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 4003 has been adequately explained by the majority. I do want to point out, however, that the committee wisely adopted an amendment by Congressman ROB BISHOP that requires the National Park Service to identify local activities that will be limited or eliminated if the study leads to a park designation. As Congress considers additions to the National Park System, the public is entitled to know which existing activities, such as hunting and fishing and boating and snowmobiling and energy production and transmission, will be restricted.

As we in the West painfully know, national park designation comes with an abundance of regulations and direct Federal management. It is important that people living in the affected area know ahead of time how much authority over their local affairs will be ceded to the Federal Government.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I want to express also my deep appreciation and gratitude to the chairman of the Natural Resources Committee, NICK RAHALL, for working with me to move this important piece of legislation. I also would like to thank Chairman GRIJALVA and the staff of the Natural Resources Committee for all the support and guidance throughout this process.

I would like to mention that there are no restrictions in the context of this legislation for any of the things that were just mentioned. None whatsoever. In fact, all of those kinds of activities will be enhanced and encouraged and be much more easy to achieve

and more beneficial to the communities.

H.R. 4003 would authorize the National Park Service to conduct a special resource study of the Hudson River Valley to evaluate the area's national significance and determine the suitability and feasibility of designating the area as a unit of the National Park System, a unit of the National Park System, not a national park.

This legislation is cosponsored by each of the Members whose district is within the proposed study area. And that in and of itself of course is very interesting. They have garnered strong support locally. Twenty-four local organizations have already endorsed the bill, and I expect to see that there will be more in the coming weeks and months.

The Hudson River Valley is one of the most significant river corridors in our country. The historical, natural, cultural, commercial, scenic, and recreational resources spread throughout the region, and in the way they do so they are absolutely unparalleled. The Hudson River Valley's landscapes are known around the world. In fact, the beauty of these great landscapes inspired the first and one of America's great artistic movements, the Hudson River school of art. Painters such as Thomas Cole and Frederic Church immortalized the region's scenery for generations to come. These works and others inspired the American preservationist movement and the movement to establish in our country national parks.

Today the region is home to a rich and sensitive ecosystem that also affords ample recreational opportunities, including hiking, canoeing, and other activities. One of the most recent additions is the Walkway Over the Hudson. Initially a rail bridge that was considered a marvel of the Industrial Revolution, it was abandoned in the 1970s following a fire on one of the trains that went across that bridge at that time. It recently was restored and reopened, however, over the course of this past October, and it is now the longest and highest pedestrian overpass in the United States. It is a remarkable bridge, where people get enormous amounts of joy walking across it, over a mile across it, and give them an opportunity to get a sense of the Hudson River Valley looking north and south as they walk across this marvelous now Walkway Over the Hudson.

From a historical perspective, the Hudson River Valley has played a central role in our Nation's narrative and our Nation's development. In 1609, of course, Henry Hudson first sailed up the river that now bears his name. And we just recently celebrated the 400th anniversary of that very important trip. During the American Revolution, the region bore witness to events that determined the course of that Revolutionary War and the establishment of the freedom and independence of our Nation.

In the 19th century, the Hudson River Valley helped foster the American Industrial Revolution and became one of the commercial corridors of our country. In 1807, Robert Fulton piloted the first successful steamboat voyage up the river. Later in the century, the Hudson and its estuary, the Mohawk River, connected the Nation's greatest port, New York City, with the entire western section of the United States through the Erie Canal network and the central Great Lakes. In the last century, the region was home to Franklin Delano Roosevelt at Hyde Park. Later, the region gave birth to the modern environmental and labor movements.

Preserving and promoting the Hudson River Valley's resources has been a top priority for me dating back to my time in the New York State Assembly. While in the State legislature, I authorized legislation to lead to the creation of the Hudson River Valley Greenway, creating a process for voluntary regional cooperation among 264 communities within 13 counties that border the Hudson River on both sides, east and west. When I came to the Congress, I authorized legislation that led to the designation of the Hudson River Valley National Heritage Area, which provides technical assistance to local communities or local managers to assist them in managing natural and historic sites of national importance up and down the Hudson River. These designations have provided tremendous benefits to the Hudson Valley region, but it is clear that more can be done to protect, preserve, and promote the area's unique resources and its dramatic contribution to the historic development of the United States.

□ 1515

I believe an enhanced National Park Service presence is warranted completely and would have a tremendously positive impact on our local economy while at the same time preserving and protecting the region's resources. The authorization of this special resource study will begin that process.

Just to be clear, no one believes the Hudson River Valley should be turned into a Yellowstone-type park. That would make no sense for the region. In fact, I firmly believe that any eventual park unit designation should and will protect private property rights and that local governments should retain local control of land-use decisions involving all of the property up and down the Hudson River that is not Federal property. There are civil existing park units, such as the Mississippi River and recreation area, a little bit we have heard about just recently, which fit these criteria and could be models for our region.

I believe the study should examine these models and the positive impact they have had on their local economies.

Passage of this bill and the subsequent study would position the Hudson River Valley to gain the full attention of the National Park Service for all of the significant and substantial historic contributions this region has made to the development, establishment, and the continuation of the United States, as well as for the area's pristine natural beauty.

For all of these reasons and more, we are offering this Hudson River Valley Special Resource Study Act, and we have gained enormous support from everyone who has heard about it internally here within the Government of the United States, but even more importantly, widespread endorsements of this up and down the Hudson River Valley, north and south and east and west.

And so I offer this bill.

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

I appreciate sincerely the gentleman's sensitivity to the property rights of the individuals in the Hudson River Valley and the prerogatives of local government control; and for that reason, I should think that he would welcome the amendment that was placed in the bill that would give all of the people notice of what existing activities may be restricted if the study concludes that the area should be designated as a unit of the National Park System and if in fact it does become a unit.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4003, as amended.

The question was taken.

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

Ms. BORDALLO. 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.

RECOGNIZING 100TH ANNIVERSARY OF THE VERMONT LONG TRAIL

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1173) recognizing the 100th anniversary of the Vermont Long Trail, the oldest long-distance hiking trail in the United States, and congratulating the Green Mountain Club for its century of dedication in developing and maintaining the trail.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1173

Whereas James P. Taylor conceived of the idea of developing a long-distance hiking

trail in the Green Mountains of Vermont, and the Green Mountain Club was formed on March 11, 1910, in Burlington, Vermont, to make his dream of a Long Trail a reality;

Whereas the Long Trail is the oldest long-distance hiking trail in the United States;

Whereas the Long Trail extends 273 miles along the spine of Vermont's Green Mountains, from the Massachusetts border to the Canadian border;

Whereas the Long Trail provides pedestrian access to mountain peaks, waterfalls, wildlife, and foliage in all seasons;

Whereas the Long Trail traverses scenic valleys and the tallest summits of the Green Mountain State;

Whereas the Green Mountain Club continues to protect, defend, and promote the Long Trail and its 100-year history in Vermont;

Whereas the mission of the Green Mountain Club is to make the Vermont mountains play a larger part in the life of the people by protecting and maintaining the Long Trail system and fostering, through education, the stewardship of Vermont's hiking trails and mountains; and

Whereas the birth of the Long Trail is a testament to the hard work of many dedicated individuals and its continued existence is evidence of the perseverance of the Green Mountain Club and countless volunteers: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of Vermont's Long Trail, the oldest long-distance hiking trail in the United States, and congratulates the Green Mountain Club for its century of dedication in developing and maintaining the Long Trail.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, House Resolution 1173 sponsored by Representative PETER WELCH of Vermont is a commemorative resolution to mark the 100th anniversary of the Vermont Long Trail. This resolution also recognizes the contribution of the Green Mountain Club for its efforts to develop and maintain the trail over the last century.

The Vermont Long Trail is the oldest long-distance hiking trail in the United States. The trail runs 273 miles along the ridges of the Vermont Green Mountains and spans the State from the border of Massachusetts to the border of Canada.

On March 11, 1910, the Green Mountain Club was established to begin work on building the Long Trail. They have served as its stewards ever since.

Representative WELCH is to be commended for his efforts to protect and celebrate the stunning beauty of his home State and for providing his constituents some well-deserved recognition of their conservation efforts.

Mr. Speaker, we support the passage of the resolution, and I urge its adoption by the House today.

I reserve the balance of my time.

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

Mr. Speaker, the gentlelady from Guam has adequately explained this bill. Of course, it wouldn't be fair to compare the Vermont Long Trail to the magnificent trails of the Northern Sierra, but I'm assured that the Vermont Long Trail is a very nice one for Vermont.

The resolution sponsor has wisely avoided any references to sports teams and is not involved in any ongoing feuds that I'm aware of.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1173.

The question was taken.

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

Ms. BORDALLO. 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.

DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2788) to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2788

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 ''Distinguished Flying Cross National Memorial Act''.

SEC. 2. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.

(a) FINDINGS.—Congress finds the following:

(1) The most reliable statistics regarding the number of members of the Armed Forces who have been awarded the Distinguished Flying Cross indicate that 126,318 members of the Armed Forces received the medal during World War II, approximately 21,000 members received the medal during the Korean conflict, and 21,647 members received the medal during the Vietnam War. Since the end of the Vietnam War, more than 203 Armed Forces members have received the medal in times of conflict.

(2) The National Personnel Records Center in St. Louis, Missouri, burned down in 1973, and thus many more recipients of the Distinguished Flying Cross may be undocumented. Currently, the Department of Defense continues to locate and identify members of the Armed Forces who have received the medal and are undocumented.

(3) The United States currently lacks a national memorial dedicated to the bravery and sacrifice of those members of the Armed Forces who have distinguished themselves by heroic deeds performed in aerial flight.

(4) An appropriate memorial to current and former members of the Armed Forces is under construction at March Field Air Museum in Riverside, California.

(5) This memorial will honor all those members of the Armed Forces who have distinguished themselves in aerial flight, whether documentation of such members who earned the Distinguished Flying Cross exists or not.

(b) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross that is under construction at March Field Air Museum in Riverside, California, is hereby designated as the Distinguished Flying Cross National Memorial.

(c) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 2788 is sponsored by Representative KEN CALVERT of California. This bill would establish a national memorial at the March Field Air Museum in California to honor the recipients of the Air Force's Distinguished Flying Cross. This medal is awarded to members of the United States Armed Services who have demonstrated heroism or extraordinary achievement while participating in an aerial flight.

H.R. 2788 specifies that the memorial is not a unit of the National Park System and states that the designation as a national memorial shall not be construed to require or permit Federal funds to be spent on the memorial.

Mr. Speaker, we support the passage of H.R. 2788, and I reserve the balance of my time.

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

I want to begin by thanking Congressman CALVERT for introducing this

bill to designate a memorial in honor of the over 150,000 current and former members of the Armed Forces who have been awarded the Distinguished Flying Cross.

When this bill is enacted, a memorial under construction at March Field Air Museum in Riverside, California, will be designated as the Distinguished Flying Cross National Memorial. This designation honors these patriots and does not require or permit any expenditure of any Federal funds.

Mr. Speaker, I would yield such time as he may consume to the bill's sponsor, my friend from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise in support of H.R. 2788, a bill to designate a National Distinguished Flying Cross Memorial in Riverside, California. I'm honored to represent the Inland Empire chapter of the Distinguished Flying Cross Society, which is the primary sponsor of the memorial.

Last June, I introduced H.R. 2788, which would designate a memorial which is currently under construction at March Field Air Museum as the Distinguished Flying Cross National Memorial. It honors all current and former members of the Armed Forces who have been awarded the Distinguished Flying Cross.

The bill has strong bipartisan support from both the committee and with 48 cosponsors. The legislation is supported by the Distinguished Flying Cross Society, the Military Officers Association of America, the Air Force Association, the Air Force Sergeants Association, the Association of Naval Aviation, the Vietnam Helicopter Pilots Association, and the China-Burma-India Veterans Association.

I would like to point out language in the bill that specifically states that the designation shall not be construed to require or permit Federal funds to be expended for any purpose related to a national memorial. Funds have been and will continue to be raised through private means for these purposes.

Distinguished Flying Cross recipients have received the prestigious medal for their heroism or extraordinary achievement while participating in aerial flight while serving in any capacity with the U.S. Armed Forces. There are many people who have played a vital role in the history of military aviation and have received this award. This renowned group includes Captain Charles L. Lindbergh, former President George H.W. Bush, Brigadier General Jimmy Doolittle, General Curtis LeMay, Senator MCCAIN, Jimmy Stewart, and Admiral Jim Stockdale, just to name a few.

The March Air Reserve Base, which hosts the C–17As of the 452nd Air Mobility Wing, is adjacent to the location of the memorial at the March Field Air Museum. When completed, visitors will be able to witness active operational air units providing support to our troops in Iraq and Afghanistan, which is an appropriate setting that honors the many aviators who have distinguished themselves by deeds performed in aerial flight.

I would like to thank those who worked tirelessly to make sure this memorial is built and is properly designated in honor of the distinguished aviators that have served this great Nation. In particular, I would like to recognize Jim Chaplin, with the loving support of his wife, Trish, who just recently passed away, who have been instrumental in this effort.

Again, I hope you will join me in supporting the designation of the National Flying Cross Memorial at March Field Air Museum and H.R. 2788.

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

Mr. MCCLINTOCK. Mr. Speaker, I would like to say the Distinguished Flying Cross was also awarded to William Pittman for his service in flying B–29s in the Pacific during World War II. His daughter, Lisa, sits next to me staffing this bill today.

I yield back the balance of our time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2788.

The question was taken.

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

Ms. BORDALLO. 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.

PARLIAMENTARY INQUIRY

Mr. MCCLINTOCK. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCCLINTOCK. Mr. Speaker, I am just wondering, which Members did you count standing on the floor a moment ago?

The SPEAKER pro tempore. The Chair's count in support of the yeas and nays is not subject to appeal.

□ 1530

ALPINE LAKES WILDERNESS ADDITIONS AND PRATT AND MIDDLE FORK SNOQUALMIE RIVERS PROTECTION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1769) to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1769

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 ''Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act''.

SEC. 2. EXPANSION OF ALPINE LAKES WILDERNESS.

(a) IN GENERAL.—There is designated as wilderness and as a component of the National Wilderness Preservation System certain Federal land in the Mount Baker-Snoqualmie National Forest in the State of Washington comprising approximately 22,173 acres that is within the Proposed Alpine Lakes Wilderness Additions Boundary, as generally depicted on the map entitled ''Proposed Alpine Lakes Wilderness Additions'' and dated December 3, 2009, which is incorporated in and shall be considered to be a part of the Alpine Lakes Wilderness.

(b) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by subsection (a) shall be administered by the Secretary of Agriculture (referred to in this section as the ''Secretary''), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the land designated as wilderness by subsection (a) with—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Forest Service.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interests in land within the Proposed Alpine Lakes Wilderness Additions Boundary, as generally depicted on the map entitled ''Proposed Alpine Lakes Wilderness Additions'' and dated December 3, 2009, that is acquired by the United States shall—

(1) become part of the wilderness area; and

(2) be managed in accordance with subsection (b)(1).

SEC. 3. WILD AND SCENIC RIVER DESIGNATIONS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(____) MIDDLE FORK SNOQUALMIE, WASHINGTON.—The 27.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., to be administered by the Secretary of Agriculture in the following classifications:

''(A) The approximately 6.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the west section line of sec. 3, T. 23 N., R. 12 E., as a wild river.

''(B) The approximately 21-mile segment from the west section line of sec. 3, T. 23 N., R. 12 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., as a scenic river.

''(____) PRATT RIVER, WASHINGTON.—The entirety of the Pratt River in the State of Washington, located in the Mount Baker-Snoqualmie

National Forest, to be administered by the Secretary of Agriculture as a wild river.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 1769, sponsored by Representative DAVE REICHERT of Washington, would expand the Alpine Lakes Wilderness area and designate two rivers as components of the National Wild and Scenic Rivers System. The Alpine Lakes Wilderness area, originally designated by Congress in 1976, sits 45 minutes east of downtown Seattle and has became one of the most visited wilderness areas in the country.

The proposed wilderness additions are low elevation lands that provide important habitat for wildlife when high elevation lands are covered by snow. Elk, deer, cougars, and bobcats live in the mountain valleys that comprise the proposed wilderness additions.

Mr. Speaker, we support passage of H.R. 1769, and we urge its adoption by the House today.

I reserve the balance of my time.

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

Madam Speaker, in a moment, I'm going to yield time to DAVE REICHERT, the lead sponsor and proponent of this legislation, but before doing so, I want to recognize what a diligent and persuasive advocate DAVE REICHERT has been for this bill. He developed it by working closely with local leaders. He introduced it and has gained the support of Washington State's two Democratic Senators.

While the bill does not take the approach that I personally believe is best for protecting our Federal forests and public lands, this bill only affects lands in Washington State's Eighth Congressional District, which DAVE REICHERT has been elected to represent.

Due to the leadership and hard work of Mr. REICHERT, this bill was advanced out of the Natural Resources Committee, and I fully expect it will pass the full House of Representatives today.

So to my friend and colleague from Washington State, I offer my congratulations on his success, and I yield him whatever time he may consume.

Mr. REICHERT. I thank the gentleman for yielding.

I am proud to stand here today on behalf of my constituents and my community throughout the region of western Washington, and especially those working hard in the Eighth District, to finally bring this legislation to the floor today. I just happen to be the conduit to bring this legislation to the United States House of Representatives, so all the hard work was really done by the people who live in our region.

The Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act is the product of teamwork, 3 years of careful collaboration, consultation, and consensus building with local stakeholders. Since 2007, we've worked with scores of local officials, conservation enthusiasts, recreation groups, public safety advocates, and parties interested in land use issues to develop this bipartisan proposal.

And I would like to particularly thank King County Councilman Reagan Dunn, whose mother actually held this seat prior to my arrival here, who has always worked tirelessly throughout the State of Washington, and especially in our western Washington area, for our environment.

I thank the community for taking the long view and for not letting politics get in the way of doing what's right for Washington State. Because of these efforts, we will have a spectacular wild area to leave behind for our children and grandchildren to use and enjoy.

H.R. 1769 builds on the proud Washington State tradition pioneered by Senators Warren Magnuson, Scoop Jackson, and Dan Evans, who have all worked together over the years to protect our public lands and preserve our recreational opportunities for all Washingtonians.

This bill also builds on another important Washington State tradition, that of collaborative consensus-based, environmental stewardship. And I want to thank Senator PATTY MURRAY for introducing companion legislation on the Senate side.

My bill provides a unique opportunity to permanently protect key additions to the existing Alpine Lakes Wilderness, which reaches the crest of the Cascade Mountains just east of the Seattle-Bellevue metropolitan area in my district. It also preserves wildlife habitats, existing recreational opportunities, and local economies that rely on both.

Alpine Lakes was first designated by Congress in 1976, and it's one of the most visited and most popular wilderness areas in our country. My legislation embraces important lower elevation lands, completes watersheds, protects two rivers with wild and scenic designations, and provides clean water and flood control for the valleys those rivers run through.

The proposed additions have been carefully crafted, taking into consideration existing recreational opportunities for hiking, camping, rafting, kayaking, horseback riding, mountain biking, and wildlife viewing, also taking care to protect a large area to preserve for hunting and fishing opportunities.

These additions my bill makes to this Alpine Lakes Wilderness area do not infringe on any private property issues and will not cost the Federal taxpayers a single cent.

I hope today that we realize that protecting this wilderness will serve our future generations. And as a grandfather—now as my staff wrote this thing and I'm reading through part of this bill today, I noticed in this sentence right here they have shortened my life a little bit, because they have said that I won't have the opportunity to see my great-grandchildren enjoy this wilderness area. I have a 15-year-old grandson, so I'm hoping in the next, maybe, 10 years or so, I might be able to watch my great-grandchild walk through this park.

I've had the opportunity to work with, again, as I said, all the people in our community, and it's just a joy to take my grandchildren today, my sons and daughters before that, walking through the wilderness, looking at wildlife and seeing the excitement in their eyes as they see wildlife pass right in front of them in some of our wilderness areas in Washington State. So, this wilderness area will be right in the backyard of Bellevue and Seattle, 40, 45 minutes away.

I urge my colleagues to support this legislation today.

Ms. BORDALLO. Madam Speaker, I reserve the balance of my time.

Mr. MCCLINTOCK. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I thank the gentleman from California and the gentlelady from Guam.

Madam Speaker, I certainly rise in support of the legislation under discussion. I also rise today as a proud cosponsor of H.R. 2788, the Distinguished Flying Cross National Memorial Act.

The creation of a memorial to honor Distinguished Flying Cross medal recipients is long overdue. These brave men and women are being honored for their heroic and extraordinary achievements during flight.

This diverse group of service men and women includes pilots from all five military branches and veterans from every U.S. military conflict from World War I to the current wars in Iraq and Afghanistan. I'm honored to represent several of these heroes who have received the Distinguished Flying Cross medal.

One of the awardees is James Pressman of Clark, New Jersey. Born in Elizabeth and raised in Rahway, Mr. Pressman served as a U.S. Army pilot and has been decorated with three Distinguished Flying Crosses for his valiant efforts.

In 1967, he graduated from the Army ROTC program at Rutgers University, where he was enrolled in the Army

flight program. Upon graduation, Mr. Pressman attended Infantry Officer Basic School and Flight School and then served in Vietnam from March 1969 to March 1970.

Mr. Pressman flew UH–1H helicopters as a member of C Troop in the 1st Squadron, 9th Cavalry of the 1st Air Cavalry Division in Phuoc Vinh, Vietnam. After safely returning home, he taught for a year as a flight instructor at Fort Wolters, Texas. Once Mr. Pressman retired from the Army, he served 6 years in the Army National Guard in Westfield, New Jersey.

Mr. Pressman resides in Clark as a retired real estate agent and substitute history teacher at Westfield and Arthur L. Johnson high schools. It is my privilege, Madam Speaker, to recognize him today along with all of the other courageous servicemen and -women who have been awarded the Distinguished Flying Cross.

I thank the sponsor of the legislation, Congressman KEN CALVERT of California, as well as the chairman and ranking member of the Natural Resources Committee, for bringing this legislation to the floor.

With that, I encourage all of my colleagues to vote for passage of the legislation.

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

Ms. BORDALLO. Madam Speaker, I yield to the gentleman from Iowa (Mr. BOSWELL) such time as he may consume. And before he begins, I would like to mention that he is a recipient of the Distinguished Flying Cross.

Mr. BOSWELL. I do rise in support.

I understand you had the debate, but I would feel remiss if I didn't make a few comments for my fellow airmen that have served and serve with great distinction.

It has probably been said, but Congress established the Distinguished Flying Cross 80 years ago, and today it is America's oldest military aviation award. The medal was created to symbolize sacrifice and heroism.

I applaud Mr. CALVERT for introducing this legislation, which will finally give Distinguished Flying Cross recipients the national recognition they deserve. Many may know that I served in the U.S. Army for 20 years, including a couple tours in Vietnam. I had the opportunity to serve with many great aviators who were also awarded the Distinguished Flying Cross.

I was truly honored to not only serve with these aviators but, in some cases, to supervise them. I had the opportunity to recommend brave individuals for the Distinguished Flying Cross. Their heroism and valor oftentimes inspired me and kept me going in the face of adversity.

This bill today honors my fellow aviators I served with during my 20 years, in addition to the men and women who now are protecting us in the skies domestically and abroad. My experience in the Army has a strong influence on me and added to many positives in the rest of my life.

When I look back at that time, I remember those I served with who gave the ultimate sacrifice to our country, those who served and gave their lives for our freedom. And I feel honored I had the opportunity to serve. Because of this experience, I truly relish what a tremendous gift and what a privilege it is to be an American.

Today I am extremely pleased to honor those aviators and all aviators. I strongly urge my colleagues to join in supporting H.R. 2788.

Ms. BORDALLO. Madam Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1769, 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.

REVISING BOUNDARIES OF GETTYSBURG NATIONAL MILITARY PARK

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4395) to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4395

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

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

Section 1 of the Act titled ''An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes'', approved August 17, 1990 (16 U.S.C. 430g–4), is amended by adding at the end the following:

''(d) ADDITIONAL LAND.—In addition to the land identified in subsections (a) and (b), the park shall also include the following, as depicted on the map titled 'Gettysburg National Military Park Proposed Boundary Addition', numbered 305/80,045 and dated January 2010:

''(1) The land and interests in land commonly known as the 'Gettysburg Train Station' and its immediate surroundings in the Borough of Gettysburg.

''(2) The land and interests in land located along Plum Run in Cumberland Township.''.

SEC. 2. ACQUISITION AND DISPOSAL OF LAND.

Section 2 of that Act (16 U.S.C. 430g–5) is amended by adding at the end of subsection (a) the following: ''The Secretary is also authorized to acquire publicly owned property within the area defined in section 1(d)(1) by purchase, from willing sellers only, if efforts to acquire that property without cost have been exhausted. The Secretary may not acquire property within the area defined in section 1(d) by eminent domain.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1545

GENERAL LEAVE

Ms. BORDALLO. 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 material on the bill under consideration.

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

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 4395, introduced by Representative TODD PLATTS of Pennsylvania, would authorize a boundary change at Gettysburg National Military Park to include the Gettysburg Train Station. Madam Speaker, it was here that President Lincoln arrived to honor the war dead on the field of battle and deliver the address that would forever define the Civil War as a battle for the freedom and the rights of all Americans.

Under the proposed legislation, the National Park Service would take over management of the train station from the Borough of Gettysburg, and community partners would staff it. The bill would also expand the park boundaries to include additional historic lands and would add protections for the resources of this hallowed site.

Madam Speaker, H.R. 4395 has broad bipartisan support, and we urge its adoption by the House today.

I reserve the balance of my time.

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

The legislation allows the National Park Service to accept the donation of a small parcel of land that will allow it to better interpret the historic battle for which the park was created. It also authorizes the Park Service to purchase the historic train depot where Abraham Lincoln arrived and departed from his historic visit in 1863.

I am told that there was a time when that historic train depot served as a pizza parlor. Today, it serves a much more fitting role as a museum, and under this measure the Park Service will take over its operation.

I yield such time as he may consume to the gentleman, Mr. PLATTS, the author of the measure.

Mr. PLATTS. Madam Speaker, I appreciate the gentleman yielding. And I certainly rise in support today of H.R. 4395, a bill to extend the boundaries of the Gettysburg National Military Park. I am honored to have introduced this legislation and certainly appreciate the support of the chairman and ranking member of the Natural Resources Committee in moving this bill to the floor.

Madam Speaker, Gettysburg is a unique and very special place. When I

travel around the country, I am always proud to talk to fellow citizens about my district in central Pennsylvania, including Carlisle, Pennsylvania, where the United States Army War College is located, and certainly my hometown of York, where the Continental Congress met for 9 months in 1777, and where the Articles of Confederation were adopted. No town, however, that I mentioned gets quite the reaction as Gettysburg. Not only did Gettysburg host the battle that marked the turning point of the Civil War in 1863, but it is also where President Lincoln gave one of the most historic addresses in our Nation's history.

H.R. 4395 would expand the boundaries of the Gettysburg National Military Park to include the historic Lincoln Train Station, as well as a 45-acre plot of land at the southern base of Big Round Top, in order to ensure preservation of these properties for generations to come. Both pieces of land are historically significant.

The Lincoln Train Station served as a hospital during the time of the 1863 battle and was the departure point for many wounded and deceased soldiers as they were returned to their homes. The station is also where President Lincoln arrived when he visited Gettysburg to give his historic Gettysburg Address in November 1863.

The 1858 structure is listed on the National Register of Historic Places and is currently owned by the Borough of Gettysburg. The Borough uses the station currently as a visitor's center. However, due to the lack of funding and available volunteers, it is unable to keep the center open on a regularly scheduled basis. The Borough of Gettysburg supports this legislation and wishes for the National Park Service to acquire this historic parcel and, as was referenced, be truly restored to its original beauty so it can be an added destination point for so many visitors to Gettysburg, Pennsylvania.

The 45-acre parcel of land at the base of Big Round Top hosted cavalry skirmishes in July 1863 as part of the battle and currently contains critical wetlands and wildlife habitat associated with Plum Run. The Gettysburg Foundation currently owns this piece of land and would like to donate it ''fee title interest'' to the National Park Service once it is added to the park's boundary.

As we all certainly appreciate, the National Park Service is tasked with preserving and maintaining a huge number of very important parks, over 400, I believe.

Like all Federal agencies, the National Park Service works within a constrained budget to allocate resources efficiently and effectively. I am sensitive to the current obligations of the NPS and believe that we should expand these commitments with thoughtfulness and without haste. I strongly believe that these two additions proposed by this legislation are truly historic in nature and would add great value to the park's already impressive resources. With that, I urge my colleagues to support this legislation.

Mr. McCLINTOCK. Madam Speaker, if the gentlelady from Guam has no further speakers, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge members to support the bill, and I wish to thank my colleague, the gentleman from California (Mr. McCLINTOCK), for managing the bill with me this afternoon.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4395, as amended.

The question was taken.

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

Ms. BORDALLO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 3 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1645

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 4 o'clock and 45 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3644, OCEAN, COASTAL, AND WATERSHED EDUCATION ACT AND PROVIDING FOR CONSIDERATION OF H.R. 1612, PUBLIC LANDS SERVICE CORPS ACT OF 2009

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–445) on the resolution (H. Res. 1192) providing for consideration of the bill (H.R. 3644) to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions and providing for consideration of the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, which was referred to the House Calendar and ordered to be printed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1193

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' '' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or

followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore, be it

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO REFER THE RESOLUTION

Mr. McGOVERN. Mr. Speaker, I move that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, this is a matter that properly belongs before the Committee on Standards of Official Conduct.

I yield back the balance of my time and move the previous question.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to refer.

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

Mr. FLAKE. 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, this 15-minute vote on the motion to refer will be followed by 5-minute votes on motions to suspend the rules with regard to H.R. 3542, H.R. 3509, and House Resolution 1173.

The vote was taken by electronic device, and there were—yeas 397, nays 0, answered ''present'' 12, not voting 21, as follows:

[Roll No. 131]

YEAS—397

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—12

Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Latham
McCaul
Simpson
Walden

NOT VOTING—21

Ackerman
Barrett (SC)
Bishop (NY)
Bishop (UT)
Burgess
Cao
Cummings
Davis (TN)
Deal (GA)
Grijalva
Hastings (WA)
Hoekstra
Kaptur
Kosmas
Lofgren, Zoe
Radanovich
Rush
Sánchez, Linda T.
Stark
Sullivan
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1717

Mr. JORDAN of Ohio changed his vote from ''nay'' to ''yea.''

Messrs. WALDEN and LATHAM changed their vote from ''yea'' to ''present.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. CANTOR. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas at least three members of the House Democratic Leadership have endorsed a procedural tactic for the sole purpose of avoiding an up-or-down vote, by the yeas and nays, on the Senate-passed health care bill;

Whereas on Tuesday, March 16, 2010 Representative James Clyburn, the House Majority Whip, stated, ''We will deem passed the Senate bill. . .'';

Whereas on Tuesday, March 16, The Washington Post reported, ''After laying the groundwork for a decisive vote this week on the Senate's health-care bill, House Speaker Nancy Pelosi suggested Monday that she might attempt to pass the measure without having members vote on it. Instead, Pelosi (D–Calif.) would rely on a procedural sleight of hand. . .'';

Whereas in the same Washington Post article, the Speaker declared, ''. . . I like it because people don't have to vote on the Senate bill.'';

Whereas on Tuesday, March 16, McClatchy Newspapers reported Representative John Larson, chairman of the House Democratic Caucus, stated, ''Many of our members would prefer not to have voted for the Senate bill.'';

Whereas on Tuesday, March 9, U.S. News and World Report reported, ''Pelosi gaffed, telling the local elected officials assembled 'that Congress [has] to pass the bill so you can find out what's in it, away from the fog of controversy.' '';

Whereas on Tuesday, March 16, The Washington Post editorialized, ''. . . what is intended as a final sprint threatens to turn

into something unseemly and, more important, contrary to Democrats' promises of transparency and time for deliberation. . . . [I]t strikes us as a dodgy way to reform the health-care system. Democrats who vote for the package will be tagged with supporting the Senate bill in any event.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well while another Member is speaking.

The gentleman from Virginia may continue.

Mr. CANTOR. Thank you, Mr. Speaker.

The form of the remainder of the resolution is as follows:

Whereas on Tuesday, March 16, the Cincinnati Enquirer editorialized, ''This disgusting process, which Democrats brazenly wish to bring to conclusion this week, is being done with little regard for the opinions of a clear majority of Americans who, while they may believe health care reform is necessary, think this particular approach will take our nation down the wrong economic path.'';

Whereas bipartisan members of the House and Senate have expressed their opposition to using the Slaughter Solution;

Whereas on Wednesday, March 10, Representative Joe Donnelly released the following statement, ''The process over the past few months has been frustrating, including the cutting of unacceptable special deals to assure a few senators' votes.'';

Whereas Representative Jason Altmire of Pennsylvania has characterized the exploitation of the Slaughter Solution by Democratic Leadership as ''wrong'' and unpopular among his constituents;

Whereas on Friday, March 12, POLITICO reported on a memo sent from Representative Chris Van Hollen, chairman of the Democratic Congressional Campaign Committee, to freshman and sophomore House Democrats that stated, ''At this point, we have to just rip the band-aid off. . . Things like reconciliation and what the rules committee does is INSIDE BASEBALL.'';

Whereas on Tuesday, March 16, Roll Call reported, ''Hoyer argued that the American public isn't interested in the process lawmakers use for approving reforms. . .'';

Whereas on Tuesday, March 16, Representative James Clyburn told Fox News, ''Controversy doesn't bother me at all.'';

Whereas the Democratic leadership of the House has conducted a calculated and coordinated attempt to willfully deceive the American people by embracing the ''Slaughter Solution'';

Whereas resorting to the ''Slaughter Solution'' in this circumstance, is being done to intentionally hide from the American people a future vote that Members of Congress may take on the Senate-passed health care legislation;

Whereas the deceptive behavior demonstrated by the Democratic Leadership has brought discredit upon the House of Representatives; and

Whereas the Democratic leadership has willfully abused its power to chart a legislative course for the Senate health care bill that is deliberately calculated to obfuscate what the House will vote on, in an illegitimate effort to confuse the public and thereby fraudulently insulate certain Representatives from accountability for their conduct of their offices: Now, therefore, be it

Resolved, That the House disapproves of the malfeasant manner in which the Democratic Leadership has thereby discharged the duties of their offices.

Mr. CANTOR. Mr. Speaker, I seek to offer the resolution.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTINGS of Florida. Mr. Speaker, does a privileged resolution lie against a rule as the gentleman's privileged resolution that he has read, does it lie when, in fact, no rule has been established or passed by the House with reference to this matter?

The SPEAKER pro tempore. The Clerk will first report the resolution, then the Chair will determine its privileged status.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1194

Whereas at least three members of the House Democratic Leadership have endorsed a procedural tactic for the sole purpose of avoiding an up-or-down vote, by the yeas and nays, on the Senate-passed health care bill;

Whereas on Tuesday, March 16, 2010 Representative James Clyburn, the House Majority Whip, stated, ''We will deem passed the Senate bill . . .'';

Whereas on Tuesday, March 16, The Washington Post reported, ''After laying the groundwork for a decisive vote this week on the Senate's health-care bill, House Speaker Nancy Pelosi suggested Monday that she might attempt to pass the measure without having members vote on it. Instead, Pelosi (D–Calif.) would rely on a procedural sleight of hand . . .'';

Whereas in the same Washington Post article, the Speaker declared, ''. . . I like it because people don't have to vote on the Senate bill.'';

Whereas on Tuesday, March 16, McClatchy Newspapers reported Representative John Larson, chairman of the House Democratic Caucus, stated, ''Many of our members would prefer not to have voted for the Senate bill.'';

Whereas on Tuesday, March 9, U.S. News and World Report reported, ''Pelosi gaffed, telling the local elected officials assembled 'that Congress [has] to pass the bill so you can find out what's in it, away from the fog of controversy.' '';

Whereas on Tuesday, March 16, The Washington Post editorialized, ''. . . what is intended as a final sprint threatens to turn into something unseemly and, more important, contrary to Democrats' promises of transparency and time for deliberation. . . . [I]t strikes us as a dodgy way to reform the health-care system. Democrats who vote for the package will be tagged with supporting the Senate bill in any event.'';

Whereas on Tuesday, March 16, the Cincinnati Enquirer editorialized, ''This disgusting process, which Democrats brazenly wish to bring to conclusion this week, is being done with little regard for the opinions of a clear majority of Americans who, while they may believe health care reform is necessary, think this particular approach will take our nation down the wrong economic path.'';

Whereas bipartisan members of the House and Senate have expressed their opposition to using the Slaughter Solution;

Whereas on Wednesday, March 10, Representative Joe Donnelly released the following statement, ''The process over the past few months has been frustrating, including the cutting of unacceptable special deals to assure a few senators' votes.'';

Whereas Representative Jason Altmire of Pennsylvania has characterized the exploitation of the Slaughter Solution by Democratic Leadership as ''wrong'' and unpopular among his constituents;

Whereas on Friday, March 12, POLITICO reported on a memo sent from Representative Chris Van Hollen, chairman of the Democratic Congressional Campaign Committee, to freshman and sophomore House Democrats that stated, ''At this point, we have to just rip the band-aid off . . . Things like reconciliation and what the rules committee does is INSIDE BASEBALL.'';

Whereas on Tuesday, March 16, Roll Call reported, ''Hoyer argued that the American public isn't interested in the process lawmakers use for approving reforms . . .'';

Whereas on Tuesday, March 16, Representative James Clyburn told Fox News, ''Controversy doesn't bother me at all.'';

Whereas the Democratic leadership of the House has conducted a calculated and coordinated attempt to willfully deceive the American people by embracing the ''Slaughter Solution'';

Whereas resorting to the ''Slaughter Solution'' in this circumstance, is being done to intentionally hide from the American people a future vote that Members of Congress may take on the Senate-passed health care legislation;

Whereas the deceptive behavior demonstrated by the Democratic Leadership has brought discredit upon the House of Representatives; and

Whereas the Democratic leadership has willfully abused its power to chart a legislative course for the Senate health care bill that is deliberately calculated to obfuscate what the House will vote on, in an illegitimate effort to confuse the public and thereby fraudulently insulate certain Representatives from accountability for their conduct of their offices: Now, therefore, be it

Resolved, That the House disapproves of the malfeasant manner in which the Democratic Leadership has thereby discharged the duties of their offices.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. HOYER. Mr. Speaker, I move that we lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to lay the resolution on the table.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the motion to table will be followed by 5-minute votes on suspending the rules with regard to H.R. 3542, H.R. 3509, and H. Res. 1173.

The vote was taken by electronic device, and there were—ayes 232, noes 181, not voting 17, as follows:

[Roll No. 132]

AYES—232

Adler (NJ)	Barrow	Boccieri
Altmire	Bean	Boswell
Andrews	Berkley	Boucher
Arcuri	Berman	Boyd
Baca	Berry	Brady (PA)
Baird	Bishop (GA)	Braley (IA)
Baldwin	Blumenauer	Bright

Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Barrett (SC)
Becerra
Bishop (NY)
Cummings
Davis (TN)
Deal (GA)
Ellsworth
Hastings (WA)
Hoekstra
King (IA)
Lofgren, Zoe
Radanovich
Sánchez, Linda T.
Stark
Westmoreland
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1748

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STATE ADMISSION DAY RECOGNITION 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. 3542, 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 Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3542, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 22, as follows:

[Roll No. 133]

YEAS—408

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

Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Ackerman
Barrett (SC)
Bishop (NY)
Boehner
Cummings
Davis (IL)
Davis (TN)
Deal (GA)
Fallin
Gordon (TN)
Hastings (WA)
Hoekstra
Kaptur
King (IA)
Lofgren, Zoe
McDermott
Radanovich
Sánchez, Linda T.
Schiff
Stark
Welch
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1755

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.

Stated for:

Ms. FALLIN. Mr. Speaker, on rollcall No. 133, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SCHIFF. Mr. Speaker, on rollcall No. 133, had I been present, I would have voted "yea."

AGRICULTURAL CREDIT 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. 3509, 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. 3509.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 26, not voting 22, as follows:

[Roll No. 134]

YEAS—382

Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—26

Akin
Bean
Broun (GA)
Cantor
Chaffetz
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Hensarling
Inglis
Jordan (OH)
Lamborn
Manzullo
Mitchell
Myrick
Paul
Peters
Price (GA)
Rohrabacher
Royce
Sensenbrenner
Shadegg
Stearns

NOT VOTING—22

Ackerman
Barrett (SC)
Bishop (NY)
Boehner
Boyd
Cummings
Davis (TN)
Deal (GA)
Dicks
Hastings (WA)
Hoekstra
Kaptur
Kind
Lofgren, Zoe
McNerney
Radanovich
Rogers (MI)
Sánchez, Linda T.
Stark
Teague
Welch
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1802

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.

RECOGNIZING 100TH ANNIVERSARY OF THE VERMONT LONG TRAIL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1173, 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 Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1173.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 20, as follows:

[Roll No. 135]

YEAS—409

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert

Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
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Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
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Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Young (AK)

NOT VOTING—20

Ackerman
Arcuri
Barrett (SC)
Bishop (NY)
Boyd
Cummings
Davis (TN)
Deal (GA)
Hastings (WA)
Hoekstra
Johnson, Sam
Lofgren, Zoe
McNerney
Radanovich
Rush
Sánchez, Linda T.
Smith (NE)
Stark
Westmoreland
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1811

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.

HEALTH CARE REFORM

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

Ms. MATSUI. Mr. Speaker, I rise today to recognize the significant benefits our health care bill will have on American women. Simply put, the health care bill will provide more security, higher quality care, and is a better deal for America's daughters, mothers, and grandmothers.

In the current health care system, women often face higher health care costs than men and multiple other barriers to obtain health insurance. Fewer women are eligible for employer-based coverage, and comprehensive coverage in the individual health care market is often unavailable, prohibitively expensive, or excludes key services that women need. As a result, many women are either uninsured or underinsured and simply cannot afford their health care costs. This affects individual women, their families, and their businesses.

For all these reasons, it is imperative that we pass health insurance reform legislation and provide all Americans with the quality health care they deserve at a cost they can afford. Mr. Speaker, I look forward to joining my colleagues in doing so this week.

HEALTH CARE REFORM AND FEDERAL STUDENT LOANS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, competition used to be viewed as a way to lower prices and improve services. A rental car company's slogan was, We're number two, so we try harder.

Competition apparently is no longer a virtue under this administration. The health care bill seeks to put health care for Americans in the hands of government bureaucrats, but it also seeks to put guaranteed student loans solely into the same government hands. Unlike the car company, I'm not sure the government can say that it ever tried harder, sought innovation, or went out of its way to help a student.

The Federal Family Education Loan program is administered primarily by private companies today, and under the proposed change, private lenders will be barred from making government-guaranteed loans. Some 30,000 employees across the Nation will lose their jobs. So much for worrying about the Nation's unemployment.

Choice and competition will die, but the Democrats say it will save money, about $87 billion, money they have already spent on Pell Grants and $9 billion diverted to pay for health care reform. Instead of that savings, look for poorer service, increased defaults, and higher administrative costs—like dealing with the IRS.

□ 1815

WOMEN AND HEALTH CARE

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

Ms. DELAURO. Mr. Speaker, our long-overdue health insurance reforms will put women's health on an equal footing at long last. It will transform the lives of American women of all ages for the better.

Younger women will be able to remain on their parents' policy as dependents until they reach 26 years of age. That means affordable care for everything from regular checkups to unexpected illness or injury. It means if they decide to become pregnant, finally there will be coverage for maternity and well-child care.

Working women shopping for their family's coverage will be glad to know that the reforms will require insurance companies to have unprecedented

transparency about what really is and is not covered. The reforms will cap out-of-pocket expenses and give Americans sliding-scale affordability credits to help them buy coverage.

Older women on Medicare will benefit from closing the doughnut hole and ensuring important preventive services like mammograms and cancer screenings are free of charge.

And finally, all women will benefit from an end to the discriminatory practices of gender rating and from making prevention and wellness a critical part of health care at last. For themselves, their spouses, their friends, daughters, and mothers, I urge my colleagues to pass this legislation.

WHERE IS THE FLAG?

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

Mr. POE of Texas. Mr. Speaker, America is the most generous country on the face of the earth. Americans have given more in blood and treasure worldwide to help others than any nation in the history of the world.

But the Navy Times is reporting that the United States does not fly our flag at its main installation at Port-au-Prince in Haiti. The administration says flying the flag may give people in Haiti the wrong idea. Well, what is that supposed to mean? Is our government ashamed of Old Glory?

News reports say that every other nation involved in relief efforts is proudly flying their flag in Haiti. Americans in Haiti are a testament to the good intentions of our country. Why should the administration force the military to hide our flag as if it's ashamed of the red, white, and blue?

The flag represents everything that's good and right about America. American troops should be able to fly the Stars and Stripes wherever they are in this world serving our Nation. After all, isn't that what the flag is about?

But now it sounds like the administration is once again apologizing for Americans being American.

And that's just the way it is.

HEALTH CARE REFORM

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

Mr. INSLEE. Mr. Speaker, as we head to our health care reform decision, I think a story of a fellow I met the other day, a very unique American, bears repeating. His name is Gary Hall. He was in my office yesterday.

Gary Hall won five gold medals, three silver medals, and two bronze medals in swimming, over three separate Olympics, really an incredible achievement. He got his medical insurance through the Olympic Committee for 12 years, but after that he wasn't eligible. And guess what happened? No one would write him insurance because he has diabetes.

The insurance companies said, we don't care if you've won gold medals, silver medals, and bronze medals, we won't give you insurance.

Now, that has got to change. We have to pass a health reform bill. Whether you've won a gold medal in swimming or you're just an average Joe or Jane, you ought to be able to buy insurance, even if you've got diabetes.

We are going to have a bill on the floor shortly that we are going to vote on. The vote's going to be transparent. It's going to be recorded. Everybody knows what it's going to be. It's going to be constitutional. It's going to be just the way we've voted for years. We're going to make sure people get health insurance in this country.

SIMPLE TRUTHS

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

Mr. KINGSTON. Mr. Speaker, it's a simple truth that Republicans in Congress spent too much money. It's a simple truth, though, that in 12 years of Republican deficits, the Democrats in 1 year spent more money, with a deficit of $1.4 trillion in 1 year.

It's a simple truth you can't insure 30 million more people without costing more to the Federal Government. It's a simple truth that if the government rewrites all the health care laws, you can't keep the health insurance that you now have.

It's a simple truth that with millions of new bureaucracies, or thousands of new bureaucracies and billions more dollars, bureaucrats will come in between you and your doctor.

And it's a simple truth the government that brought you ''Cash For Clunkers'' is not going to deliver good health care policy.

And it's a simple truth if the bill was so good we wouldn't need the Cornhusker kickback; we wouldn't need the Gatorade payoff; we wouldn't need the Louisiana purchase, and we would not have to promise to all Members of Congress all kinds of things that are in this bill and other bills to come if it was a good bill.

It's a simple truth the American people want us to start all over, and that's what we should be doing.

HEALTH REFORM AND WOMEN

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

Ms. SUTTON. Mr. Speaker, health care reform is critical to ensure that women have access to affordable health care. Currently, women can be charged higher rates simply because of their gender.

The Joint Economic Committee has estimated that 64 million women do not have adequate health insurance coverage today. 1.7 million women have lost their health insurance coverage since the beginning of the economic downturn, and 39 percent of all low-income women lack health insurance coverage.

Women are also more likely to deplete their savings accounts paying medical bills than men. The health reform legislation being considered by Congress will help address all of these critical issues, and more. It will eliminate insurance coverage discrimination based on gender, provide access to affordable policies to all Americans, it will prevent bankruptcies due to medical costs by capping out-of-pocket payments, and it will prohibit insurance companies from discriminating based on preexisting conditions, including the despicable practice of calling domestic violence victims preexisting conditions.

It's time to pass this.

WHAT THE HECK, AMERICA

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

Mr. BURTON of Indiana. You know, I just love to listen to my colleagues on the Democrat side. I love them so much. And they just don't mention some of the other things that are going on, like the budget this year is $3.8 trillion that we don't have. But the taxpayers are going to have to pay for it. They'll have to pay to for it with inflation or higher taxes.

And they don't mention that there's going to be $569.2 billion in new taxes. What the heck, we can afford that. And Medicare and Medicare Advantage is going to be cut by $520 billion. But what the heck, the seniors, they don't have to worry about that. They can, you know, ask their grandkids for some of that money.

And of course the total cost is not $980 billion. It's going to be about $1.3 or $1.4 trillion, and I really believe it's going to be more like $2.5 to $3 trillion. We don't have that money, and it's a new entitlement, but what the heck, America. You can handle that. This is just money, and we can always print more. Of course it causes inflation and higher taxes, but who cares. You can get it done.

THE IMPORTANCE OF HEALTH CARE REFORM TO WOMEN

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

Ms. HIRONO. Mr. Speaker, it bears repeating, few Americans have more at stake in health care reform than women.

Forty States allow private health insurance companies to gender rate their premiums. As a result, a 25-year-old woman may pay between 6 percent and 45 percent more than a 25-year-old man to get the same coverage.

Fifty-two percent of women reported postponing or forgoing medical care because of cost. Only 39 percent of men reported having had those experiences.

Nine States allow private plans to refuse coverage for domestic violence survivors.

Eighty-eight percent of private insurance plans do not cover comprehensive maternity care. In many policies, a previous C-section and being pregnant are considered preexisting conditions.

Less than half of all women in America have employer-sponsored insurance. This is partly due to the fact that more women tend to work for small businesses or have part-time jobs where health insurance is not offered, certainly the case in Hawaii.

It's time for reform.

PASS THIS HEALTH CARE REFORM LEGISLATION NOW

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

Mr. CLAY. Mr. Speaker, I rise this evening as we prepare for this historic vote, and I'm here to tell you that the people of Missouri's First District want us to act and pass this health care reform legislation now. And here's why:

It will improve coverage for 331,000 residents who already have health insurance. And it will give tax credits to 168,000 families and 15,000 small businesses to help them afford coverage. It will improve Medicare for 96,000 seniors, including closing the doughnut hole. It will extend coverage to 45,500 uninsured residents. It will guarantee coverage for 10,000 residents with preexisting conditions. And it will protect 1,400 families from medical bankruptcy.

This plan ends gender-based discrimination by stopping insurance companies from charging women more than men for the very same coverage.

It is time to act, Mr. Speaker.

HEALTH CARE REFORM IS CRITICAL FOR WOMEN IN AMERICA

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

Ms. TITUS. Mr. Speaker, the need for health care reform is critical for so many in America, but for women, the need is even greater. With health care costs weighing heavily on our small businesses, and with women more likely to own or work for small businesses, it's critical that real reform help those businesses compete by lowering health care costs.

In Nevada, insurers are allowed to consider gender when setting premium rates in the individual health insurance market. And as a result of this gender rating, women are often charged more than men for the exact same coverage.

Insurers can also exclude coverage for certain preexisting conditions, such as having had a C-section and even being pregnant. And it can be difficult, sometimes impossible in certain markets for women to find coverage for maternity care in the individual health market.

I say it's time to tell insurance companies that being a woman is not a preexisting condition.

HEALTH CARE FOR WOMEN

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute.)

Mrs. NAPOLITANO. Mr. Speaker, the facts are that, according to the National Institutes of Health, suicide is the leading cause of death for women. That is unacceptable.

Actually, adequate health care coverage is critical to the future of women who suffer in silence from mental illness, whether it is postpartum depression, or some of the military women whose families are not covered by VA who suffer loneliness, stress, depression, and everything that goes with it, especially if they're tending to a spouse who's got TBI or PTSD.

They're rejected by the insurance, denied coverage for preexisting conditions. There's articles by The L.A. Times, The Memphis Editorial, Minneapolis Star Tribune, Pittsburgh Post-Gazette, Dayton Daily News, Detroit Free Press, and The Missouri Herald, supporting health care reform.

We must vote for it. Let's get it done.

HEALTH CARE REFORM

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

Mr. BURGESS. I received a letter yesterday from a State senator in my State, Tommy Williams, who's from the Beaumont area, not my immediate area but he serves on their Senate finance committee in the State. He worked on the State budget last year and will work on it again next year.

He says: ''I am writing respectfully to ask you to oppose President Obama's proposed health care reform plan as outlined in the President's summary reform.'' He said: ''In a word, it will be devastating.''

The analysis provided to Senator Williams from their Health and Human Services Commission is roughly $4 billion to $5 billion for the 2-year budget if we implemented this plan in a State that is arguably in better shape than other States but still facing a significant budget shortfall for the next budget year, $11 billion to $17 billion.

He concludes with: ''I hope you understand as a member of the Senate Finance Committee who has wrestled with these very difficult issues I respectfully ask you to oppose President Obama's plan because of the fiscal havoc it would cause for the State we both love so dearly.

''Respectfully, Tommy Williams, State Senator.''

I will put Tommy Williams' letter into the RECORD.

MARCH 16, 2010.

Hon. MICHAEL BURGESS,
Cannon Office Building,
Washington, DC.

DEAR REPRESENTATIVE BURGESS: During the last session of the Texas Legislature it was my privilege to negotiate the Article II (Health and Human Services) provisions of the conference committee report on our state budget. In doing to I have become intimately familiar with the effects that state and federal mandates can have on health care-related costs in Texas and to Texans.

I am writing to respectfully ask you to oppose President Obama's proposed health care reform plan as outlined in the President's summary reform document released February 22, 2010.

Recently, the Texas Health and Human Service Commission (HHSC) provided me with an analysis of the impact of President Obama's proposal on our state budget. In a word, it will be ''devastating.''

As I am sure you are aware, our state is in much better fiscal shape than many of the others; however, we are facing a gap between projected revenues and expenditures of approximately $11–$17 billion for the next biennium. Health and Human Services expenditures already make up roughly 1/3 of General Revenue (GR) expenditures and are a significant cost driver in the state's budget.

HHSC's analysis estimates that the President's proposal would cost the State of Texas as much as $24.3 billion dollars over the next 10 years. This includes a $6.0 billion reduction in available DSH funding. Our state can simply not afford an additional average cost of $4.0–$5.0 billion per biennium over the 10 years it would take to implement this plan.

I appreciate your hard work toward health care reform we can all support. I hope you understand as a member of the Senate Finance Committee who has wrestled with these very difficult issues I respectfully ask you to oppose President Obama's plan because of the fiscal havoc it would cause for the state we both love so dearly.

Respectfully,

TOMMY WILLIAMS,
Texas State Senator, District 4.

□ 1830

SPECIAL ORDERS

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

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

(Mr. HOYER 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 gentlewoman from California (Ms. RICHARDSON) is recognized for 5 minutes.

Ms. RICHARDSON. Women comprise over 50 percent of the population. In the 2008 Presidential election, 53 percent of the people who voted were women. And indirectly, when women are involved in anything, any major decision, it impacts all family households

because women are becoming more and more the primary breadwinner.

On Sunday, this Sunday, a part of Women's History Month, we mothers, sisters, brothers, and dads will have the opportunity to cast an historic vote that will improve health care for all Americans and long-awaited gains for women in particular.

What women have to gain from this bill. Number one, no more gender ratings. Right now a gender rating system is used by many insurance companies in the current health care system to charge women more than men for the same health care insurance. Discriminatory practices are allowed in all but 12 States. With the health care reconciliation bill, women and men will be charged the same price for the same coverage. It only makes right sense.

What is the second thing we will do? You will no longer be able to see women struggling that they will be denied their coverage based upon preexisting conditions. Women are often denied coverage because of past pregnancies, C-sections, and domestic violence injuries. With the new health care reconciliation bill it will be illegal, and that only makes sense, to deny women coverage or charge them higher rates based upon any supposed ''preexisting conditions.''

And then what is the third thing? Expanding access to employer-provided health care insurance. Can you believe that right now less than half of American women receive health care through their employers? Why? Because more women work for small businesses, and they also work more part-time than most men. So because of that, their ability for health care insurance is hindered. With the health care reconciliation bill, small businesses will be able to afford health care and good choices. By joining with others in the exchange, they will have an increase in their purchasing power. And then most importantly, there will be tax credits to make it affordable for small businesses to have coverage.

And then what is the fourth thing? By this, when you look at currently, doing away with copays and deductibles for preventive care. Many women forgo preventive care such as mammograms because of the prohibitive high costs. With the health care reconciliation bill, which makes sense, we can emphasize the importance of preventive care and early detection. We can eliminate copays and deductibles for preventive care. And most importantly, we can encourage women to go to their doctors regularly, protect themselves from debilitating medical crises, and oh, by the way, save money too.

Women have much to gain with health care reform. Women, when you consider it, we also have much to lose for continued nonaction and status quo. What women stand to lose if reform does not occur, women will continue to be subjected to discrimination. Right now many women are being charged 48 percent more than men for the same health insurance. It doesn't make sense and it is not right. We cannot continue to condone this discrimination in America.

If reform does not occur, women will be denied coverage based upon preexisting conditions. And in eight States, including where we reside now, the District of Columbia, women are still being denied health care because they might have been victims of brutal domestic violence. If reform does not occur, some women will not receive health care even when they are pregnant and they need it most.

Women need the peace of mind that they and their baby will not have to worry about skyrocketing health care costs. Many companies today right now continue to not include maternity coverage. And as I close, this would mean that 79 percent of the women in individual markets today do not have maternity coverage.

Americans face discrimination. All Americans are currently facing discrimination with our failed health care policies. And women, their fate is even worse. The final reconciliation version of the health care bill includes equal access to affordable, quality health care for women and for all Americans.

THE JACK YATES BASKETBALL TEAM OF HOUSTON, NATIONAL CHAMPS

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, tomorrow night starts what we call March Madness, college basketball playoffs for the national championship, and 65 college teams throughout the country will start competing tomorrow night. But there is one team that won't be there. And probably those 65 teams are glad this team is not there. It is not a college team. It is a high school team, and they are from Jack Yates Senior High School in Houston, Texas. They are now ranked the number one high school basketball team in the United States by USA Today and Rivals.com.

The Jack Yates Lions have won 58 consecutive basketball games in a row, going since last year, and two Texas State championships in 4A basketball. They have defeated their opponents by an awesome amount of points. They have won games by 88 points, 90 points, 98 points, 99 points, 115 points, and 135 points against the opposition. And that is just the margin of victory in those games.

In one game this year, on January 5, 2010, they scored 170 points in a high school basketball game, breaking the national record. That is an 18-year record set of scoring. And yes, they scored 170 points in one game. No wonder they weren't invited to the big March Madness starting tomorrow night in college basketball games.

They not only set the national record for consecutive games won over 100 points, they finished the season averaging 116 points per game, taking that title away that was 40 years old from a Hobbs, New Mexico high school team. They scored 100 points in 26 basketball games this year. They are a foe to be reckoned with. They have no competition in high school basketball anywhere in the United States.

They employ a strategy that is called ''38 minutes of hell.'' It is a run and gun offense where the coach, Coach Greg Wise of Houston, Texas, plays all 15 players. Five at a time he puts them in. They run and gun up and down the basketball court, he pulls them out, puts another five in, throughout the game. And by the end of the game of course the other team is dragging, they are out of breath, out of energy, and they are out of points. And of course the Jack Yates High School basketball team wins the game.

In the State championship this year going into the fourth quarter they were behind by 24 points. They had a little conversation with their coach before the fourth quarter started, and they won the game by 23 points.

I want to commend this wonderful group of young men who live in Houston, Texas, for their zeal, for their energy, and for representing really what is good about high school sports not only in the State of Texas, but throughout the United States, and congratulate them on being the number one high school basketball team in the United States. Way to go, Lions.

And that's just the way it is.

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

(Ms. BERKLEY 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 gentlewoman from California (Ms. CHU) is recognized for 5 minutes.

Ms. CHU. Mr. Speaker, women of America, Republicans want you to believe that our health care reform bill is poison, that doing nothing is better for the Nation. But the truth is doing nothing is poison for the women of America. Insurance companies are cheating women from getting the health care they need. It is women that need health care reform the most.

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. But she thought she would be okay because of her husband's insurance. Then the devastating news came: her husband lost

his job. They shopped around for private insurance but were turned away by the best plans because of her cancer. They are now stuck paying $850 a month to a private insurance company to cover their family of four, almost the same amount as her mortgage. It is just not fair.

It is so clear that women need health care reform. Did you know that women pay more for health care? Today they are forced to settle for less health care at a higher price. Insurance companies charge as much as 50 percent more to women over men for the exact same coverage. What is worse is that this blatant gender inequality is legal in 38 States. But health care reform will make this type of gender discrimination illegal. Insurance companies will be forced to do what is right: charge everyone the same rate for the same care.

Did you know that insurance companies make it hard for women to get preventive services even when it would save the insurance companies money? Today millions of women have trouble getting these kinds of services. They forgo important tests and screenings because they simply can't afford the copays. One-third of uninsured women go without preventive care for mammograms and pap smears, tests that could save lives if done today. But health care reform will require insurance companies to offer basic preventive services, reproductive health, and maternity care, and make these preventive tests free with insurance.

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. Without a spouse, women are twice as likely to be uninsured than men. And when women are denied adequate coverage or lose their jobs, their families are hurt, too. For single mothers, unemployment left this group skyrocketing with troubles, leaving almost one-quarter of all single mothers without insurance to cover their families, leaving 275,000 children without regular access to doctors' visits or medication. But health care reform will make insurance affordable for all women.

Did you know that insurance companies deny women 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, they are domestic violence, pregnancy, and Cesarean sections. But health care reform will make it illegal to deny coverage due to any preexisting condition. Women will no longer be denied coverage for being mothers or finding a lump in their breast.

Insurance companies are cheating women every day, and women are suffering because of it. Health care reform will make sure that your mother, your sister, and your daughter will be able to afford the treatment that they need, the best insurance they can afford, one that won't turn them away. That is why I strongly support this legislation. The women of America need health care reform.

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

(Mr. JONES 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. It is so nice, Mr. Speaker, to see these fine looking young ladies out here today talking about health care. I really appreciate it. It's time that we saw all of you out here tonight. It's really nice to see you and I appreciate you taking the time to be here.

There are just a few things, ladies, that you really haven't talked about. You keep talking about this as if this is the only approach to solving the health care problem. You don't mention that for trillions of dollars less, trillions of dollars less, money that we don't have, the Republicans have proposed a bill that would allow people to buy insurance across State lines so they could get the very best rates.

We provided a bill that would deal with people to help them get medical savings accounts so they could put their money into a savings account tax-free, as well as their employers, and then they would use that money and they would decide when they needed to go to the doctor and when not. And if they didn't use it, it would build up in the bank account. And if they used it, there would be a major medical policy, also tax-free, that would take them up to an undetermined amount of money, maybe $100,000.

You didn't mention that our bill says that you can take your insurance with you from one company to another when you move. And that is what I think most people want. They want to make sure that there is portability.

You didn't mention that we want companies, small companies to be able to band together in our bill so that they can buy insurance at the rates that the major corporations do. That is a pretty good alternative.

You didn't mention that we want tort reform, which will definitely lower the cost of insurance because there won't be all these frivolous lawsuits by trial attorneys. Incidentally, you don't have any of that in your bill because the trial attorneys you like, because they support you and they support the President. And the trial attorneys have got this bill in their pocket.

□ 1845

You don't mention that our bill does cover preexisting conditions, and it doesn't cost as much money. You don't mention that our bill provides a safety net for the people who are uninsured which will deal with a lot of the problems you have been talking about tonight. You don't mention that we're going to have a safety net for indigent people, people who can't afford insurance.

And let me just say this: doctors across this country don't want this bill. Hospitals across this country don't want this bill. The people across this country overwhelmingly don't want this bill. Do you know why? Because it's going to cost trillions of dollars that we don't have. And you know who's going to pay for all of this? The budget this year, as I said earlier, is $3.78 trillion that we don't have. This is a new entitlement, and it's going to cost trillions of dollars that we don't have. And we're not going to be able to borrow that money from China and Japan and all of these other countries from around the world for very long.

So what are we going to do? We're going to print the money. And if America was watching tonight I'd say, Hey, don't worry about it. They're just going to print the money. So if you got a thousand dollars in the bank and we double the amount of the money in circulation, you still have the thousand dollars, but it's only worth $500 because it will only buy half as much. But who cares?

And then, of course, the legislation that's going to cost trillions of dollars in addition to the trillions of dollars that you're spending on everything else is going to cause higher taxes. But, then, what the heck? In fact, in your bill, the taxes are going to go up by $569.2 billion. Oh, that's chump change. Don't worry about that. The American people can afford it.

Heck, right now at 10 percent unemployment, I'm sure the American people are saying, Raise my taxes. The small businessman wants you to raise his taxes because if you raise his taxes, he won't be able to hire people, and he may even say, Well, I'm going to take a boat and take my business overseas because we can't handle this anymore because the taxes are too high. But what the heck. Who cares. It's just money.

The bottom line is we all want the same thing, and that is to solve our health care problems. But we don't want to give a hole that our kids and our grandkids will never get out of. They'll be paying higher taxes, and they'll be dealing with inflation. And they will look back on our generation and say, Why did you do that to us? Why did you do that to us?

And so when you tell the American people all of the things you're telling them tonight about these people are going to be covered and everything else, just tell them this: we have got a plan that will do it, too, and it will do it for a heck of a lot less money. It won't put the government in control of health care and have bureaucrats between people and their doctors, and it

won't cause socialized medicine. So tell them that, too, if you would.

And just remember this as I leave, I love you, ladies.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to address their remarks to the Chair.

WOMEN AND HEALTH CARE

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

Mrs. DAVIS of California. Mr. Speaker, I can remember when women couldn't get credit cards in their own names, when drug companies didn't run tests on women, and when women were told that secretarial school was about the only career option they had. Even as recently as a year ago, women didn't have the same fair-pay rights and protections in the workplace as men have until this Congress voted to change that.

It takes women speaking up to make unfair and discriminatory practices like those a thing of the past, which is why we must speak up for this health care bill.

I would ask opponents of this reform to think of a woman in their life—whether it's a mother, a grandmother, a sister, an aunt, a daughter, or even a friend—think about her and ask yourself, is it right that insurance companies can deny her coverage based on gender? Is it right that insurance companies charge her more because she's a woman? Should women be turned away by insurance companies for such preexisting conditions as pregnancy, giving birth by C-section, or being the victim of domestic abuse? Should 80 percent of mothers in my State of California not be offered maternity coverage in the individual market? Should women who often rely on a spouse's insurance because they are taking care of children be more vulnerable if they are divorced or widowed?

If you don't think these things are right, then you should support this bill.

The American Medical Association that represents professional caretakers of our country, they support it because it protects the health of the caretakers in our families.

So, Mr. Speaker, once it passes, insurance company penalties for the women in our lives will be a thing of the past.

Let's pass the bill.

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

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

WOMEN AND HEALTH CARE

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

Ms. LEE of California. Mr. Speaker, as we stand now on the cusp of history, we have never really been this close to assuring quality, affordable health care for all Americans. While health care reform is essential for everyone, women are in particularly dire need for major changes to our health care system. Too many women are locked out of the health care system because they face discriminatory insurance practices and cannot afford the necessary care for themselves and for their children.

In 40 States and in the District of Columbia, insurers are allowed to consider gender, mind you, when setting premium rates in the individual insurance market. This practice permits insurers to charge women more than men for the exact same coverage. Additionally, businesses with predominantly female workforces can end up paying significantly more for their coverage than for predominantly male businesses.

In the past 2 years, nearly 7 million Americans have lost their health care coverage. This is just not acceptable.

While we all know that the current health care reform bill has some flaws—unfortunately it does not have a public option, or an expansion of Medicare, or a single-payer option—it offers vitally important advances for women's health. The bill makes health care coverage more affordable and extends many health services that women need.

Without health care reform, family premiums will continue to skyrocket leaving more and more women unable to afford health care. The health care system is failing American women. We owe it to each and every woman to pass this health care bill.

When I cast my vote, I will be thinking of my mother who nearly died giving birth to me, my mother Mildred. When I cast this vote, I will be thinking of my sister, Mildred, who suffers from multiple sclerosis. I will be thinking of all of the women who are denied coverage because domestic violence is considered a preexisting condition by insurance companies. When I cast my vote, I will be thinking about so many of my friends who died prematurely because they did not have access to preventative health care.

And, Mr. Speaker, when I cast my vote, I'm going to be thinking about my granddaughters Jordan, Giselle Barbara Lee, and Simone Lee, because we, when we cast this vote, are going to ensure that my granddaughters and my grandsons live longer and healthier lives.

So if we do nothing, the health care system will continue to work better for insurance companies than it does for the American people. And that is why the President has put forward a plan that will give American families and small business owners more control over their own health care by giving them more consumer protections and shifting power away from the insurance companies.

But if we pass health care insurance reform, we also know that families and businesses will have control of their health care, the insurance industry will be prohibited finally from continuing its worst practices like denying coverage based on preexisting conditions, and we also will cut the deficit by up to $1 trillion over the next two decades. As the President said this past week, if not us, then who. If not now, then when. Now is the time.

I urge my colleagues to support this health care reform legislation for our women, for our families, for our children, for all Americans. This is a major first step in setting a strong foundation where finally health care becomes a basic human right for all rather than a privilege for the few, which it has been in the past. We are finally, mind you, finally catching up with the rest of the industrialized world.

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.)

WOMEN AND HEALTH CARE

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

Ms. JACKSON LEE of Texas. I would like to thank our friend and colleague, Congresswoman WOOLSEY, for organizing this very important statement, historic statement. Women that come from all over America, Members of Congress who have no ax to grind, who have no representation of special interest other than the American people: we stand on this floor to answer our colleagues and those who have offered a negative perspective, all kinds of obstructions and poor commentary.

Like an email I received blaming people for their obesity and diabetes. Yes, we need to be a healthier country, but does anybody realize that insurance companies would never provide for preventative care so that we could be tested and that we could learn to eat differently, to watch our diets? That is why this country spends more time wasting dollars on those who are sick.

So I stand today to be able to say to all of the moms and nurturers who happen to be women that we have listened to your call. We have actually recognized that it is important to provide for preventative care. You know what you do.

As we were raised by our moms and grandparents and aunts and uncles, they told us wipe our nose with tissues, wash our hands way before this whole

concept has come with automatic hand washers and bottled water. They wanted us to be clean and to respect cleanliness. Why? It was a method of preventing disease. But we were sick anyhow. And when we got sick, we couldn't get to the emergency room. We couldn't get to a doctor. We couldn't get to a hospital because many times that required health insurance.

So today for the women of America, for all of the women who have been denied insurance because of pregnancy, of a C-section, of issues that deal with womanhood, we now stand up and declare freedom with the passing of this bill.

Now, Mr. Speaker, I might say to you that all that is in this bill I don't agree with. Frankly, I'm concerned about the position being taken on physician-owned hospitals, many of them who have come and saved neighborhoods by opening up hospitals, declaring desert areas where rural communities had no hospitals, they came in and opened them up on inner-city neighborhoods. We understand that all of them are going to be looking for long-term fixes down the road almost the same way when Medicare was passed in 1965.

That wasn't a perfect system, but I can tell you that of all the lives of women that it has saved since its passage in 1965, for one, it saved the life of Ivalita Bennett Jackson, my mom, who now lives and lives enthusiastically with a love of life because of the resources that came about through Medicare. And she worked. So this is not a handout.

So this bill, for example, is going to give women affordability. It's going to give women in States the opportunity to go into a health insurance exchange pool, pick the insurance that they need. It's going to give women the right of choosing, give women the right to have healthy bodies. It's going to focus the responsibility of insurance on employers.

It's going to make sure that Medicare is strong. If you're an elderly woman, it's going to close the doughnut hole for all of the insurance needs that you have. It's going to help my mother-in-law, E. Theophia Lee, who needs care as we speak. It's going to give her the opportunity to buy prescription drugs without going into the poorhouse.

It is going to provide for an expanded Medicaid, and it's going to work on our hospitals in our community, provide 100 percent Medicaid coverage in the first year, 95 percent, and then 90 percent.

□ 1900

Mr. Speaker, this is going to open the doors of opportunity for community health clinics so that women can be engaged in preventative care. Women are nurturers. They need to be able to take themselves to doctors and their children to doctors at the same time. That's what community health clinics will do. They will be set up in your neighborhood. They will have full service, geriatric care, pediatric care, and, yes, the care that will take care of women and their individual needs.

Mental health parity will be in this particular bill so individuals who are concerned about mental health needs will not have to hide, cover themselves up, go in the dark of night or not even get the care that they need. It is going to be there in this bill. There's going to be a demand for health insurance companies to cover mental health needs.

What a new day this will be to be able to allow women to take care of their children. Let me remind you that there are stories all across America. The mother whose son died because he did not have health insurance. A young man who believed in giving help to other people, a young lawyer who gave pro bono work, but he died because he had no health insurance. Or the mother who came to my town hall meetings, was crying because she couldn't get her child into school. Why? Because her insurance didn't cover a doctor's visit. Well, that will be cured. This is going to cure the ills of women across America.

Vote for this bill.

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

(Mr. LINCOLN DIAZ-BALART of Florida 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 gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. I thank the gentlewoman from California, Congresswoman WOOLSEY, for calling us together tonight on such an important topic and rise to speak for decent health insurance for all of our people as essential to respecting life, to preserving life, and to protecting life from the very beginning to the very end.

The health system we have now does not adequately respect, protect, or preserve life. In fact, America doesn't even rank in the top 12 of global nations in terms of the quality of our health care. That is truly shocking. Yet we spend enormous amounts of money, and yet so many people are left out. There's not time to talk about all of them tonight in 5 minutes, so I am pleased to join my colleagues in focusing on women and children of this great Nation who need health care reform.

In our country, every year, more than a half million, 530,000 babies, one out of every eight, are born premature in our country. Premature birth is the leading cause of newborn death and a major cause of lifelong disability. These outcomes are morally wrong, and they are ultimately very expensive, very expensive to our society, most expensive to those children.

The March of Dimes reports that, in 2008, more than 20 percent of American women of childbearing age, more than one-fifth, 12.4 million American women, were uninsured. They also report that uninsured women receive fewer prenatal services and report greater difficulty in obtaining needed preventive care than women with insurance. Ohio, the State that I represent, is among the worst States for its premature birth rate. The primary reason for this is because we have among the highest rates of uninsured women.

If we think about some of the most gruesome aspects of what happens, in 2006, which was the most recent study conducted in the United States by the Centers for Disease Control, in our country, 846,181 abortions were reported. Studies have shown that for approximately three out of four women who have an abortion, their belief is they cannot afford a child, and that was one of the key reasons for having to make that life-changing decision. Economic hardship, lack of access to health insurance and to health care, and even the lack of medicines all play a part in the gruesome number of abortions and premature births in our country.

The women of our Nation, the children of our Nation, all people of our Nation deserve a better chance.

The bill that's working its way to the floor will ban preexisting conditions and help expand coverage and access to women's health care, prenatal health care, to all of our people. It provides financial assistance surely to women who want to bring their baby to term or put the child up for adoption but fear they simply cannot afford it. What a terrible choice that must be for any woman. We know that the bill before us will improve community health clinics. In so many of our communities, they are the only lifelines to any health care at all.

Importantly, the bill that is moving to the floor intends to leave no one out, even the smallest among us, even the most voiceless among us. The bill we will soon consider has some fine points yet to be perfected. There is no question that for women and children, finally, all will have access to decent health care coverage, and it will be a great day in America when that will be possible.

All of us have situations in our own families where we have seen relatives grow older. This was certainly the case in our family, and without Medicare our grandmother would have had a very different end. Lyndon Johnson gave her dignity. All the Democrats and some Republicans who created that program in the House back in those days made the end of her life one with dignity. We would hope that that would be the case for all of America's

families, the beginning of life to the end of life.

I thank the women of the House and Congresswoman WOOLSEY for making this evening possible.

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.)

HEALTH CARE REFORM

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

Ms. BALDWIN. Mr. Speaker, what this health debate boils down to is this question: Whose side are you on? Are you listening to and fighting for the American people or are you listening to insurance executives and fighting to line their pockets? I am listening to and fighting for the American people, and especially the Wisconsinites who will benefit so significantly from health care reform.

This evening, I rise to speak about how health care reform will help women. Women shoulder a disproportionate burden in today's broken health care system. Perhaps most shocking is the discrimination women face in health insurance simply because we are women. To some insurers, being a woman is a preexisting condition. In Wisconsin, as in many other States, if a woman and a man purchase identical insurance coverage in the individual market, the woman will be charged more even though the medical services covered are exactly the same.

In small businesses in Wisconsin and across the country, insurance companies are allowed to count how many male and female employees work at that small business. If the workforce is disproportionately female, the insurance company charges more. So, what sort of small businesses pay the most for health care? Child care centers, home health agencies, and other small businesses with female-dominated workforces.

Adding insult to injury is that we all know that women's pay still lags behind men. Nationally, women earn 78 cents to every dollar earned by a man. And in Wisconsin, that figure is even worse—73 cents to the dollar. So women who make less have the added burden of paying more for their health coverage.

Our health care reform measure will end this practice of gender rating, and that is just one reason why women have so much to gain in health reform.

So I ask again, whose side are you on? The hundreds of thousands of women that you represent or the insurance companies that get away with these practices?

We have talked during the debate a lot about people who can't get any insurance at all because of preexisting conditions, something in their medical history or health status that the insurance company points to and says, We are not going to cover you. Women also bear the brunt of these practices. Can you believe that women who have been the victims of domestic abuse have been denied health insurance because their victimization was considered a preexisting condition? Women who have given birth by C-section are also routinely either refused insurance or provided insurance that specifically denies coverage in the event they have a future C-section.

Our health reform efforts will prevent the insurance companies from denying coverage to women who have been the victims of domestic violence and women who have had C-sections. In fact, our measure will stop the practice of denying needed insurance based on preexisting conditions altogether.

So I ask, whose side are you on? I'm on the side of all Wisconsinites who have ever faced such denials, not on the side of the companies who refused to cover them.

Women also have trouble finding insurance policies that cover what they need when they shop for insurance in the individual market. In that market, it can be next to impossible to find insurance that covers maternity care. In a survey by the National Women's Law Center of plans offered in the individual market in my hometown of Madison, Wisconsin, they could not find a single plan that offered maternity care. I find this shocking. And health care reform will require all new plans to cover a wide set of benefits, including maternity care.

Mr. Speaker, Wisconsinites sent me to Congress to fight for them. I ran for Congress in order to fight for the people of Wisconsin who have been denied insurance based on preexisting conditions or had their coverage dropped in their very time of need. In order to prevent Wisconsinites from having to declare personal bankruptcy because of mounting medical bills from a serious illness, and in order to help families be able to afford their premiums and their deductibles and their copays, this health care reform effort addresses all those problems and then some. It's not perfect and it's not all I wanted it to be, but it is a darn good start.

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 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 gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to thank LYNN WOOLSEY and my colleagues here that came out tonight to speak about the issues that are going to be in this bill as we go forward for a vote sometime this weekend.

Many of us have talked about health care for years. I'm talking about years. I think all the time when we go out to dinner or anything, health care always comes up. So when I hear charges against this side of the aisle of why are we rushing through this, let me tell you something. I've been in Congress going into my 14th year. Before that, I was a nurse for over 30 years. So when I came to Congress, the first thing I started working on is how can we improve health care. And this day is coming.

Unfortunately, there's been an awful lot of information over the last several months that really is quite wrong. And a lot of my friends say, Well, why aren't the Democrats speaking out? I guess it's because, and I will speak for myself, many of us have been speaking up but, unfortunately, because we are not yelling and screaming, we are not heard.

So what I'm going to explain to many, hopefully, of the people who are listening to this, I just want to tell you how this bill is going to help my district back on Long Island. I live in a middle class suburban area. I've been there for 62 years living in the same house. It was the house of my parents. My family grew up there, and I went to the public schools there. My son went to the same schools that I went to and in some cases had the same teachers. And we also had the same doctors.

I have to say, going back to those days, we had a great family physician. Today, he would be called a primary care physician. And yet we are seeing a shortage of primary care physicians across this Nation. We are also going to see a shortage of nurses across this Nation. Those are two components that we have to make sure that we have in the health care bill.

But just in my district alone, it's going to improve coverage for 444,000 residents that already have health care. How can that be? Well, they are certainly going to have preexisting conditions taken away, so that when they go to the doctor and they find out they have a preexisting condition and they find out some of these preexisting conditions, which—I tell you, it's outrageous. Do you know if you're a woman of childbearing years, getting pregnant is a preexisting condition? A preexisting condition.

□ 1915

I have young people on my staff that have preexisting conditions. What are they? Well, apparently one went to a doctor and was being treated for asthma; he has a preexisting condition. My grandchildren since they were very, very young have had bronchitis. A lot of kids get bronchitis. Ear infections.

Lots of kids get ear infections. Preexisting conditions. These are things that we want to make sure the insurance companies—you know, we are not the bad guys here, and I think that needs to be understood. We are not the bad guys here. It is what we have let the insurance companies do over the years that is, unfortunately, a disgrace.

We are going to give tax credits and other assistance to 82,000 families in my district and 23,000 small businesses to help them afford coverage.

Now, it is important that you hear this about small businesses; because a small business, if they have two or three men in the company and then a woman that they want to hire to fill a position, and they happen to offer health care insurance, once that woman is hired their rates are going to go up higher. Their rates are going up higher. Why? Because there is discrimination against women on getting their health care, and that is wrong. That is something that we are going to change.

Medicare. You know, I hear from my seniors all the time, especially for the seniors that are single, widowed, don't have much except Medicare and Social Security, and we are going to take care of 102,000 of them. Mr. Speaker, this bill is going to help a lot of Americans.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 4213. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, as we face what may be one of the most important decisions Congress has made in our lifetime, I would like to highlight what a huge, positive impact the passage of health care reform will have on the lives of American women, on the health and the economic well-being of our mothers, daughters, your wives, and your sisters.

First and foremost, passing reform will expand dramatically the number of women and children who have access to quality health care throughout their lifetime.

The Joint Economic Committee, which I chair, has issued a report entitled ''Comprehensive Health Insurance Reform: An Essential Prescription for Women,'' which documents that, in America today, 64 million women lack adequate health insurance. Over one quarter of our daughters between the ages of 19 and 24 do not have any coverage; 39 percent of all low-income women lack health insurance coverage. Passing health care reform will expand the availability of care, improve the affordability of care, and will expand the minimums of care.

Today, due to costs, 1 in 5 women over age 50 has not had a mammogram in the past 2 years due to costs. The health care reform bill will require coverage of annual mammograms for women, including coverage for those under 50.

Passing health care reform will bring badly needed changes to a system that places a particularly unfair burden on women who seek to buy insurance in the individual market.

In a report by the National Women's Law Center titled, ''How the Individual Insurance Market Fails Women,'' investigators found there are huge and arbitrary variations in each State and across the country in the differences in premiums charged between women and men.

The report found that insurers who practice gender rating might charge a 40-year-old woman anywhere from 4 percent to 48 percent more than a 40-year-old man. Passing health care reform will put an end to that. Insurance companies will no longer be allowed to charge women higher premiums simply because they are women.

Health care reform will also put an end to discrimination based solely on the prospects of motherhood. In most States today, individual market insurers are allowed to deny health insurance coverage to an applicant simply because she is pregnant. A previous C-section can also be the basis for denying coverage.

Passing health care reform will put an end to discrimination based on preexisting conditions. And they call pregnancy a preexisting condition.

Reform is also urgently needed because, under the status quo, even if you are not pregnant now but at some point in the future you may become pregnant and so you may wish to buy maternity coverage now, coverage simply may not be available.

In the capital cities of four States, Hawaii, New Mexico, North Dakota, and South Dakota, the NOW Women's Law Center investigators were unable to find an offer of maternity coverage in the individual market at any price. It simply was not available.

Under the status quo, only 14 States require maternity coverage in policies that are sold on the individual markets. No wonder then that 79 percent of women with individual market policies don't have any maternity coverage at all. And if you don't have maternity coverage, heaven help you if you have a problem pregnancy because your insurance company will not be there to help.

Passing the health care reform will put an end to all of this and require that maternity care is a part of an essential benefits package.

And then there is the problem of rescission. Evidence presented to the House Energy and Commerce Committee told a story of a Texas woman who had a policy with WellPoint. After she received treatment relating to a diagnosis of a lump in her breast, the insurance company investigated her medical history. They concluded that she failed to disclose that she had been diagnosed previously with osteoporosis and bone density loss, and so they rescinded her policy.

Well, Mr. Speaker, I believe practically every woman alive has some form of bone density loss. They refused to pay for medical care for the lump in her breast.

According to the Committee's investigation, this case was not unusual. Under current practices, the majority of States do not require a showing of fraud or intent before insurance companies may rescind coverage.

A simple mistake, an oversight, a typo can result in a life altering denial.

Health care reform will put an end to such cruel and heartless practices.

While I strongly support the passage of health care reform, I must state my opposition to any restrictions on women's access to reproductive health services. At a time when we are making historic changes in the delivery of health care, we must not deprive women of the very health care they both need and deserve. We must work against any serious constraints on abortion coverage that could cause women to lose ground in health reform.

Mr. Speaker, we cannot and we must not turn our backs on the urgent need, on the call of history, on the millions of uninsured, on the tens of millions who cast their votes in the last election and on the promise the we made loud and clear: We will pass health care reform—and we will pass it now.

OFFICE OF SPEAKER NANCY PELOSI—FACT SHEET, MARCH 18, 2010

NEWSPAPER EDITORIALS SUPPORTING HEALTH INSURANCE REFORM

MEMPHIS COMMERCIAL APPEAL EDITORIAL (TENNESSEE)—DECISION TIME ON HEALTH CARE

There will be more options . . . for small businesses, the self-employed and the uninsured, who will have access to transparent information about plan provisions. It would mandate health insurance for almost everyone, making it financially feasible for insurance companies to carry out their mandates.

Insurance companies could afford, for example, to cover everyone who applies, with or without pre-existing conditions. They could afford to guarantee continued coverage for clients who get sick.

The legislation would help solve many of the other problems with health care that have grown increasingly frustrating in recent years . . .

MINNEAPOLIS STAR-TRIBUNE EDITORIAL (MINNESOTA)—RX FOR HEALTH CARE: POLITICAL COURAGE

f the legislation doesn't pass, the worst-case projection is that the number of Americans without coverage will climb from 49.4 million to 67.6 million in 2020, meaning that nearly one in four Americans too young for Medicare will be uninsured.

The best-case scenario doesn't exactly inspire confidence, either. Should economic conditions improve over the next decade, there will be 57.9 million people without coverage 10 years from now—about one in five Americans younger than 65 . . .

. . . let's put this procedural spat in perspective. It's a distraction from the real

issue: the catastrophic consequences of the health care status quo . . .

PITTSBURGH POST-GAZETTE EDITORIAL (PENNSYLVANIA)—TO OUR HEALTH: DEMOCRATS MUST SEIZE THE DAY AND PASS REFORM

One of the bogus assertions made in the health care debate—and that includes allegations of death panels and kindred nonsense—is the Republican idea that the bills passed by the House and Senate should be junked and Congress should start over.

Let everybody know this: Starting over is political code for doing nothing, or at least very little. It is the invitation to drag feet until another election cycle starts and the chance is lost. It is the siren call to put comprehensive health care reform forever on the rocks . . .

This legislation has been talked to death. It's time now to give it life by passing it, forthrightly and bravely, with as few gimmicks as possible.

DAYTON DAILY NEWS EDITORIAL (OHIO)—HEALTH CARE REFORM PARTLY IN OHIO'S HANDS

. . . Are we or aren't we going to extend affordable health care to nearly all Americans? And are we going to insist that Americans who can afford to buy insurance do so, while also requiring those who can't pay the full cost still pay something toward coverage? . . .

. . . does anyone believe that there isn't a lot wrong with the current system—50 million people without coverage; an insurance system that protects you when you're well, but kicks you to the curb when you get sick; cost structures that result in huge sums being spent on marketing and processing claims instead of services to patients? . . .

Republicans would have you believe that this legislation is so awful that the only solution is to start over. That is not a plan; it is a stalling strategy. But stalling for what?

The current system is unsustainable for everyone. Insurance rates keep going up both for businesses and individuals. Young people continue to choose not to buy insurance, sticking hospitals and those who do buy insurance with their bills. Medicaid rolls are soaring, forcing states to limit eligibility, cut spending elsewhere and reduce how much they reimburse doctors. People who want to buy insurance can't get it if they've ever had a serious illness . . .

Win or lose this vote, the president and Democrats are in for tough political times. At least if they win, some 30 million people will get health insurance and some immoral elements of a broken system will be no more.

DETROIT FREE PRESS EDITORIAL (MICHIGAN)—MESSY BILL OFFERS SIGNIFICANT HEALTH CARE PROGRESS

. . . So let's get on with it. Congress can continue to tweak the program through the years as its shortcomings become more obvious. In the meantime, people with preexisting conditions will get decent coverage again, Medicare won't have such a huge ''doughnut hole'' in its prescription plan, and many other benefits will accrue. Women, in particular, may find better coverage, especially for pregnancy—a huge plus especially for anyone who (mistakenly) thinks the Senate language is not strong enough on keeping federal funds separate from any insurance with abortion coverage. Good health insurance is probably the most life-affirming policy any Congress could enact.

What's pending before Congress hardly represents a government takeover of health care. It will attract more private dollars into the system and should spur competition among insurance companies to offer helpful and more effective care.

But the main point remains: Not just health insurance but health care itself will continue to deteriorate without decisive congressional intervention. Unless you welcome the day when America has the best health care in the world for the lowest percentage of people, you should look forward to a successful, history-making vote, no matter how messy the process.

LOS ANGELES TIMES EDITORIAL (CALIFORNIA)—REHABILITATING HEALTHCARE

Opponents of comprehensive healthcare reform have achieved something remarkable, if not necessarily admirable: Having stopped the legislation from being considered and passed in the usual fashion, Republicans have now ginned up a debate over the extraordinary procedural steps they've forced Democrats to take to complete the work. This ugly, gimmick-ridden process brings no credit to either side. Yet the fist-pounding over the shortcut being contemplated by House leaders shouldn't obscure the simple reality of the vote that House members are expected to cast this weekend. It may not be an up-or-down vote on the Senate's version of the bill, but it is an up-or-down vote on comprehensive healthcare reform.

. . . any House members who vote for reconciliation under a self-executing rule will be unmistakably voting to enact into law a sweeping change in the healthcare system, extending coverage to millions of the uninsured, outlawing abusive insurance industry practices, promoting higher-quality care and attacking the incentives that drive up costs. At the same time, they'll be voting to improve the Senate's approach by eliminating special deals and making insurance more affordable to the working poor. That's not an abuse of power, that's a win-win.

HEALTH CARE REFORM

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

Ms. WATSON. Mr. Speaker, an estimated 64 million women do not have adequate health insurance coverage. 1.7 million women have lost their health insurance coverage since the beginning of the economic turndown, which was somewhere around December 2007.

Nearly two-thirds lost coverage because their spouse's job was lost. Thirty-nine percent of all low-income women lack health insurance coverage. Women are more likely to deplete their savings accounts paying medical bills than men. Women are charged up to 48 percent more than men in the individual market.

Any medical event can place a woman at risk for potentially devastating financial costs, even when she has insurance.

In a recent study, more than half of women reported delaying needed medical care due to costs compared with 39 percent of men. In many cases, even women and children with insurance do not receive key preventive care, from mammograms to well-baby and well-child care, because they can't afford the copays. Partly due to cost, 1 in 5 women over the age of 50 has not had a mammogram in the past 2 years.

Now, our health care reform stops insurance premium discrimination against women known as gender rating. It bans insurance companies from charging women higher premiums than men for the same coverage. Since 40-year-old women are charged up to 48 percent more than 40-year-old men with the same health status, we really need this bill.

It would end discrimination based on preexisting conditions such as domestic violence and previous C-sections, prohibiting insurance companies from charging higher rates for these conditions. The bill says that 79 percent of women with individual market policies will have the maternal coverage that they haven't had in the past.

Our health care reform bill requires maternity care to be a part of essential benefits. It requires all employer plans and gateway plans to have women's screening and preventive care provided at a minimum or no cost. This includes annual mammograms for women under 50.

It will allow women to visit their choice of community providers who offer the spectrum of essential benefits, including women's health clinics. It would allow OB–GYNs to be the center of a medical home supported by community health teams. It codifies offices of women's health via the Department of Health and Human Services to ensure that women's health issues will be comprehensively addressed, from basic research to awareness campaigns.

I would say, Mr. Speaker, to all of my colleagues that if we really want to make the United States a number one Nation in health delivery, let's start with the women who bear the children who will be the future of this country.

HEALTH CARE REFORM

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

Ms. TSONGAS. Mr. Speaker, I would like to thank Congresswoman WOOLSEY for organizing this evening. And I rise today because our health care status quo simply does not work for older women and must be changed.

The rising cost of health care and the lack of access to essential medical services is a problem for millions of Americans throughout our Nation, but it is uniquely so for older women. Times of economic hardship like we are now facing truly illustrate the impact that our inadequate health care system has on older women.

Older women disproportionately rely on their spouses for employer-based coverage in comparison to their younger counterparts and in comparison to older men. That is why over 1 million of them have lost health insurance due to a spouse's job loss during the economic downturn.

When an older woman loses her health insurance, it is even harder for her to find health insurance in the individual market, where there is little to no regulation, than her male counterparts. Older women, because of a combination of gender rating, age rating, and discrimination based on health

status, face premiums that are roughly four times greater than those who have employer-based coverage.

But it doesn't stop there. Women who are on Medicare who do have health insurance are disproportionately low income, have fewer resources, and suffer from more chronic conditions than men. As a result, they pay more in out-of-pocket costs than older men. Therefore, Medicare's ability to provide meaningful and protective health insurance coverage is critical to a senior woman's health and financial security. And that is exactly what health care reform does.

In 2007, over 8 million seniors hit the doughnut hole, and 64 percent of those were women. Health care reform permanently closes the Medicare doughnut hole.

Breast cancer is a leading cause of death for older women in the United States, yet, 1 in 5 women aged 50 and above has not received a mammogram in the past 2 years. Health care reform improves Medicare to ensure that all prevention, including mammograms, is fully covered.

Seventy-seven percent of Medicare beneficiaries living in long-term care facilities are women. Women are three-quarters of all nursing home residents. During a recent visit to a nursing home in my district in Lowell, Massachusetts, I was struck by a recent experience that truly illustrated this point for me.

In one meeting, I looked at the crowd of senior citizens who came to ask me questions and express their concerns about the direction in which our country is going and was struck by the fact that I saw only one man in the audience.

□ 1930

While I later met a number of very interested male residents, the fact is that the typical nursing home resident is an 85-year-old woman who enters a nursing home because she lives alone and has no available caregiver. It is no wonder then that women are more likely to need long-term care services. And that is why it is so important that we pass health care reform that provides voluntary, long-term insurance to help cover the costs associated with growing older for the millions of senior women who need it. No one should have to make decisions based on their finances rather that what is best for their health. We need health care reform in order to address the need that older women face for quality, affordable health care.

WHAT IS A WOMAN WORTH?

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

Ms. SPEIER. Mr. Speaker, I also want to thank Congresswoman WOOLSEY for her impassioned and principled leadership not only on this issue but so many issues facing Americans. To loosely paraphrase Judy Collins, We have looked at health insurance reform from both sides now—from insurance companies and consumers, from Wall Street and families, from Republicans and Democrats. But there has been something missing from the debate.

This evening I would like to ask the question: What's a woman worth? Just how important is it to make sure that quality, affordable health care is affordable to the grandmothers, the mothers, the daughters, and sisters who are responsible for 80 percent of a family's health care decisions; 64 percent of a families' budgets; who represent 79 percent of the health care providers in this country.

What is a woman worth? Is a woman worth as much as a man? One would think so, unless, of course, one was considering our current health care system, a system where women pay higher health care costs than men. Now, believe it or not, in 60 percent of the most popular health care plans in this country, a 40-year-old woman who has never smoked will pay more for health insurance than a 40-year-old man who has smoked. A lower percentage of working women receive employer-based health care. It is a system where health situations that affect only women, such as maternity care and mammograms, are less likely to be covered than common male procedures.

In fact, 90 percent of individual policies available to 30-year-old women don't cover maternity care. Now, believe it or not, that is true. Ninety percent of the health insurance policies in this country available to women 30 years of age don't cover maternity care.

Now think about this: this Chamber is filled with Members who claim to be pro-family and yet defend a system where women have to pay out of pocket to have a baby. Many more women are denied coverage due to preexisting conditions than men. Why are they denied? They're denied because they are women. If you are the one in three women in America who has had a C-section, that becomes a preexisting condition, and you're not going to get health insurance again.

If being one in eight of the American women who is diagnosed with breast cancer, that becomes a preexisting condition, and God help it if you have to go into the individual market and get health insurance, because you just won't; or even being the one in four American mothers, daughters, and sisters who is a victim of domestic violence. Imagine having been declined health insurance because your spouse or significant other has beaten you—and may do it again. And because that significant other or spouse may do it again, you can't get health insurance. As a result of these and other factors, women are more likely to be uninsured or underinsured. And more than half of the women have delayed or skipped needed medical care due to the high cost of treatment.

So I ask again: What is a woman worth? Is a woman worth a health care system that encourages preventative care by eliminating copays for recommended services such as mammograms and maternity care? Is a woman worth a health care system that bans annual and lifetime caps? Is a woman worth a health care system that prohibits insurers from charging us more than men? Is a women worth a health care system that covers maternity services, outlaws preexisting conditions, and dropping patients who become ill, and limits out-of-pocket expenses to prevent the 62 percent of bankruptcies caused by medical bills?

I think women are worth that and much, much more. As a matter of fact, women are worth their elected officials showing some backbone to stand up to the multimillion-dollar misinformation campaigns to do what's right and reform a health care system that is unfair, inefficient, and unavailable to far too many American women.

''AIN'T I A WOMAN?''

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

Ms. MOORE of Wisconsin. It's Women's History Month, and it's a great month for us to pass comprehensive health care reform. Here we are, again, women, in another epic battle for equality between men and women. As Alice Paul once said, When you put your hand to plow, you can't put it down until you get to the end of the road. And here we are now.

Staggering statistics on women and health care: 18 percent of women are uninsured; 26 percent of single mothers and 41 percent of low-income women are uninsured; 52 percent of women have foregone getting the care that they needed because of the cost, including not filling prescriptions, skipping a medical test, or not going to the doctor.

For decades, the health insurance industry has used every trick in the book, Mr. Speaker, to deny women the care that they need, to charge women more for the same services as men, and even to drop their coverage when they might need it most. Women face so many barriers in getting affordable health care, and our rights have been trampled on for too long.

This Women's History Month reminds me of the most famous speech that Sojourner Truth ever gave when she asked again and again, ''Ain't I a woman?''—asking when would it be her turn to have equal rights. With regard to health care, I would paraphrase Sojourner Truth and say, Ain't I a human being?

It's not an understatement to say that the lack of affordable health coverage has contributed to keeping women in poverty, not to mention keeping too many women in poor health. Women are more likely to be in

low-wage jobs or to have to work several part-time jobs to make ends meet, which means they're less likely to have health coverage offered by their employer. Less than one-half of women have health insurance through their jobs. And because women are more likely to be below the poverty level in the first place and only earn 78 cents for every dollar that a man earns, they're more likely to be completely unable to afford health care in the first place.

Isn't it about time we stood up and said, Ain't I a woman? Or, even: Ain't I a human being? Women are routinely denied care for having a preexisting condition, which could include being a potential, former, or actual mother; which could include being a victim of domestic violence; which could include having a serious illness or an operation, like a Cesarian section.

Health care reform here will provide women the care that they need; the economic security they need; prohibit plans from charging women more than men; ban the insurance practice of rejecting women with a preexisting condition; and include maternity services. Yes, we are women; and, yes, we are human beings.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the request for a 5-minute special order speech in favor of the gentlewoman from California (Ms. WOOLSEY) is hereby vacated.

There was no objection.

WOMEN FOR HEALTH CARE REFORM

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

Ms. WOOLSEY. After listening to 14 women come down here and speak for 5 minutes on why it is so important that being a woman is not a preexisting condition as a part of our health care system, and to change that—and to change it this weekend when we vote on the health care reform bills—I want to tell you I love women. We are so fortunate to have such an amazing group of Democratic women in the House of Representatives, and I thank every one of them for having come down here to speak and to represent their districts, womanhood, and, as Gwen Moore just said, humanity in general. We're on our way.

Tonight, we're going to have a Special Order. We may take an hour; we may not. JAN SCHAKOWSKY from Illinois has joined us. CORRINE BROWN from Florida has joined us. Others have said they're coming, but I think we may have taken a little bit more time on our 5-minute Special Orders than had been planned.

So I think we should start our conversation with JAN SCHAKOWSKY from Illinois, who was down here last evening talking about senior women.

Ms. SCHAKOWSKY. Thank you so much, Congresswoman WOOLSEY, for organizing us tonight. I appreciate it. I learned so much just sitting here listening to the women that have been talking about why this legislation is so important to women, why we need health care reform, and some of the facts of life about women. I learned from Congresswoman JACKIE SPEIER an amazing fact that I'm going to carry with me—that a 40-year-old woman, she said, who does not smoke, has to pay more for her insurance than a 40-year-old man who smokes. This makes absolutely no sense.

I think maybe it was put best by the Speaker of the House, Nancy PELOSI, who said, Being a woman is a preexisting condition. That pretty much sums it up. According to the Commonwealth Report—that's a very well known and reputable think tank on health care—says that 45 percent of women are uninsured or underinsured; 52 percent of women have foregone necessary care because of the cost, including not filling a prescription. We know that. We have all heard about that, about people who come to our office and they are cutting their prescriptions in half, how they're not taking them to the drugstore to fill them, skipping a medical test, or not going to the doctor. And we know that for young women, only about 12 percent of the plans on the private market cover maternity. That was talked about tonight.

And that's not just a problem for women. That's a problem for families. For heaven's sake, you expect that when you have health insurance, that if you get pregnant and you're going to have a baby, that your insurance company is going to cover it. It's kind of basic. But maternity can even be considered a preexisting condition, that a woman cannot get insurance because she was pregnant. Of course, having a Cesarian section, that's a preexisting condition. Or being a victim of domestic violence, that's a preexisting condition.

The insurance industry thinks women cost more. We do use more health care services. That's true. And so throughout our life we pay about 48 percent more for health insurance than men do. It's because we're women.

□ 1945

I think it's wrong, and that's why in this historic legislation that we're about to pass, we end gender discrimination. Women will not be discriminated against.

Ms. WOOLSEY. The gentlewoman from Florida is here with ideas and thoughts, and I would like very much to hear them.

Ms. CORRINE BROWN of Florida. Thank you. Before I begin, I just want to thank you for your leadership on this matter and thank you for night after night coming to the floor. After we do our day work, we can always count on you doing the night work, coming here, educating the American people. And I just want to personally thank you for your leadership.

Ms. WOOLSEY. Well, thank you very much.

Ms. CORRINE BROWN of Florida. And all of the women that have come out tonight.

Let me just make a few remarks, and then I have a series of questions that I want to ask you. But first of all, this is a fight that—I came here in 1992, and we started with Clinton, and just because we didn't pass health care does not mean it wasn't a serious problem. And we got a piece of the loaf. We were able to get programs that covered children. So that was step one.

But here we are on this historical event where we're going to have the opportunity to go to step two. And let me just say that this bill is not the perfect bill, but I have been elected 27 years, and I've been in this House for 18 years, and I've never seen the perfect bill. But this is the perfect beginning. I mean, there is so much that I would have included in this bill.

A public option, to me, is very important. I've been on VA for 18 years. VA is a public option. TRICARE is a public option, and that keeps the cost down. We made the Department of Veterans Affairs and the Department of Defense negotiate the price of the drugs to keep the costs down. We want to do that for all Americans. When we passed that hideous bill that helped people with the doughnut hole, one of the things in the bill that was against the law was that the Secretary did not have the option of negotiating the prices of drugs for all of us.

So I would like to discuss, when the President signs the bill, what are some of the things that would immediately come into effect? And one of them that I think is so important to families, particularly mothers who have kids in college, is that age for family coverage would go up to 26. Is that correct?

Ms. WOOLSEY. Twenty-six years old.

Ms. CORRINE BROWN of Florida. You know, that is so important. As a mother who had a kid in school, I mean, when they got to a certain age, the plan—even our plan dumped them. So with this, you will be able to keep the kids on the family coverage while they're in college. I think that is extremely important.

Ms. WOOLSEY. And something else, if the gentlewoman will yield. If that young person is employed, the employer cannot insist that the young person go on their plan because, you know, young people make plans cheaper because they don't get sick as often as older folks. So the young person can choose—if the parents agree—to be on the parents' plan, even if they're employed.

Ms. CORRINE BROWN of Florida. One other area, one lady came to one of

my town hall meetings, and she was a black female. She mentioned that she was educated, and she was concerned about the deficit. But I said, Concerned about the deficit? Well, President Obama said that—you know, I look at it like when you've got your head in the lion's mouth; you've got to ease it out. We were under the Bush administration for 8 years. What was it? Tax breaks, tax breaks. I used to call it a reverse Robin Hood—robbing from the poor and working people to give tax breaks to the rich. Our effort toward health care will bring down that cost.

Now, this young lady had a degree but could not get a job because she had a preexisting condition, epilepsy. So I told her, You are the poster child. The only reason she could not get a job is because she had a preexisting condition. Now, how would this work under this bill?

Ms. WOOLSEY. Well, for children, after 6 months, there will be no such thing as a preexisting condition. But I believe it's in 2014 that preexisting conditions will not be allowed for any coverage, including group plan coverage.

Ms. SCHAKOWSKY. Let me emphasize that. I think that is one of the most important things that's in our legislation. Because, after all, who does not have some kind of preexisting condition? And for the insurance companies, sometimes they'll call acne a preexisting condition that will preclude people from health care. This bill will say, when it goes into full effect—Congresswoman WOOLSEY is right. Children almost immediately will not be excluded for preexisting conditions. But for everyone else, in 2014, they will not be able to exclude you because you've been sick.

Ms. WOOLSEY. Or if you get sick.

Mrs. MALONEY. My colleagues, a great injustice is that they have considered a pregnancy as a preexisting condition. Now, you hear that children are our future, and they are our future; yet in health care plans, to cover the cost of having a pregnancy—really, in some States, they didn't even offer the coverage. So there are many fine parts about this bill. But I think one of the strongest is that it has very strong maternal health care coverage and treats health care as health care and does not treat, really, the necessities of life, of having a child as a preexisting condition.

Ms. WOOLSEY. To the Congresswoman from California, would you like to respond?

Ms. SPEIER. I just want to say how proud I am to be associated with all of you tonight, because this is one issue that has gotten very little attention in this health care debate—the bald-faced discrimination against women in health care—and it's been going on forever.

I just want to share a couple of stories that happened when I was serving in the California Legislature, trying to improve reproductive health for women. And it's all about our organs. It's all about our plumbing.

The first issue dealt with contraceptive pills and prescription drug benefits in California. Basically, the bill said that if you were offering a prescription drug benefit, you can't discriminate against one class of drugs, and only one class of drugs was discriminated against. It was contraceptive bills. I carried the bill 1 year. It got to the Governor's desk, and he said, Oh, it's too costly. And then by the insurance industry's own estimates, they found that it was $1 per month per employee. Then we rounded a second year and a third year, and finally in the fourth year, we were successful in getting contraceptive coverage included in prescription drug benefits.

But I can't take any credit for it. You know who I give credit to? Pfizer Pharmaceutical. Because in that year, they introduced VIAGRA. And guess what? Instantly VIAGRA was covered in prescription drug benefits in California, even though it was twice as costly or, depending on how many times a month you had to use it, far more costly. It was a lifestyle drug; yet that was covered immediately, and contraceptive pills, we had to fight for 4 years to get it into California law.

So there has consistently been discrimination against women in health care, and it's high time that we opened women's eyes wide so they see that, for the first time ever in this country, we're going to stop that form of discrimination.

I just want to applaud you for what you're doing here tonight.

Ms. WOOLSEY. Well, thank you for your input.

Ms. CORRINE BROWN of Florida. I want to share a couple of quick stories.

In one of my town hall meetings, a person came in and was telling a story that they had been in an abusive marriage for a number of years but stayed in that marriage because she needed the health care for her children. This should not exist in the United States. And in another case, a woman quit her job so she could take care of her mother. Her mother had insurance; she had not. For 6 years, she didn't go to the doctor. She had an emergency, had to go to the emergency room. Her bill was $10,000, and they think she's got cancer.

So if there is a better way to provide service—and of course women are always the ones that are—you know, they have the children, and because of a divorce or because they're working in minimum-wage jobs, they can't afford health care. So these bills will go a long way to help women that are single or divorced or married and their husband died or got a divorce.

So, I mean, this is so important for women in the Third Congressional District of Florida, women in this country and women in Florida. This is a step forward. It's not a perfect bill, but it's a perfect beginning.

Ms. WOOLSEY. A perfect beginning. And one of the reasons that women will be able to afford health care in low-wage jobs is the exchange that will be provided in the health care bill. Women will be able to select from a group of health care plans the best plan that will service them, because, I mean, even if they could afford health care, not all businesses provide health care. Many will be able to after this bill is passed.

All right. So a woman gets a catalog of what's available in her area. We call it an exchange. She chooses her plan. And if that plan is more expensive than she can afford, which it probably will be if she's on low wages, then this bill provides subsidies for that person so that the low-wage worker is subsidized. What a difference that will make.

Ms. CORRINE BROWN of Florida. Let me just say that we compete with companies all over the world, and the reason why we are losing the bids is because health care is a part of the bid. So when we compete with other countries—you know, 16 percent of our income goes toward health care.

You know, I had dinner with the French Ambassador a couple of nights ago. They spend 9 percent. So basically we're losing out as far as jobs for American workers because we don't have health care.

Ms. SCHAKOWSKY. The other thing is that—I don't know if the French Ambassador bragged at all, but France is considered number one in the world in terms of health care results. They have healthier people than anyone else in the world as a population, and they spend far less than we do, about half what we do per person.

Ms. CORRINE BROWN of Florida. Yes, 9 percent.

Ms. SCHAKOWSKY. And we're at about 17 percent.

Ms. CORRINE BROWN of Florida. That's right.

Ms. SCHAKOWSKY. And the United States of America ranks—what is it?—about 17th in the world in our health outcomes next to hardly developed countries, and the reason is simple. We have 30 million people who have no health insurance, and then we have millions and millions of others who think they're insured until they get sick, and then they find out that they're underinsured.

Ms. WOOLSEY. Or they lose their job, and then they have no insurance.

Ms. CORRINE BROWN of Florida. Let me give you a scenario. At one of my town hall meetings recently, a person came to me and said that they went to the hospital, and their bill was $77,000. They negotiated it down to $18,000, so, therefore, they didn't need health care. I said, Let me explain something to you. The hospital did not write that off out of the goodness of their hearts. They are charging it to us, a disproportionate share. We are paying the cost. There is a better way to provide services in this country, and it's not through the emergency room.

Ms. WOOLSEY. You are right. It's by providing health care for everybody and helping those who can't afford it and helping small businesses who find

it very difficult to provide health care for their workers, helping them bridge the gap between what it costs and what they can afford.

Let's talk about the argument that we hear that many people think we should hold out for the perfect plan that this isn't, and we know it.

Ms. CORRINE BROWN of Florida. What did I say? I said it when I started. I have never seen the perfect bill. It's a perfect beginning, and we're going to refine and massage this bill as we go on.

Like I said, in 1992, we went after health care under President Clinton. We didn't get it, but we came out with the children's portion. And, of course, that's where we are now, and this is the second step. I want more. But the point is, in this body where you're not going to have one Republican vote under any circumstances—and let me tell you something. As far as health care, it's not Democrat; it's not Republican. Everybody needs it. And people who say they don't need it need the mental health portion. Everybody needs health care, period.

Ms. WOOLSEY. Well, and some people believe that because they have coverage that they don't have to worry about it. Well, I'm telling you, everybody has to worry. Retired folks, their retirement plans are cutting back. Individuals with really nice, high-paying jobs are finding out even their employers are cutting back.

Ms. CORRINE BROWN of Florida. Under the last administration, what they did in many areas is they would come in, they would farm out the jobs, and you could be in that same job paying maybe the same amount of money but no benefits.

□ 2000

And that's what so many companies are doing.

Ms. SCHAKOWSKY. You know, you had talked about, and I think you were absolutely eloquent, that we've never seen a perfect bill. But, you know, Social Security and Medicare, which are not only the most popular but the most effective programs that we have in our country, to guarantee a dignified retirement, to make sure that people, that older Americans, people with disabilities don't do without, orphans don't do without if they lose a parent, those bills didn't start out as good as they are now. You know, we add people, we make some changes, we fine-tune the legislation.

But what we're doing now will rank right up there with the first passage of Medicare, with the first passage of Medicaid and Social Security. And then, we will—and I, you know, we were together, Congresswoman WOOLSEY, at the White House talking to the President, who himself recognized this isn't the be all and end all, but it's, as you said, the perfect beginning. It lays the foundation that we can work from. And I think the level of peace of mind and security that people will have—

But I wanted to make another point. You talked about how we compete in the world. And the cost of health care makes our businesses uncompetitive. The other thing it does it this locks down entrepreneurship and innovation because, you know, let's say you're a young person that has a great idea of how we're going to solve the energy crisis or how we're going to solve a health care, you know, a disease problem, wants to do great research, or a woman who wants to start her own business. But if she has a job that offers health care, she may be locked into that job as long as she can stay there. People are afraid to leave a job where health care is provided, and that is a very stifling factor.

We can liberate entrepreneurship, which is the hallmark of the American spirit, if people know they can leave their job and they'll still have access to health care.

Ms. CORRINE BROWN of Florida. That's correct.

Ms. WOOLSEY. Well, the entire Nation is counting on us to pass comprehensive health care reform. We know that. There's no question about it. The millions who have no coverage at all desperately need this legislation. But as we just said, so too do those Americans who are insured and are being squeezed out by outrageous premiums. And businesses that are less profitable because they are buckling under the weight of high health care costs are strapped, and it keeps them from being able to invest in innovation, as JAN said. And individuals cannot innovate when they're handcuffed to their health care policy.

But above all, American women need us to do the right thing this week and to overhaul the health care system because it is in ways both overt and beneath the radar. This current system—and we've heard it over and over and over tonight—discriminates against women.

Ms. CORRINE BROWN of Florida. Let me just share one other—because you sound like you're closing and I've just got——

Ms. WOOLSEY. Well, I actually didn't get to do my 5 minutes because I was doing this, so I thought I'd do it. Go ahead.

Ms. CORRINE BROWN of Florida. I'm sorry. It's the story of someone I know that worked with the Duval County school system for 25 years as a teacher. They quit the job. They had a breakdown, female. Had to go into the hospital, blood sugar went up 700. I mean, intensive care for a week. No health care. I mean, and these stories are over and over again throughout our country and throughout our district. And we can make a difference this week. And this is a giant step for mankind.

I mean, people are concerned, you know, what is going to happen if I vote for this bill? I mean, why are you here? You're here to provide service. You're here to make a difference. The Bible says, to whom God has given much, much is expected. It's a privilege to serve here, but we're not just here to vote on suspension bills.

Ms. WOOLSEY. Naming post offices.

Ms. CORRINE BROWN of Florida. And post offices. No, this is why we're here. And like you said, this bill will go down like Social Security, Medicaid, this will be one of the biggest bills ever passed by the United States House of Representatives and this Congress.

And certainly, I said it over again. The House bill is so much better than the other body's bill. However, we've got to work with what we've got. And I don't think either one of us is going to stop working to improve health care because we pass a bill. It will be just one more step, and it will give us more to work with.

Ms. WOOLSEY. Well, I've said it over and over. We have written the robust public option legislation, which will be introduced the day that we sign this health care bill into law.

Ms. SCHAKOWSKY. I just wanted to talk a little bit about older women because, and really all seniors, but the fact of the matter is that 80 percent of people over the age of 85 are women. Fifty-seven percent of Medicare beneficiaries are women. So when you talk about aging you really are talking about mostly women. And I think it's important to note some of the amazing things that happen in this bill.

Representative BROWN talked about, or maybe it was you, talked about the doughnut hole. What is that? That's a gap in coverage. You know, let me tell my example. I have a constituent who got on Medicare part D. She was told when she signed up that it was going to cover her prescription drugs. She looked over the list. One day she goes to the drug store, orders a refill of her prescription and she is told it's $120. She said, that's impossible. I paid $10 for it last month. It is impossible for it to be $120. I know. They said, no, no. You are now in this gap in coverage where you have to pay the next $3,600 out of your own pocket, and then you'll start to be covered again.

Ms. CORRINE BROWN of Florida. And that's why I did not vote for that bad bill, that doughnut, when I know so many people needed the coverage, but that was a bone that was thrown to the pharmaceuticals by the past administration, the Bush administration. That was a terrible indictment that was put on the seniors that needed the prescription drug coverage.

And I have a similar incident. I went to the drug store to pick up my mother's prescription. Well, they said it was $200. I said, okay, look again. She came back. Because I knew my mother had TRICARE. She came back, and I think it was $12 or $15. But can you imagine a senior going there, not knowing where in the world they're going to get the $200.

This is something that we are going to fix starting with this bill. This will make a difference for the seniors in this country.

Ms. SCHAKOWSKY. We're going to close the doughnut hole entirely over 10 years, but we're going to start right away. $250 it's going to be reduced and, for brand name drugs that are in the—

Ms. CORRINE BROWN of Florida. Formulary.

Ms. SCHAKOWSKY. Yeah. Fifty percent reduction in price. That's going to happen right away, so there's going to be help for seniors in that regard. We will no longer charge a copayment. They won't have to pay out of their pocket for preventive services in this bill when it's fully implemented. That means you can get a mammogram, you can get a colonoscopy. You can get a checkup. You can get preventive services without having to pay any out-of-pocket costs.

We provide more for home and community-based services so older people can stay in their homes. That's where they want to be. If they can, they don't want to have to go to a nursing home; they want to have services in their communities, in their homes.

And if they have to go to nursing homes, we improve nursing home quality. For example, we make sure that there are criminal background checks in nursing homes so that the employees will be safe for people and protect women's safety in the nursing homes.

We extend the life of Medicare for almost another decade. You know, oh, Medicaid's going to go broke. This is going to be a problem for Medicare doing this. No. The truth is, this bill will make Medicare solvent. That means that it won't go broke for yet another decade beyond its life right now.

So this bill does so much for older Americans. And yet, the other side's trying to scare the heck out of senior citizens, telling them that Medicare's going to be cut. There's not one benefit that's going to be cut under Medicare under this bill. We make Medicare better, more services, longer life, more prescription drugs. It's a great bill for older Americans, as well as younger.

Ms. WOOLSEY. And the great majority of seniors are women.

Ms. SCHAKOWSKY. That's right.

Ms. WOOLSEY. So again, tonight, for women, senior women, all women are going to be treated much better under this health care bill. And no woman will be considered, just because she's a woman, a preexisting condition.

I want to thank my colleagues for being down here tonight, for waiting to get to this Special Order, and for knowing how important what we're doing this week is to every single American. Thank you both very, very much.

Ms. SCHAKOWSKY. Thank you, Representative WOOLSEY.

Ms. CORRINE BROWN of Florida. I want to thank you all. And as I take my seat, remember, there's no such thing as a perfect bill, but this is a perfect beginning.

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HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. FLEMING) is recognized for 60 minutes as the designee of the minority leader.

Mr. FLEMING. Mr. Speaker, I am going to be starting this hour on behalf of my colleagues from the GOP Doctors Caucus. Congressmen and Drs. MURPHY and GINGREY are our two cochairmen. We make up a group of 10 M.D.s and 4 other professional health care workers, including a dentist, a psychologist, an optometrist. We have been meeting on a very regular basis throughout this debate. Perhaps this weekend we will have a culmination of quite a debate. And what a debate it has been all year.

As I tell folks often, I ran in my election in 2008, my first election, on health care reform. I am a physician, a family physician of 30 years. I have enjoyed the practice of medicine. I still practice medicine when I go back to my district. And for this 30-year period I have learned a lot about the economics of health care, things that are so important. I have been through all phases. In the early days of Medicare, when we didn't have a lot of the restrictions and restraints that we have today; during the HMO days, where we had capitated care and the so-called gatekeeper; during the days when the CLIA laws came out that more or less outlawed laboratories for doctors' offices; of course the SGR days, sustained growth rate that we have been dealing with for the last 10 years. I have seen it all, and so have my colleagues. In fact, among us we have over 400 years of clinical experience. I would include our two physicians from the Senate in that group.

What I want to talk about this evening is a little bit of background, and also we will kind of get into where we are with the latest situation. One of the observations that I made early in my practice was that oftentimes economics actually controlled the decision-making more than the actual health care itself.

I will give you a good example. I had a patient who required monthly blood tests to check his clotting factor because he was on anticlotting drugs because of chronic deep venous thrombosis. And I could not for the life of me get him to get those blood tests on a regular basis, not because he was afraid of needles, but simply he didn't want to pay the price. However, once we were brought under an HMO, health maintenance organization, and all of a sudden he didn't have nearly the out-of-pocket expenses that he would have had, not only did he want to have the blood tests, but he wanted to have many other tests as well, things far beyond anything that I could conceive would be a benefit to him. So for him it was a value issue. Since he wasn't paying and somebody else was paying, well, let's utilize as much as we can so I get my money's worth for what I am getting.

One of the things I like to tell people when I speak to groups is think of health care consumption like a credit card. If I were to give you a credit card that has a limit of $10,000 on it and I said to you, buy whatever you need, but nothing that you just want. I often ask the crowd, ''What would you buy?'' And of course people come back with, well, I would buy probably a new shotgun to go hunting, or camo, or perhaps some physical fitness equipment, or a treadmill, something of that nature. Things that maybe I am not willing to pay out of pocket for, but if it's your money, then I'm willing to pay it.

This, Mr. Speaker, is really the core of the problem when it comes to cost. There are two areas of our economy in which cost has gone up more rapidly than inflation. One is education and the other is health care. And it just happens that those are the two areas in which a third party, in the case of education it is the government who pays for that, and in the case of health care it is both government and private insurance that pays the main balance of the bills.

So from that I have observed that if ever we are going to deal with increasing coverage, which is really what this is all about, how do we increase coverage, in order to do that we are going to have to find a way to lower the cost. I have agreement among all of my colleagues on the Republican side to just that. In order to have more coverage, we have got to lower the cost. And we have to do it fundamentally.

This bill that is before us that we may vote on within the next 3 days, it has a lot of things in it. It has 3,000 pages, it has over a hundred mandates and boards. It has three specific boards of unelected bureaucrats who make decisions about what doctors are going to be paid, what is going to be in your insurance policy, many things about your life that you would otherwise have control of. But the one thing it does not do, Mr. Speaker, is it does not address cost.

And so I can say to you that fundamentally if we are going to at some point in time address cost in health care, there is one of two ways: either we look at it on the doctor-patient level, where the doctor and the patient, who make the majority of decisions that impact cost, we either give them incentives and we also give them some responsibility, some accountability for cost, in which case if that cost is lowered as a result of accountability for them, then it lowers it for the entire system. That has been proven to work time after time.

For instance, as soon as health care insurance began to cover more and more out-of-pocket expenses, we began to see over the years the cost of insurance going up far faster than the inflation rate. In recent years, we have come up with a tool to counteract that,

and that is health savings accounts. I instituted that with my small businesses, which are apart from my medical practice, approximately 6 years ago. And it was considered to be sort of revolutionary. And there was a little angst among employees, what is this going to be like? Because our deductible is going to go up. But I committed to them that the incremental increase in what the policy costs would be, I am going to put it in their tax-free account which they can use for any health care purchase they like.

Despite their reticence at first, they quickly came on because what they found is that now instead of being free utilizers of health care and running costs up because it's a use-it-or-lose-it proposition, now they have money in the bank; and if they make good, wise, savvy consumer decisions, they can choose generic drugs instead of brand name and save hundreds of dollars. They can shop around costs for certain procedures, certain doctors. It works very effectively. In fact, I would love to see that in health care reform at some point. It is not contained in this bill.

We could even do that for Medicare and for Medicaid, put money in the bank on their behalf. Not out of pocket, mind you, but it is the insurance money or the Medicare money that goes in there to be spent on their behalf. Because if they are saving money for themselves, they are saving it for the system at large.

What we are going to see here with this bill if it comes to law is just the opposite. Nothing to commit the doctor and the patient into controlling cost. In fact, in many ways it lowers the out-of-pocket expenses to a point where the patient behavior, the consumer behavior is unaffected by cost. And yet the consumer and the doctor are making those choices.

Now, there will be, of course, layers and layers and layers of bureaucrats who will be controlling from Washington how things are paid. No question about it. And they will be attempting to control people's lives, what they eat, how they eat, what they weigh, whether they smoke or whatever. But unfortunately, there is no way that Washington, D.C. can micromanage human behavior. Attempts will be made with this bill, there is no question about it, but it will not work.

So then there will have to be plan B. How will we save money? And what we found in every case, whether it is Tennessee, which attempted this some years ago, Massachusetts, which has attempted this much more recently, Canada, the United Kingdom, most Western European countries, Australia, every one of them, this is what has happened. The plan works nicely at first. People get less out-of-pocket cost. They can go to the doctor they want. Everything works beautifully. But then all of a sudden the costs begin to explode and they go far beyond anything that has been predicted or budgeted.

And then what happens? Somewhere costs have to be controlled. And how do they do that? They do that through rationing and long lines. Every single case. Just the other day TennCare cut its Medicaid visits from unlimited down to eight visits a year. That is exactly the way it happens every time. Massachusetts, they are way over what their budget is. And as a result of that, they have come to a point now where they are actually reaching out to the Federal Government to control that.

So just to kind of conclude this discussion about cost itself, either you start with lowering costs by using commonsense methodologies of the free market, with transparency and with turning the patient into a savvy consumer who has all the choices before him or her and can make the best choices for quality and for cost, therefore improving the quality and lowering the cost, or you can go to a top-down, government-run, government takeover system in which a Federal bureaucrat will be walking with you every step of the way.

I have been joined here tonight by one of my colleagues, again as I alluded to a little earlier, Congressman Dr. PHIL GINGREY from Georgia, a cochair of the GOP Doctors Caucus. In fact, it was his leadership that led us here tonight for one of many doctor caucus discussions and debates. He ran a little bit late because he had a tele-town hall back to his district. But he has now joined us.

So I am going to yield to the gentleman, the obstetrician of many years from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman, my colleague from Louisiana, Dr. FLEMING, for not only yielding a little time to me but also for being here on the floor to control the time. Mr. Speaker, as you know, each side of the aisle gets a leadership hour, and it seems that maybe our Democratic friends who had the previous hour and only took 35 minutes came to the conclusion that the less said the better about this health care bill. That seems to be the way things have been going, Mr. Speaker, in regard to how much we know about what is in the bill. We will be talking about that a good little bit tonight. I can assure you, Mr. Speaker, on our side of the aisle, we've got a lot to say. I think the more said the better.

The American people need to know. They need to be informed. Indeed they know already a lot, know enough to say, as 70 percent of them do, that they don't want this bill. Not this bill. As Dr. FLEMING said, Mr. Speaker, I was doing a tele-town hall meeting to my constituents in the 11th of Georgia, northwest Georgia, the nine counties that I represent, the 700,000 people, salt-of-the-earth folks, just as Dr. FLEMING represents the same kind of folks in Louisiana. Suffering folks, unemployed folks, struggling folks.

I did a poll question on this tele-town hall call that probably went out maybe to 25,000 households. And a lot of them were on the line and listening and asking questions and staying in the queue for the whole hour and 30 minutes, I think we went.

Mr. Speaker, the poll question was, if your greatest concern about this bill, the so-called Patient Protection and Health Accountability Act or whatever it is called, H.R. 3590, the Senate bill that is going to be deemed passed if the Democratic majority has their way, what's your greatest concern? If it's the economy, the effect that this bill will have on the economy, push ''1'' on your keypad. If your greatest concern is the effect it will have on your health or the health of your immediate family, press ''2.'' If your number one concern about this bill is the devastating effect that it will have on the Medicare program and our senior citizens, you, your parents, your grandparents, press ''3'' on the keypad. If your concern is all of the above, press ''4.''

Well, I am going to tell you, 65 percent of them, Representative FLEMING, 65 percent of them, Mr. Speaker, pressed ''4.'' That is what I would have pressed, too. It was equal, 10, 12 percent equally divided among the other three.

People are outraged, Mr. Speaker. It is just unbelievable to me. Let's refer to the first slide, this poster that I have got to my right, your left. What Americans Want. I wasn't surprised at all by the poll that I took tonight because the American people have been saying this for months and months. The first bullet point on the slide, 73 percent of Americans want Congress to start over on health care reform, or if they are unwilling to do that, this is a situation where it's better to do nothing. They don't believe we should do something even if it's wrong. No, if it's wrong, do nothing. Second bullet point, 56 percent of people want the Congress to tackle health care reform on a step-by-step basis, not a wholesale government takeover.

□ 2030

Mr. Speaker, when Senator LAMAR ALEXANDER a couple weeks ago at the Blair House went to the health care summit, when he could finally get a word in edgewise after our President finished filibustering, said the same thing. Said, Look, we can solve the problem. We can actually lower the cost of health insurance and, indeed, the cost of health care if we do it in an incremental, commonsense way.

And then when COBURN got to speak, Senator COBURN, Mr. Speaker, he said, Mr. President, let me just make it brief here. I know you're not going to give me a lot of time, and you're controlling the clock and who gets to speak. And you took already twice the time that we did in your opening statement. But that is okay. You're the President. But give me a couple of minutes. I will make two points. One, let's eliminate waste, fraud, and abuse. And Dr. COBURN had some great suggestions about that.

And then he went on to say—and, Mr. Speaker, this is almost unbelievable to us, to the physicians that serve in this House of Representatives, to the members of the GOP Doctor Caucus in the House and to our physician friends, Dr. COBURN and Dr. BARRASSO in the Senate—the President said to the American Medical Society last summer, at the annual meeting—they invited him to be the keynote speaker—and when they asked, Mr. President, you want us to endorse, and the AMA went on and did endorse based on the President's promise that there would be reform of medical liability, so-called tort reform, ending frivolous lawsuits and ending the necessity for doctors to protect themselves and their practices by ordering all of these tons of tests, expensive tests, sometimes even, Mr. Speaker, dangerous tests, just to cover their back so that some slick expert witness in a court of law wouldn't say that, oh, you know, you didn't order a fizzle phosphate level on this patient? That's below the standard of care in Louisiana or in Georgia, in Marietta or Athens. That is the kind of thing we're dealing with.

And to just complete the slide, Mr. Speaker, I refer back to this first poster, the last bullet point. Sixty percent of Americans think the Slaughter solution is unfair. I'm going to let my colleagues, if they want to—or maybe when they come back to me I will talk about that—but there are other Members, other physician members, Mr. Speaker, that are here; and I want to yield time to them.

The gentleman from Louisiana was so kind to control the time in my absence. I yield back to him so that he can yield back to other Members. And I yield back to my good friend, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman. Great comments.

And my experience, Dr. GINGREY, is the same as yours. The teletown halls that I have done on this subject in the last 6 months started out that 85 percent of my constituents were against this. Now it's up to 92 percent. Unbelievable.

Let me just touch again on economics, and then I'm going to pitch this back. We have been joined by Congressman BROUN also from Georgia.

But first let me mention, let us talk about Medicare just for a moment.

We hear the other side of the aisle continuing to complain that you're seeing this catastrophic increase in insurance rates, private insurance, and it has been going on for years. And, yes, it has been. It has been faster than inflation. No question about it. But if you look within that, what you find is that because Medicare pays well below break-even for a physician or a hospital and Medicaid pays even half of that, that you have tremendous cost shifting. So you have to raise something; something is going to have to go up to offset the costs that are not being paid.

So, Mr. Speaker, in light of all of that, what we have in this bill is we're going to have a dramatic increase in Medicare and especially in Medicaid which is going to make those rates go up, that is, private insurance, even faster.

But let's look for a moment at what are the economics of Medicare in this bill.

This bill, at least the version we think we are talking about this evening, because we have not even seen the final draft of it and yet we are soon to vote on it, where does it raise revenue? It raises revenue first by taking a half trillion dollars out of Medicare. Speaker PELOSI today said—the way she was asked, How do you do that? And her answer was very simple: You get rid of fraud, waste, and abuse. We've had this program for 40 years and nobody has been able to figure out how to get any dollars out of fraud, waste, and abuse, much less a half a trillion dollars. So I don't believe that is going to happen.

Number two, the $500 billion that we're talking about is earmarked to extend the life of Medicare which is going to run out of money in 2017. That is really 7 years from now. But it's also going to be used to help subsidize private insurance.

The CBO wrote a letter last week saying, You're counting the same half trillion dollars twice, and to get it, you've got to take it out of something you can't take it out of. So really we're tripling down on the same money, which gives us an error of $1 trillion.

So the economics, Mr. Speaker, of this are crazy. They're smoke and mirrors. They don't add up, and there are many other parts of this that we can get into as we go forward. But that is the fundamental problem, as I talked before. Utilization is going to skyrocket, which is not even measured for by the CBO. And then you've got the same dollars counted not once, not twice, but three times.

So with that, I would like to welcome Dr. BROUN, also a physician, a fellow family physician from the great State of Georgia, and I yield to the gentleman

Mr. BROUN of Georgia. Thank you, Dr. FLEMING. I've listened to you talk about this economic game that they're playing. I call that zombie economics because you have to be a dead man walking around with no soul to believe the economic parameters and the games that the Democrats have played with CBO.

And people need to understand that when CBO, Congressional Budget Office, scores a bill, they can only score the bill according to the parameters that whoever writes that bill give them to score it on.

So all of these things where you're having double counting of money, it's just a good example of that zombie economics that the Democrats utilize and force CBO to use in scoring the bill so it doesn't look as bad as it really is going to be. And there is nothing about the marked cuts in doctors' reimbursement, how much the government under Medicaid, as well as Medicare, is going to be reimbursing the doctors.

And what's going to happen—and I think the American people need to understand this very firmly—they may give a government insurance policy card to people that they can stick in their pockets, but they're not going to be able to find a doctor that will accept that card and accept that insurance. So the American people need to understand that the access to a doctor is actually going to go down, in my opinion. And in fact, that card for many, many Americans is going to be as worthless as a Confederate dollar was after the War Between the States. It's going to be useless. We're going to have more people who have less access to doctors, less access to care, if ObamaCare is passed.

Another thing that policy after policy has shown is that the American people continue to overwhelmingly reject this government takeover of health care. Yet Speaker PELOSI has declared that a government takeover of health care should become the law of this land without even taking a vote on the bill. Well, that is unconstitutional.

I, as well as, I know, Dr. GINGREY, as I know Dr. FLEMING, carry a copy of the Constitution. I believe in this document as it was intended by our Founding Fathers. We have absolutely no constitutional authority for the Federal Government to take over health care. None. We have no constitutional authority to even do this deem and pass Slaughter rule. Deem and pass. That sounds like an old western movie. Deem and pass. The only people who are going to be ambushed are the American taxpayers and small businesses in this country. That is exactly what's going to happen. Deem and pass is being set up by our Democratic colleagues who want to raid small business's coffers and people's coffers.

In fact, we've got a lot of taxes on small business. A lot of taxes on individuals. The Ways and Means Committee just today has put out a report on this bill. We hear from the President if you make $250,000 and above, you have to pay extra taxes for the bill. And anybody making less than $250,000 will not be taxed. But the Ways and Means Committee just today set out the parameters on the taxes. Half of the new individual mandate taxes will be paid by Americans earning less than $66,150 for a family of four. Let me say that again: half of the individual mandate taxes are going to fall on the shoulders—not of the rich people; I don't think a family of four making $66,000 a year is rich—but half of those individual mandate taxes are going to fall on the shoulders of families making $66,000 a year or less.

And also the IRS is going to be markedly expanded. And, in fact, it's going to be up to the IRS to get all of these new taxes.

And I have got a little slide here. Because the IRS is going to be running ObamaCare. The IRS agents in this country are going to verify whether you have acceptable health care coverage. Now, who determines what's acceptable health care coverage? Well, it's a panel here in Washington, D.C., that is going to mandate every single insurance policy in this country.

So if you have health insurance today and you like it? Forget it. Forget it. That is another distortion, something that is not true that's been touted by our Democratic colleagues.

And the IRS agents in this country are going to be prying into your health care insurance, into your life, to see if you have acceptable coverage.

Also, the IRS is going to have to hire new agents to do all of this new work that they're being given by ObamaCare: 16,500 new IRS agents. There are going to be more audits of people's income taxes because the IRS is going to be in charge of making sure that individuals have this acceptable health care coverage that is mandated by the Federal Government.

The IRS can even confiscate your tax refund. And the IRS can fine you up to $2,250 or 2 percent of your income, whichever is greater, if you don't have the minimal, essential coverage. Again, the Federal Government is going to determine what that minimal coverage is. So forget your current insurance policy. The Federal Government is going to mandate it.

Mr. GINGREY of Georgia. Will the gentleman yield for a minute?

Mr. BROUN of Georgia. Absolutely.

Mr. GINGREY of Georgia. I appreciate my colleague for yielding because the gentleman points out an accurate statement in regard to the expansion of the IRS because there absolutely would be those that would be going through with a fine-tooth comb every tax return. And we're not too far from that date where people, if they don't put down and verify that they have that health insurance policy—and the gentleman was probably going to say this, but I will go ahead and say this—not just that they have a health insurance policy, but the type of policy.

□ 2045

In other words, a young person, a young, healthy person who exercises and takes care of himself, doesn't smoke, doesn't drink, runs marathons, and so he wants a health insurance policy that he can afford. He is just out of high school or just out of college. He is paying back student loans, trying to buy a car, trying to save up to get an engagement ring for his fiancee, whatever, paying for an apartment, yet he wants to have coverage. He wants to have catastrophic coverage, but he can't afford first dollar coverage, so he buys these high deductible but very low monthly premium—probably one-fourth of what the IRS and this bill is going to demand that they have. If he doesn't have it, he is going to jail.

Mr. BROUN of Georgia. That's right.

Mr. GINGREY of Georgia. It's just unbelievable. And very quickly, before yielding back to my colleague, I want to say this.

If we were in charge, Mr. Speaker, I think the three of us on the floor right now, we would eliminate the IRS. We wouldn't add to them and add to that bureaucracy. We would get rid of the IRS and the Federal income tax, and we would replace that with a flat tax or a fair tax, a national retail sales tax that our colleague from Georgia, JOHN LINDER, has been such a strong proponent of.

Mr. BROUN of Georgia. I thank you for yielding back.

In fact, I want to point out something else that is going to happen with this bill the way it's set up. The tax-writing committee, the Ways and Means Committee, tells us an additional $10 billion is going to be needed to pay for this marked expansion of the Internal Revenue Service. And, Dr. GINGREY, I'm like you. I would like to totally get rid of the Internal Revenue Service. You and many people know I have been a very ardent supporter of the fair tax.

But it doesn't matter—well, it does matter how they get our taxes. The bottom line is that we have just got to stop this outrageous spending here in Washington, and we are going to increase spending of the Internal Revenue Service by $10 billion.

But something else the American people need to know is: Guess who has been left out? Guess who is not going to have all these mandates? Illegal aliens. That's what our Democratic colleagues have put in place. The illegal aliens in this country are going to get free taxpayer-funded health insurance, and they are not going to get all these fines. They are not going to be bothered by the Internal Revenue Service. It's just the American citizens and legal residents in this country that are going to be bothered by these folks.

Now, they are going to say, and I've heard them say over and over again, illegal aliens can't get free government health insurance, but Dr. GINGREY was in the Energy and Commerce Committee. Over and over again, Dr. GINGREY and many others fought to make sure that illegal aliens would not get free government health insurance by making the Federal Government verify the citizenship and the legal presence of these people here.

Mr. GINGREY of Georgia. If the gentleman would yield just for a second, he may want to yield back to Dr. FLEMING who is controlling the time. It is our colleague from our great State of Georgia, Congressman NATHAN DEAL, the ranking member on the Health Subcommittee of Energy and Commerce where this bill, by the way, originated as H.R. 3200, Mr. Speaker. We all remember that. But it was Congressman DEAL, NATHAN DEAL, 17 years, this is his 18th year, in fact, in this body, had the amendment to stop that, to make sure that people had to give adequate verification, just like they do for the Medicaid program in our States and the SCHIP program. It's called PeachCare in Georgia. It was Congressman NATHAN DEAL—who, by the way, I think is going to be the next Governor of Georgia—who very strongly advocated for that. But unfortunately, as all Republican amendments, if they get heard at all, they get voted down on straight party lines, good commonsense amendments.

Mr. BROUN of Georgia. I want to go to Congressman DEAL, too. He has been fighting for a long time to stop this birthright citizenship here in this Nation, which is actually a ruling by the Federal court system. It is an improper ruling on the 14th Amendment. It's an unconstitutional, actually, ruling on the 14th Amendment that we're giving birthright citizenship to these children who are born to illegal aliens in this country, and they are going to go on the Medicaid system. And we're going to have a magnet, a magnet to draw more of those illegal aliens in this country because they are going to get free government health care because of this ObamaCare bill that we're going to be voting on just in the next day or two.

I just want to say before I yield back, Congressman NATHAN DEAL, I hope he is our next Governor, and he has been right on the front line fighting this illegal alien problem that we have in this country. He lives in Gainesville, Georgia, and he has seen them there in Hall County, Georgia, how it's been a tremendous drain on the local economy and the local government for goods and services and things. And so he has been an ardent, ardent fighter to try to make these illegal aliens, who are criminals, to go home. Now we are going to give them free health care.

And the American people need to just say ''no'' to our Democratic colleagues, because it's just going to be disastrous. We are going to have an influx of illegal aliens just to come and have those anchor babies to get on Medicaid. We've already seen that happening, and that is one reason NATHAN DEAL has been doing it.

I yield back to Dr. FLEMING.

Mr. FLEMING. I thank the gentleman. I thank both gentlemen from Georgia for your comments and, again, your many years of experience as physicians.

I would like to change the topic slightly, and that is to talk about process for a moment. Now, what I would really describe, this situation is one in which, as this debate continued, Mr. Speaker, as this debate continued through the year, it began to lose momentum almost immediately. We began to see the polls. At first, it was 50/50. Half America wanted this health care reform but didn't know much about it, the other half really didn't want it.

As this debate has gone on and on and on and the news gets out, the acceptance of this has dropped. In fact,

today it is at its lowest point that it's been. I think we are up to now 55 percent of Americans are against it and down in the 30s are actually for it. In fact, a CNN poll—and I'm sure that CNN wouldn't be considered as an extreme right-wing media outlet—shows that—they asked a question a little different way. What should we do with this bill? Seventy-five percent of Americans said either scrap it altogether and forget about it or start over again. And that's exactly where we are. We would like to start over again and pass commonsense reforms without the government takeover of health care.

Well, anyway, as this thing has been losing steam, it has caused more and more difficulty for the other side of the aisle to get things passed, vote after vote. And we saw that there was such a reaction across the country that our good friend, SCOTT BROWN, was elected to, believe it or not, Senator Kennedy's seat, something that no one could have imagined this time a year ago. And while he is an excellent candidate, something else had to be in play there, and we know what it is, and that is health care. Also, through the process to get it through the Senate, even with the 60 votes that already were there, it took special deals. I will just name them real quickly.

The Louisiana purchase; $300 million to go to my State of Louisiana, which would seem ostensibly to be a good thing, but by signing this bill, the President would actually cause costs that would be far greater than the $300 million that we would receive. So the net result is money lost, not money gained.

The Nebraska kickback, which everyone has hated. And, in fact, what it is going to do is probably it will pass in this reconciliation, if it is passed, will actually extend the same benefit to all States which is going to drive up taxes and cost.

A $10 million earmark for a Connecticut hospital for CHRIS DODD, our Senator, and certainly Gator aid, where every State will lose its Medicare Advantage except for the State of Florida.

But if that wasn't enough, Mr. Speaker, now that we're in the House, we've got another situation. We're talking about reconciliation; that is, instead of sending it to the Senate in the final form and have it passed and get past the cloture rules over there, they want to slide it in under reconciliation, a mere 51 votes. But all of that being as bad as it is, now we're talking about the Slaughter solution.

And I will pitch back to my friend, Dr. BROUN, for his comments.

Mr. BROUN of Georgia. Thank you, Dr. FLEMING. I appreciate your yielding.

In fact, I've wondered, and I'm sure the American people are wondering, why is it that Democrats don't want to have a vote on a bill? Well, you're just telling them right now today in this Special Order why the Democrats don't want to have a vote on the bill—because they don't want to face the fact. They don't want to face the voters that they are doing all these special deals, sweetheart deals.

You didn't mention the ones in there for the unions on their Cadillac plans. The unions have just cut a special deal, too, with the administration, with the leadership here in Washington. But why wouldn't they want an up-or-down vote? We've heard the President say over and over again this should have an up-or-down vote.

Well, just today, just today, as my colleagues know, the Democrats voted down, through a procedural method, voted down—what we are trying to do is to have an up-or-down vote on the bill, but they don't want their yeas and nays to be recorded as is required by the Constitution of the United States. Article 1, section 7, the second paragraph says that for a bill to be passed into law, it has to be voted on by both Houses. It has to be the very same bill, and then it has to be signed by the President or a veto has to be overridden, and the yeas and nays must be recorded. So it is totally unconstitutional what the leadership is doing.

And I have one question for the Speaker. If Democrats are confident that the American people want this new multitrillion dollar program, why are they avoiding a simple up-or-down vote? Well, the simple truth is that the House Democrats just don't want that because they don't want to face the voters. They don't want to face their constituents about these special deals. They don't want to face the zombi economics that they're using. But the jig is up for the Democrats trying to pull the wool over the eyes of Americans, because Americans get it. They understand that this is going to be disastrous.

As I mentioned before, we are going to have costs go out of the roof for everybody. And, in fact, experts tell us that people who have private insurance, private insurance today for a family, their insurance premiums are going to go up $2,100 a year because of ObamaCare if this is passed into law.

Mr. FLEMING. Those are all great. I appreciate your adding some of the things I left out. This list is getting so long of all the special deals. And the way that the Democrats are attempting to bypass the Constitution is just really unbelievable, and it's making Americans awfully mad. The emails I'm getting are really showing me either people are extremely mad or extremely terrified.

Now I would like to turn to the other gentleman from Georgia, Dr. GINGREY, and see, do you have other comments about the process?

And by the way, I must say that the President, NANCY PELOSI, and even HARRY REID say the process doesn't count, that the American people don't care about the process, only the finished product. Well, that tells me that the ends justify the means, and I just don't agree with that.

What say you, sir?

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding to me.

I agree with my colleagues that process does matter. We, physician Members in particular, are concerned mostly about the policy, and we are emphasizing policy tonight, and we will continue to do that. But the American people definitely care about process.

I want to go back, Mr. Speaker, to what my colleague from Georgia was just saying in regard to the insurance premiums are going to go up for those in the private market. There is no question about that. The CBO has said as much. And, Mr. Speaker, you wonder, maybe the American people wonder, if that's true, if the whole purpose of this reform plan was to lower the cost of insurance so more of the uninsured would have insurance, those that are not eligible for Medicaid and just don't realize it, that we have to lower the cost or they can't, we've wasted our time. We've spent $1 trillion and we have accomplished nothing.

But, Mr. Speaker, I would suggest that this may be intentional. This may, indeed, be intentional. If what you want, Mr. Speaker, ultimately is a socialized national health insurance system like other countries have, where rationing is commonplace and denial is commonplace and old people get thrown under the bus, if that is ultimately what you want, you want the Federal Government, and your mindset, your mentality is more government is better government, more control is better because the people are too dumb to run their own lives so we want to take over, we want to take over one-sixth of the economy, so you drive up the cost of health insurance in the 40 percent of the market that's private, eventually there is no private market. And everybody morphs into these public plans. That's why the Democratic majority insisted on a public option. They didn't get it, but that's coming next. That's coming next.

And I will yield back to the gentleman controlling the time to yield to Dr. BROUN.

□ 2100

Thank you, Dr. GINGREY. Let me add a couple points and then I will yield to the other gentleman.

You know, we have got two bills right now. We have the Senate bill which has all of these ugly, sleazy deals in them that even the Members on the other side don't want their fingerprints on, and that is why we are going through this deemed process, because they want to pass it without voting for it. Crazy.

Anyway, the reconciliation part, the so-called correcting bill that they are wanting to vote on is going to do this: It is going to increase taxes by $155.8 billion on top of the Senate bill. So it is increasing taxes. It also takes over the student loan program. So what?

Well, this is the so-what. It is a job killer. It is going to take all the profits from the private industries that have been loaning this money, it is going to unemploy 35,000 Americans, and it is going to skim that profit to dump into this to go down the sinkhole.

Mr. GINGREY of Georgia. On this point about the job killer, this student loan—Federal Government, once again, the Federal Government taking over the student loan program. Well, I don't know. Ten, 15 years ago they took over half of it, and that wasn't enough. Although that killed about 50,000 jobs, I say to my colleague from Louisiana, Dr. FLEMING. And now, as he points out, now they want it all, and that is going to kill another 30,000.

So, Mr. Speaker, we are talking about 80,000 jobs in the private market so that the Federal Government can have a 4-percent spread, borrowing money at 2.5 percent, lending it out to the students at 6.5 percent, 7 percent, and taking in $60 billion so this majority party can spend it on more social welfare programs. That is what we are talking about. And I yield back to my colleague.

Mr. FLEMING. Reclaiming my time. And then one other deal that just slipped in on the House side is the North Dakota deal. There are carveouts there.

So the sweet deals have not stopped even though the Senate bill is complete. I understand that there have been in fact ambassadorships, like an ambassadorship to NATO has been offered for a ''yes'' vote. We have Members of Congress being carted around in Air Force One and certainly asked out to dinner and all sorts of things like that.

Look, this is one-sixth of the economy. This is the future of our Nation for a century. Are we so lack of character that we are willing to sell our souls for just about nothing? I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank you, Dr. FLEMING, for yielding. We are here talking tonight amongst ourselves during this Special Order period that Dr. FLEMING is controlling—very well, thank you—and I am just honored to joining him and Dr. GINGREY here.

But the American people are asking, what can they do? They are asking, is this a done deal? In fact, I have talked to a lot of people not only in my district but around the State of Georgia and even some from other States, and the American people are saying, ''What can we do? Is this a done deal? Is this going to pass?''

I don't think it is a done deal. And it is up to the American people whether it passes or not, because the Democrats don't want their fingerprints on the Senate bill, they don't want their fingerprints on all the increase in the Internal Revenue Service and the increased taxes, the health care insurance police that is going to be put in place. They don't want their fingerprints on the increased costs; in fact, they are even denying the increased costs. Why? Because the Democrats know this is a bum deal. They know that.

In fact, I have talked to just in the last 2 or 3 days several Democrats, and I have been told by the Democrats that every one of them know it is going to raise premiums. Every one of them know that it is going to increase the cost of health care above doing nothing. Every one of them know that this is a government takeover of the health care system. And what do they do? They come down here and say we are in favor of the big insurance companies.

I don't like the big insurance companies. As a medical doctor, I have been fighting them through almost four decades of practicing medicine. I been fighting them for my patients. But they know that.

And we hear the President say, well, if the American people understood his plan, they would accept it and embrace it. Hogwash. The American people do understand his plan, and they reject it overwhelmingly. And I would yield back.

Mr. FLEMING. Reclaiming my time. I am sure that my other colleague from Georgia has a few choice comments as well.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding, because I just happen to have a slide. I think my colleague from Louisiana noticed that slide. Maybe my good friend from Athens can't see it, but this is ''Notable Quotable.''

Look, Mr. Speaker, I respect the Speaker of the House of Representatives. We all do, of course. And anybody can misspeak and make a bad quote. But, gee, whiz, for the Speaker of the House to say—here is the quote: ''We have to pass the bill so that you can find out what is in it.'' I have got to repeat that for you, Mr. Speaker, in case you didn't hear and my colleagues, both sides of the aisle. The Speaker of the House just a couple, a few days ago. Here is the quote: ''We have to pass the bill so that you can find out what is in it.''

Now, that is why the American people are outraged. They know that. 2,700 pages, and then they come here with this reconciliation package. And, oh, they are going to give us 72 hours to study it. And then, as my friend from Georgia was talking about, the Scheme and Deem or the Slaughter solution.

Mr. Speaker, I am telling you, the majority party, if they do that, if they pass this bill, this Senate bill without really voting on it to trick the American people so they don't have to go home and face the irate voters, they are going to get slaughtered in November.

I yield back to the gentleman controlling the time.

Mr. FLEMING. Reclaiming my time. In the last few moments that we have in our discussion, which I think has been a great discussion, and once again I thank the gentlemen for joining me this evening.

You know, we are in the final hours of this, it would appear. And we don't know if it is going to pass or not. I suspect that if the votes were there, we would be voting on it today. So I do think that the American people still have an opportunity to reach out to those who have not committed, and even those who have.

You know, we don't have even one single Republican that has voted for any of this except for one, and even he is not going to vote for it this time.

So this is not a bipartisan bill except to the extent of its opposition. We have the Republicans, we have a good group of Democrats, and also particularly pro-life Democrats, and the American people. But, unfortunately, we have a big enough group, a large enough group, if you will, of Democrats who feel through their arrogance they can still trump the American people and those others.

And, you know, when you are talking about monumental legislation, Mr. Speaker, we are not talking about a small little bill that maybe it is a financial bill and maybe there are some little deals that have to be made in the back so that we can pull a couple more votes. We are talking about a fundamental bill, perhaps the most important that has been voted on in more than 40 years that affects every American in the most intimate way. Yet we are in the situation with this where we are still up to sleazy deals. Anyway we can get it done, even if you hate the bill, get it done. We can fix it later. That is the craziest thing I have ever heard of.

And I would be happy to yield to the gentleman, Dr. BROUN.

Mr. BROUN of Georgia. Well, it is the craziest thing because they are not going to fix taxpayer-funded abortions in reconciliation. We have got, I think it is, 41 Democrats that claim to be pro-life. They have whittled it down to 12. Those other 29 so-called pro-life Democrats cannot ever, ever again claim to be pro-life, because if they vote for this bill, they are going to be voting for taxpayers to fund killing unborn children.

Mr. FLEMING. And if you would yield back for one moment. This will be the biggest increase in abortions since Roe v. Wade. And I yield back.

Mr. BROUN of Georgia. And it is going to be a big boom for Planned Parenthood, which is the largest abortion provider in this country and in the world. So those 29 pro-life Democrats can never, ever claim to be pro-life again if they vote for the rule. If they vote for the rule, they can never, ever claim to be pro-life again because they are voting for abortion.

Also, the American people are smarter than what our Democratic colleagues evidently give them credit for, because the American people will know when we vote on the rule, which is what I think we are going to see on Sunday, a vote on the rule, whenever it is. When we vote on that rule, they are

going to be voting for the Senate bill with all the special deals, with abortion funded by taxpayer dollars, for cutouts so the illegal aliens won't be fined and taxed like American citizens will be, so that all of the bad things that are in the Senate bill that the American public overwhelmingly have rejected—when they vote for that rule, the American people need to take note, because they are going to be voting for the greatest government takeover of our economy ever in the history of this Nation because they have put in place a mechanism to socialize the health care system.

In the 1930s, the Socialist party of the United States said the fastest way to destroy freedom in America, the fastest way to change America from being a free Nation with free people into a Socialist Nation with government control, central control from Washington, D.C., is a government takeover of the American health care system.

The American people need to contact their Democratic members and say: ''No. Or, we are going to say 'no' to you.''

Mr. FLEMING. We have got only 1 or 2 minutes remaining, and I am going to turn the remainder of this over to Dr. GINGREY.

Mr. GINGREY of Georgia. I thank the gentleman for yielding. As we conclude, I have got one last slide I want to share with my colleagues. The title of it, the Slaughter solution. My colleagues have already mentioned it. But it would indeed let Speaker PELOSI send the Senate bill to President Obama without an up-or-down vote. It would just be deemed passage when they vote for the rule.

Americans deserve an up-or-down vote. And listen to these quotes as we conclude our hour.

President Obama: ''I believe Congress owes the American people a final up-or-down vote.''

The Democratic National Committee chairman, his quote: ''There is going to be a vote, and it's going to be an up-or-down vote. Everybody is going to be up or down on the record and be accountable either for a 'yes' vote or a 'no' vote.''

Have the intestinal fortitude, Mr. Speaker, to stand up and be counted. Stand up and be counted. That is all we are asking. And I yield back to the gentleman from Louisiana.

Mr. FLEMING. I thank you gentlemen for joining me this evening. I thank our audience. This has been again another productive discussion about health care. I ask that everyone going forward in the next 3 days pray for us. And I yield to the gentleman.

Mr. BROUN of Georgia. One final word.

The American people can kill this bill by contacting their Democratic Congressmen and saying ''no'' to this government takeover of health care system that is going to ruin our economy.

□ 2115

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY of Georgia. We're going to continue during this hour to talk about health care, my colleagues in the previous hour: Mr. Speaker, Dr. JOHN FLEMING from Louisiana, a family practitioner of many years, with many years experience; Dr. PAUL BROUN, a family practitioner. A house-call doctor, one of the rare breeds of physicians in this country still willing to make those house calls; and indeed he continues to do it when he goes home to Athens and the 10th Congressional District, seeing patients out of the goodness of his heart, mostly.

We talked about a lot of things. We want to continue this discussion because, Mr. Speaker, you just cannot say it all adequately, I don't think, in an hour. We have been blessed. The good Lord gave us this opportunity for another hour. We gratefully accept it. We'll continue to talk about it.

The gentleman who was controlling the previous hour was talking about the magnitude, Mr. Speaker, of this bill. We're not talking about naming a post office or flags flying over the Capitol, for goodness sake. We are talking about one-sixth—one-sixth—$2.5 trillion of our overall economy in this country. One-sixth of it, the amount of money that's spent each year on health care. We're going to let the Federal Government take over that? I don't think so. My constituents say ''no.'' In fact, they say, Heck no.

This is, again, as Representative FLEMING said, Mr. Speaker, this is not just a little old bill. Bills have varying degrees of significance and importance, but this one is life or death, Mr. Speaker. This is life or death. And we don't want, our patients don't want, our constituents don't want the government in control of that. They don't trust the government. I don't blame them, Mr. Speaker. Why should they when this government is $1.6 trillion worth of red ink in the last fiscal year and has already spent something like $650 billion of red ink in this fiscal year, and we're not even halfway through it. It is unbelievable.

We're going to have a good time and try, Mr. Speaker, to enlighten our colleagues, to share our medical knowledge, maybe to show a poster or two. I think one of my colleagues has one up right now, so I'm going to quickly yield to the gentleman from Athens, Georgia, Dr. PAUL BROUN.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY. I put up this slide here. People who have gone to school, as kids, in their basic civics class see the little cartoon with a bill. This is the bill. They have a little song that goes along with that cartoon that is kind of a catchy song. But under the Constitution, a bill to become law has to be voted upon. That's what article 1, section 7, paragraph 2 says. In fact, I think it's worth having a little civics lesson here.

Article 1, section 7, which lays out all the parameters for Congress in the U.S. Constitution, article 1, section 7, the second paragraph, it says: Every bill—in fact, I encourage people to get the Constitution and read it. Because it wasn't written by lawyers. It's understandable. This contains the Constitution as well as the Declaration of Independence and every single amendment to the Constitution in this little booklet. It's not a thousand pages, it's not a hundred pages, it's not 2,700 pages that this abomination of ObamaCare is all about.

Article 1, section 7, second paragraph: Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes law, be presented to the President of the United States. If he approves it, he shall sign it. But if not, he shall return it with his objections to that House in which it shall have originated.

Mr. GINGREY of Georgia. Would the gentleman yield for just a second?

Mr. BROUN of Georgia. Yes, sir. Absolutely.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate the gentleman yielding, because I'm following along with him and he's quoting the Constitution accurately. The gentleman, I think, said—of course he did—if he approve, he shall sign it. It's not: if he deem, he shall sign.

Mr. BROUN of Georgia. Not if he deems it.

Mr. GINGREY of Georgia. Mr. Speaker, I think it's important we point that out. Approve, not deem. I yield back.

Mr. BROUN of Georgia. Let's go further and see if the House can deem it. Deem and pass. Western movie. The only outlaws in this particular movie are those who want to take over the health care system in this country. They're going to ambush small business.

But let's go on. Have a little civics lesson: He shall return it to the House where it originated, who shall enter the objections at large on their journal and proceed to reconsider it. This is how we overturn a veto: And if, after such reconsideration, two-thirds of that House agree to pass the bill, it should be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become law. That's how a bill becomes law. That's how this guy becomes law. Both Houses pass the bill. Not deem it, but pass it.

Let's go on. It says: But in all such cases—and this is extremely important that the American people understand this, Mr. Speaker—But in all such cases, the votes of both Houses shall be determined by the yeas and nays. Let me repeat that: The votes of both Houses shall be—shall be—not may be,

not deemed—but shall be determined by the yeas and the nays. And the names of the persons—the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within 10 days—and it goes on talking about—well, let's finish that paragraph.

If any bill shall not be returned by the President within 10 days, Sundays excepted, after it shall have been presented to him, the same shall be law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not become law. Period.

That's the only way a bill can become law. That's the only way that the kids see that cartoon about: I am a bill, I am a bill. I'm not going to sing it. I wish I could sing it.

Mr. GINGREY of Georgia. If the gentleman will yield back. Mr. Speaker, I'm going to ask the gentleman to yield his time back to me because the Lord knows we don't want to hear him sing. He's done a great job of reading the Constitution.

We're pleased to be joined, Mr. Speaker, by another of our colleagues, the gentleman from Iowa. I'm of course speaking of my mom's favorite Member of the body. I hope Mom's watching, Mr. Speaker. Mom is 92 years young, lives in Aiken, South, Carolina, in our good friend GRESHAM BARRETT's district, or possibly JOE WILSON's, but my mom watches intently to what is going on up here, and she's a big fan of the gentleman from Iowa, Representative KING. We're going to get to him in just a minute. Before I yield time to Representative KING, I want to yield back to my friend from Louisiana.

Mr. Speaker, I want to commend my friend from Louisiana, Dr. FLEMING, for being courageous in the first hour of speaking out against something that may purportedly—at least one of the Members of the other body who represents the State of Louisiana, who arranged for the Louisiana Purchase. Representative FLEMING, Mr. Speaker, is mighty courageous to stand up here—he's from Louisiana as well—to say, That's not right. That's not right. That's not playing fair. That's giving one State an unfair advantage. It's not a level playing field.

I yield back to my friend from Louisiana.

Mr. FLEMING. I thank the gentleman, and once again the Chamber this evening is filled with gentlemen that I admire and I'm learning from here in my first term in Congress. I certainly thank each one of you for your leadership.

I just want to hit one thing before we get back to the topic of the Constitution, which is so important, and the process. I listened some to the hour before last, the women. There was a women's leadership hour on the other side of the aisle. Attractive women, nice ladies. We see them every day. We work with them. We happen to have a different worldview. And much of what they talked about was the human element, how this affects human beings. How this affects folks. Individual situations where someone loses their insurance and they run into problems and so forth.

And I want to get back to that just for a moment. And here's why. We, the three physicians that are here, and our friend, Mr. KING, we've all seen situations—health care problems, situations where people develop cancer, heart disease, what have you. And we want the best. We want health care reform. In fact, I campaigned on health care reform, but of course I had no idea that health care reform could in any way be a takeover of the health care system, but simply using a scalpel to fix the problems.

But let me talk about, again, the human issue, and that is, let me remind my friends that coverage does not mean access. Coverage does not mean access to care. And I'll give you an extreme example. Look at Cuba today. In Cuba, 100 percent coverage. Care is free. The problem is you can't get care. They have one colonoscope for the whole country. Yeah, antibiotics are free. If you get pneumonia, you're still not getting any antibiotics. The same is true in North Korea. The same is true with the Soviet Union. Socialized, centralized economies do not work. They create spot shortages and sometimes extreme shortages.

So let's look at Western European countries and Canada. What do we see there? Again, government-run health care. We talked in the previous hour about the fact that there's two ways to control cost: either do it by investing the patient and the doctor into it or have the government sort of control it. But the only way the government can actually save money is to create long lines and rationing.

So if you look at Canada, we had both doctors and patients come and testify before us several months ago. I think some of the Members here were there. And what we heard was really, I think, spine-tingling. We heard the situation of a young mother who developed a spinal condition which left her wearing adult diapers. And there was a permanent treatment for her problem, a surgical treatment. Unfortunately, she had to wait years to get it. When she asked them, Why can't I have this surgery? I'm a young mother, I have a husband, and yet I have to wear diapers because I'm fully incontinent. The answer to her by her doctor was, You haven't suffered enough. You haven't suffered enough.

□ 2130

Yes, health care is free in Canada, but you have to wait as much as 2½ years to get an MRI scan, and then you have to wait in line to get whatever it is. And it's not unusual for doctors in Canada to say, Yes, you have cancer, Mrs. Smith. We'll watch it. You will not hear a doctor in the United States tell you, You have cancer, and we'll watch it. The doctor may say it's untreatable, but he's not going to watch it if he thinks that there's any chance at all that there's either a cure or at least palliative care.

Then finally we look at—let's go up a couple thousand feet and look overall. Two of the most important cancers in this country—prostate cancer and breast cancer. One in six women get breast cancer, and something like 60 percent of men over age 90 get prostate cancer. And look at the death rates. They're not comparable. The survival rates in the United States of America are far above those in Canada and the U.K. for two reasons. Number one, in the case of breast cancer, the government says it cannot afford mammograms, which are saving lives in the United States, and they cannot afford the more expensive and innovative chemotherapeutic drugs which are saving lives.

So I just wanted to bring this down to the human element because we're talking about process, as we should, and we're talking about the economics, as we should, and we know they don't work. But I hear what these ladies are saying, that there is suffering out there. But again, bankrupting our health care system is not going to save lives or to free people from pain.

Mr. GINGREY of Georgia. Dr. FLEMING, would you yield for just a moment? If the gentleman would yield back to me, and I will yield just for a moment to Dr. BROUN, and then I will yield to Representative KING.

But I yield just a moment to the gentleman from Athens, Dr. BROUN.

Mr. BROUN of Georgia. Thank you.

I just wanted to bring up, after Dr. FLEMING was talking, I think it was one of the other physicians from Louisiana that we were talking to today. In fact, the three us were there when he was talking. He is a gastroenterologist from Baton Rouge. But anyway, Dr. CASSIDY was talking about a patient being in Great Britain. Now, our President has held up Great Britain and their health care system as being where we need to go today. Y'all correct me if I'm wrong on this story.

Dr. CASSIDY spoke so quickly. I don't hear that quick, but he was saying that a lady that he was associated with went into the hospital in England and was having a bleed in her esophagus, right at the junction of the esophagus and stomach, and people can bleed to death very quickly with that kind of bleed. But the patient was told that the doctor was out at tea and she would have to wait until the tea was finished, because the doctors' union would not allow them to come and see this lady who's bleeding to death.

Now, this may sound—we're giggling and laughing about it, but it's really serious business, because that's where we're headed as a Nation, and people won't get the care. And I just wanted to add that on to what Dr. FLEMING was saying. What he was saying earlier

is that people, though they may have free government health insurance, they're not going to have access to care. People are going to be denied care, and we're going to have a government panel here in Washington, D.C., that's going to tell people whether they can go into the hospital or not.

I already fight that for my patients. I have to talk to Medicare about my patients to see if they meet criteria. We all do. But it's going to get much, much worse, and people are going to be denied medicines, lifesaving medicines, lifesaving treatments, and it's going to be disastrous for the quality of care that we have in this Nation.

Mr. GINGREY of Georgia. I wanted to just point out real quickly before yielding to my friend from Iowa, when I think about tea in this country, Mr. Speaker, I think about the Tea Party Patriots, God bless them.

Mr. Speaker, I wanted to correct something that I said a few minutes ago because I misquoted Mom. I said that Mom said that Representative KING was her favorite Member of Congress. That's not what Mom said. Mom told me that I was still her favorite Member of Congress. I think she even said that I was the best looking. But what she did say, Mr. Speaker, was that Representative KING was the best speaker, and I was highly offended by that, but he is a pretty good speaker. And Mom, here he comes.

I yield to the gentleman from Iowa, Representative STEVE KING, my classmate.

Mr. KING of Iowa. I thank my good friend from Georgia (Dr. GINGREY). I was prepared to correct that, because I was entirely convinced that you did misspeak and that Mrs. Gingrey's favorite Member of Congress has to be Congressman Dr. PHIL GINGREY, as every mother's son should be their favorite if she only has one. If she has several, then it starts with first favorite, second favorite and on down the line.

I'm pleased to be here with the Doctors Caucus and the friends that have done battle with me and others here in this Congress and across this country to kill this idea of taking over our health care and establishing socialized medicine. This is an American effort, an American endeavor to tell the liberals and the progressives in this Congress that we will not have them take away our liberty.

And Dr. GINGREY mentioned the Tea Party Patriots. They have come to this city and packed this Capitol. There are a number of Tea Party groups that are out there. A lot of other Patriots out there in other ways. The 9/12 Project people that have started, and then we saw the Patriots show up on April 15 and then again and again throughout the town hall meetings, and last August, the end of September came to this city, and 10,000 to 50,000 people packed this city on November 5 to say, Take your hands off of my health care. Two days later, on November 7, they filled us up again on the other side of the Capitol and said, Take your hands off our health care. Kill the bill.

The message, Mr. Speaker, and consistently for almost a year has been, Kill the bill. Kill the bill. The American people want this bill killed. Seventy-five percent of the American people do not support the idea that the government ought to step in and cancel everybody's health insurance policy in America. Not the first day, but over the course of 2 years, the Federal Government would cancel everybody's health insurance policy, and the policy you would get would be the policy then that the health choices administration commissioner decided was available to you or your employer or subsidized by some other taxpayer or fined if you don't buy it.

The idea that the Federal Government would cancel every health insurance policy and the health choices administration commissioner, whom I call the commi-czar-issioner, would be the one that would write the rules for the 1,300 health insurance companies in America and the 100,000 health insurance policies that exist as options among the 50 States in America today, and watch that happen where the Federal Government would then decide, Well, you have a policy that is catastrophic with low premiums. We can't have that because it doesn't have all the bells and whistles that somebody else's supermandated policy has. So your health insurance policy for a 25-year-old man in New Jersey, a healthy young man, would cost him about $6,000 a year compared to the $1,000 a year for a similar but not identical policy for a healthy young man in Kentucky the same age.

Why would this country not allow the young man from New Jersey to buy a health insurance policy in Kentucky? New Jersey has the mandates. Kentucky has significantly fewer mandates. I believe they have a higher percentage of the insured because when their premiums go up, if you raise premiums 600 percent, you aren't going to have as many people covered, unless you pay for that with the Federal Government.

Here's one of the flaws, Mr. Speaker, that came out this way. Some people believe that the highest ideal was to ensure that people could buy insurance that had preexisting conditions. So if we pass a law like that and tell insurance companies that you cannot consider preexisting health conditions when you decide to issue a policy, the health insurance companies then wouldn't be able to look at medical records or make that decision. The buyers would know that, and so they wouldn't buy insurance until they got sick. Then on their way to the emergency room or maybe on the gurney, they'd fill out an application and buy that insurance policy—the very same equivalent to, if you didn't buy your property and car casualty insurance for your house and you waited until your house was on fire, and while the fire truck was pulling up, then you would fill out the insurance policy and buy the insurance. You could save a lot of premiums that way, get the same coverage, except somebody has to pay.

And so the liberals—the progressives in this Congress, the people that are associating with the socialists, and some of them actually are—decided that you can't have a health insurance company that's denying people coverage because they have preexisting conditions. So they would impose that and say, No preexisting conditions can be considered, but the only way that you do that that way is you have to then—because people won't buy insurance until they get sick, then you have to mandate that everybody has to buy insurance. And when you mandate that you do that, you cross that constitutional line that was much objected to back in the nineties when Hillary Clinton was putting together HillaryCare.

And then there was a ruling, if I have it here. I will have to ad lib it. But the ruling was such that it said back then that never before in the history of America—and it didn't happen with HillaryCare, so it was just poised to be so—had the Federal Government produced a product or approved a product and required the American people to buy that product, whether they chose to participate or not. That is some authority that does not exist in the Constitution of the United States, and we have to be able to say ''no.'' When we break these principles that drain away our personal liberty, they drain away the American vitality at the same time. They diminish all of us, Mr. Speaker, and that's the difference.

This side of the aisle over here, the left, for more than 100 years in this country, have always driven to increase the dependency class in America. They looked around and took a little message off Otto von Bismarck's plan, who put together socialized medicine in Germany over 100 years ago. Bismarck's approach was to create a dependency class that knew that they had to have him in office in order to get their benefits that would be coming, and he created the idea of a national health care act then.

And the philosophy that's flowed from the non-English-speaking Europe, the post-Enlightenment, non-English-speaking Europe, has been a philosophy that has always created dependencies. And the expanding dependency class, the people who have had a nice safety net to be on for a long time now, now we've cranked that safety net up to being a hammock, and now this Congress wants to bring them the grapes and the drinks and the fan. So the safety net that's become a hammock diminishes our vitality. We don't get out of that hammock when it's comfortable. We need to have some reward for us working and taking care of our families.

Our side of the aisle is about American vitality. Their side of the aisle is

about supporting the dependency class because the dependency class supports them politically and expands their power. That's the motive, and all the things we talk about about the nuances of this policy are about the political configuration.

We watch people making decisions on whether or not they're going to vote for or against this bill. Today the people that are deliberating on whether or not to vote ''yes'' are deliberating on whether they can preserve their seat in this Congress, whether they're willing to essentially walk the plank that they are on, being nudged down that plank by the Speaker of the House to go off into Davy Jones' political locker if they vote ''yes'' on this bill, knowing the American people have completely rejected it and spit it out.

And this is a toxic stew that has been cooked up. It starts back with HillaryCare. HillaryCare got matched up with ObamaCare during the primary campaign as Democrats were deciding which Presidential candidate would be their nominee. Hillary brought together her 1994 HillaryCare bill and began to make that argument before the active Democrats, and then Barack Obama, Senator Obama, he had to catch up and play a health care challenge with HillaryCare. So he believed that he got a mandate on that from the American people because he was elected President. So in order to put this all together, they set this big pot out here on the political stove to make this stew, this socialized medicine stew. And they went back in the pantry of HillaryCare and got that old bone off of there with the meat stuck to it that was the meat of the HillaryCare and dropped that in the pot and turned the heat up. And there it sat, this toxic soup bone cooking, this HillaryCare socialized medicine.

And people didn't want that. It was tainted. It had a smell to it. The American people had rejected it just 15 years earlier. So what do they do? Instead of realizing the American people don't want this toxic stew, they started to throw more bells and whistles into it, more vegetables and things that they could encourage people to maybe take a taste because it might look a little better now.

Mr. GINGREY of Georgia. If the gentleman would yield.

Mr. KING of Iowa. I would be happy to yield.

Mr. GINGREY of Georgia. I just have to weigh in here just a minute because, Mr. Speaker, my favorite country singer, Merle Haggard, sung a song about that stew. I think he called it ''Rainbow Stew,'' if I'm correct.

Mr. KING of Iowa. I wish I knew the lyrics to ''Rainbow Stew.'' I looked those up here a couple of weeks ago when PHIL GINGREY's mother's favorite son was talking here on the floor.

□ 2145

And I just kind of played off of that a little bit and decided to call this a toxic stew. But you keep throwing things into this stew to try to add up the flavor to it and make it more attractive so that people will taste it. And eventually, no matter what you put in that pot of that toxic stew, it still started with a tainted old soup bone. It's still tainted meat in that stew, and you can't change that, no matter how much you add to it.

So we have this toxic stew, and the American people have decided that they reject it. They don't want a pot full of toxic stew or a bowlful or a ladleful or a spoonful. They want no measure of this toxic stew called Obamacare or Pelosicare or Troikacare, as I call it sometimes. The American people have spit it out. They have spit it out time after time after time, going clear back to last July and August. They let everybody know in this country. And then it had implications, the Governor's election in Virginia where President Obama went down to work for the Democrat candidate, and they were rejected down there. And Virginia elected a Republican governor.

And then the race, of course, was in New Jersey at the same time. President Obama went to New Jersey and again, the Democrat was rejected. And the new, fresh air, fiscally responsible, don't tread on me, I want to deliver and protect my liberty Governor Chris Christie was elected in New Jersey.

Now, we think about this, Mr. Speaker. President Obama twice went to Copenhagen, once for the Olympics, and once to be able to get his cap-and-tax approved at the Copenhagen Conference. President Obama went 0 for 2 in Copenhagen. He went to Virginia and went 0 for 1, he went to New Jersey and went 0 for 1. And on this great streak of lack of success, as the President's mojo was diminishing dramatically, he decided he was going to go all in in Massachusetts and go help Martha Coakley take Teddy Kennedy's vacant seat in Massachusetts for the United States Senate. And we all saw what happened. We saw the President go, well, let me say, well, what shall I call that? It's goose egg for one up in Massachusetts. He went zip, nada in Massachusetts. SCOTT BROWN serves in the United States Senate today, and his voice and his vote put an end to, we believed, Obamacare. We thought somebody would hear in the echo chamber of the White House. So far they haven't heard. They are still pounding away on the same failed agenda.

Mr. GINGREY of Georgia. If the gentleman will yield back to me, and I'm going to yield to my colleague in just a minute from Pennsylvania. But I appreciate the gentleman yielding.

And you know, while we're talking about songs, Madam Speaker, there was another one, one of my favorites by, I think it was Julie Andrews that sung this one. I don't know whether the movie was ''Mary Poppins,'' but I think it went by the title of ''Make the Medicine Go Down in the Most Delightful Way.'' You just add a little sugar. And maybe that's what my colleague is talking about, this stew, rainbow stew, toxic stew, whatever we call it. But add a little sugar, and it's going to go down a little easier in a most delightful way for Louisiana, for Florida, for Nebraska, for North Dakota, just add a little, little bit of sugar.

And add a little bit of sugar to recalcitrant Democratic Members, Madam Speaker, who are struggling to decide whether they go against their constituents, and vote for this thing, this toxic stew that the gentleman was talking about, or they have the courage to vote not only their convictions but the convictions of their constituents who overwhelmingly are saying to them, vote ''no.'' Have the courage to vote ''no'' no matter how much sugar they offer you to sweeten that toxic stew.

I'd like to yield to our good friend from Pennsylvania. Madam Speaker, in the previous hour, our hour was, of course, about health care, and it was led by a physician group. But the gentleman from Pennsylvania, Representative THOMPSON, has been a hospital administrator during his professional career before being elected to Congress. And I would like—I think our colleagues need to hear from him from that perspective of what the hospitals are dealing with in regard to this toxic stew. And with that I yield to the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend for yielding. I appreciate his references to songs. It's striking a tune with me tonight.

You know, you named a lot of States who are getting a lot of sweeteners. A lot of States are being paid off, bought out, you know, buyouts, it really comes down to corruption, I think. If we see this type of deal-making out in the private sector, you know, most people would wind up subpoenaed and in jail for this type of deal making.

There are three things that, you know, States like Pennsylvania—we don't have any of those sweeteners that I know of that have been, those deals have been made obviously. But I think there's a lot that we need to continue to look at in this bill and walk through it and find out, and not just this bill. I think part of what we have to look at—some time in months to come we're going to be dealing with an omnibus budget. And I have to say there's probably going to be some deals in there that folks who vote ''yes'' on this health care bill, we're going to be able to draw some lines and call—use the President's word from one of his joint sessions, and call folks out of deals that were made.

You know, there are three reasons that America needs to be alarmed. There are many reasons actually. But tonight I'm going to hit my remarks, first remarks on just three reasons of why this is not good for America. That's based on my experience, not 15

months in Congress, but 28 years working in health care, serving people who are facing life-changing disease and disability.

And frankly, my concerns tonight, I want to address just three basic areas: Cost, care, and corruption. And the cost? Well what's this going to cost us? Well, the President has said if you're in an individual plan, a nongroup plan, you can count on your premiums going up 10 to 13 percent. Well, I thought one of the ideas behind health care reform was to bring down the cost of health care for all Americans. But we're guaranteeing, the President has put his word on the line, that if you're in an individual plan, you can count on 10 to 13 percent increase in your premiums. And I think that's just to start with. Where it goes from there I don't think we really know.

We have costs in terms of cost to the States, the expanded roll is taking medical assistance to 133 percent of poverty. You know, States, there are States, many like Pennsylvania. Pennsylvania was the last State to settle its State budget this past year. And there were a lot of potholes, a lot of gaps in that budget, things that needed to be funded that they couldn't find resources to do. And now, the Federal Government's going to spend, reach into the Federal taxpayers, all Americans' pockets, and pay for expanded medical assistance rolls to start with. But guess what? That goes away within short order. And where are the States going to fill that gap? Because you expand that entitlement, it's not coming back, and it's going to create all kinds of problems for our States.

One of the costs I wanted to focus on because my good friend mentioned about my background as a manager within rural hospitals has to do with what does this do to rural hospitals? All hospitals. But I think the hospitals who will be hit first will be rural and urban underserved to begin. They'll feel the pain of this first. And one word, in short order, will be bankruptcy. Now let me explain why.

Today Medicare pays 80 to 90 cents for every dollar of costs. Medical assistance pays 40 to 60 cents for every dollar of cost. You know, the primary reason—there's a lot of reasons, actually, commercial health insurance is so expensive, including a lack of tort reform across the Nation. But I think the most pressing reason why it's so expensive is the Federal Government, the fact that the government creates these entitlements that they can't sustain, and then they're systematically underfunded. And so what do we do if have we have expanded medical assistance roles, if we have these, I know they're not calling it a public option but, frankly, if they're going to find for-profit and not-for-profit insurance companies and do this Federal nationwide negotiation with them to have them really compete with other insurance companies, well, I don't know anyone that competes with the Federal Government and wins.

And so the only way that they're really going to be able to provide premiums that will get the blessing of the health czar or whatever bureaucrat is now going to be overseeing our health insurance—today I found out somewhere that they're going to be hiring like 16,000 new IRS employees to determine whether our health insurance meets the criterion or not.

You know, the only way that they're going to get blessed is if the premiums cost less. The only way to have premiums cost less is to pay less, is to pay comparable to probably somewhere between Medicare and medical assistance rates. What that will do to all hospitals, but starting with rural and urban underserved, it will bankrupt those facilities.

You know, a hospital today, if it's healthy, if it's having a banner year, it's making a 1 to 3 percent margin. And out of that margin they're paying, hopefully they're giving some type of cost-of-living increase every year to keep the best and the brightest, because if somebody's going to use a scalpel on me, that's who I want, is the smartest person around. Or to invest in new lifesaving technology because we believe in innovation in this country. We are a country of innovators.

Now, you start cutting, taking those—and not all hospitals are making 1 to 3 percent margins. There are many hospitals across this country that are in the red and are not surviving now and are on life support. So we implement this Obamacare plan, and we're allowing them to bleed to death financially.

And if you want to impact access to quality care in a negative way, close rural hospitals. In my district, we have probably somewhere between 20 and 24 hospitals in my congressional district. You close any one of those and what you wind up with is a commute that makes a difference between life and death. And that's wrong. And that's just on the cost side.

And so I appreciate this opportunity tonight. I think it's very important that the American people continue to weigh in on this. This is not a done deal. We have the opportunity to stop this, to do what the American people are asking for, and that is to start over. And the more that we inform people about the problems in terms of the costs, the care, and the corruption with this proposal that the Democrats have, I think the safer the country will be. And I yield back.

Mr. GINGREY of Georgia. Madam Speaker, I think we're very, very fortunate to have heard from the gentleman from Pennsylvania. I think this is an aspect of this that we've not heard enough about and presented in the way that Representative THOMPSON just explained it. Even we physician Members can't do that. Maybe we can the next time. But I thank the gentleman from Pennsylvania. I thank him for being here tonight and sharing that with us.

I want to yield to my colleague from Georgia, Representative PAUL BROUN for his comments.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY. I was hopeful that Mrs. Gingrey had a second favorite congressman second to my good friend from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. If the gentleman will yield back, Madam Speaker, no pandering tonight, please. I will yield back to the gentleman if he promises not to pander.

Mr. BROUN of Georgia. I told Ms. Gingrey and all the people living over in South Carolina, I don't pay any attention to the rivers. The Savannah River divides where she lives from my district, and I'll be glad to represent her interests too.

But Mr. THOMPSON just brought up the issue of cost. The thing is, the American people get it. They really get it. They know that this toxic stew that Mr. KING was talking about is going to increase the cost of their insurance premiums. Experts have said that a family can expect a $2,100 increase cost to their health insurance.

We hear from our colleagues on the Democratic side, they say it's going to lower the cost of premiums. They know better than that. To me, this is just showing their arrogance, showing their ignorance, and showing their incompetence. It's their arrogance because they seem to want to ignore the American people, and they show their arrogance because they know best what's best for Mrs. Gingrey or for all Americans, for the rural hospitals in Pennsylvania. And in my district in North Georgia, where just this week some of the board members from Habersham Hospital in Habersham County came to talk to me about the struggles. I talked to folks in Elberton, Georgia, about how the Elbert County hospital is fixing to close up if we don't do something. And Obamacare is going to close rural hospitals all over this country because they're going to be bled to death. They're bleeding to death today. We see hospitals closing up all over the country.

So we mentioned in the previous hour where, even when people are given free health care, as they're promised by our Democratic colleagues, that that insurance card is not going to be accepted by doctors because the doctors just cannot afford to see patients because Medicare and Medicaid won't pay them enough to be able to see them, and for the doctors to be able to pay their own salaries for their own employees.

□ 2200

They won't be able to see those free government patients. If they're seen today and struggling—I've talked to many of my medical colleagues in Georgia, and they want to continue to see Medicaid patients. They want to continue to see Medicare patients. But if ObamaCare passes, that free insurance card that is in people's pockets is

going to be as worthless as a Confederate dollar after the War Between the States, the Great War of Yankee Aggression.

So the availability of health care is going to go down. And we are told by our colleagues that it's going to be better availability. And they're showing their ignorance. In my opinion, they're showing their ignorance of how disastrous this bill is going to be. And they're showing their incompetence because they're going against what the Constitution of the United States says. They're going against the rules of this House to try to pass a bill without anybody ever voting on it.

But the American people get it. They get it. They know that when Democrats vote for the rule, they're voting for the Senate bill that is going to be disastrous. They know that they are voting for a rule that is going to put in place, a reconciliation bill that we'll vote on secondarily, which is nothing but smoke and mirrors. And it's not going to fix all of these problems.

American people get it. The American people, Madam Speaker, need to call their Congressmen, their Democratic Congressmen because every single Republican is going to vote against this because we get it, too. We're fighting for the American people. We understand. We have listened to it. But our Democratic colleagues hopefully will open their ears and will hear the cries of the American people to save our great health care system.

Mr. GINGREY of Georgia. I concur with the gentleman. I think there is a certain amount of arrogance, a lot of arrogance, and maybe indeed a certain amount of ignorance. There's a certain amount of shrewdness, too.

I want to yield back to the gentleman from Iowa because as he was talking about Otto Von Bismark and the creation of that hammock and that sense of dependency and that toxic stew that I referred to as rainbow stew, I want to yield back to the gentleman because I think he was making some excellent points, and I want to let him continue.

I think we have maybe 15 more minutes or so, and I would like to yield back to the gentleman from Iowa

Mr. KING of Iowa. I thank the gentleman from Georgia, Mr. GINGREY. And in the interim here I thought I would take a look at the lyrics of ''Rainbow Stew,'' which I have here now. And parts of these lyrics echo to me pretty well. And it has—the message is that we will all be drinking free bubble-ubb and eating that rainbow stew. That is when we reach this utopia is the tone of Merle Haggard's country western song from years ago.

I'll take us down to this part. The President has promised the American people a whole string of things. He's promised that he won't sign a bill that costs over $900 billion. He's promised that the negotiations—eight times on national television he said negotiations will take place on C–SPAN. There won't be backroom deals. This will be all out in the open, and it's going to lower the cost of the health care. We know it goes the opposite, the whole string of things, that there isn't even a pretense that he is going to keep his word on.

And here's Merle Haggard's part of the song ''Rainbow Stew.'' It says: ''When a President goes through the White House door, an' does what he says he'll do, we'll all be drinkin' free bubble-ubb, eatin' that rainbow stew.'' They'd like us to eat the toxic stew, and the American people won't have any part of it.

What's going on here in this Congress is a unique thing. What the gentlemen in the Doctors Caucus talked about in the previous hour was about the idea of the Slaughter House rule. The idea that a bill would come to the House—not the floor of the House. It would go up there in the hole in the wall in the third floor in the Rules Committee, that tiny little room that hardly ever has any press in it, and only one time in the history of this country that I know of has there even been a television camera in there. And they make their deal up above.

It will be what the Speaker writes in her office by conferring with the people that she decides to confer with. She will give her directive to the Chair of the Rules Committee who will carry out that directive. And what they're threatening to do and what they will, I think, attempt to do is write a self-enacting rule that deems that the Senate bill has passed the House even though it would never be seen nor debated or voted on the floor of the House, just be the Rules Committee that will deem that. Send the rule down here and then Democrats can vote for the rule that doesn't necessarily mean they're for the Senate bill.

Then, whatever they do with their reconciliation, write another bill, which is apparently put together and may be out, this reconciliation bill that is what they call the House fixes, that is all the deals that have to be made to satisfy the Democrats in the House to get enough of them necessary to get enough votes for passage. That is 216.

So they'll write a bill, what they will call fixes, and they think they'll pass it off the House and pass it off to the Senate where the Senate probably will take it up. But it would be impossible for the Senate to put all of the fixes in that the House wants. And they can't do this unless the Senate bill has gone to the President's desk, received his signature, and it becomes law.

So for the first time in American history—we will see if this happens, and I think they'll surely try it—we will see a bill that today cannot pass the Senate, that cannot be accepted by the United States Senate, one that can't be passed on the floor of the House, just deemed passed by a rule that would go to the President for the President's signature and become the law of the land.

That is a breathtaking thing to think that this great deliberative body, this constitutional Republic that we are could be so reduced that we wouldn't even have enough will to put a bill on the floor to vote it up or down so there is a recorded vote and the constituents and the voters in America could hold the people accountable that decided to come in here and take away our liberty.

If they're going to take our liberty, they ought to do it with the lights on, and they ought to do it with a recorded vote, not with a Slaughter House rule that deems that a bill passed—a bill that can't pass the floor of the House; a bill that would not be accepted by the United States Senate—could still become the law of the land under the Slaughter House rule.

I'll yield to the gentleman.

Mr. BROUN of Georgia. I just have a question of the gentleman.

If the Slaughter House rule is put in place, doesn't that mean that the President gets everything that he wants without the fixes because the Senate bill will be passed into law?

And I yield to the gentleman to answer the question.

Mr. KING of Iowa. Well, depending on what the President wants. We can't hardly go by what he says. So I think he is closer to the Senate than he is to the House because he served in the Senate. But I think the answer is probably, yes, but we have to qualify it. Yes, depending.

Here's what I think. I think the President will sign any bill that says National Health Care Act in it. I don't think the substance of it matters. I don't think if it costs more than $900 billion to them it matters. I don't think if he said that it's not going to fund abortion—and it does—he will sign it anyway. He says it doesn't fund illegals—and it does: 6.1 million according to the Congressional Budget Office. 6.1 million illegals would have access to American taxpayers' dollars' benefits under the Senate version of the bill, and the President says it doesn't have anything to benefit illegals.

And the Speaker pointed her finger at our leader, JOHN BOEHNER, on February 25 and said, This bill doesn't fund abortion, and we know it does.

So if people can't be held accountable to their word, and if the language, the plain language in the bill says one thing and people's word says another thing, I don't know what their intentions are or where they'd say ''no.'' I think he's salivating to sign a bill.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. KING of Iowa. Yes, I will.

Mr. BROUN of Georgia. I agree with you, but he has also said that he wants everybody in this country to be under one pool, a government total control of health care where the Federal Government is the insurance agent for everybody in this country, single-payer system where the government is the insurance system for every person in this country.

And the point I was making is if the Senate bill is passed into law, won't he have accomplished that purpose? And my contention is absolutely he will have what he wants. They'll put in place the mechanism for the Federal Government to take over the health care system to socialize medicine in this country.

The Socialist Party in the 1930s said the fastest way to take away our liberty and go from a free market economy to become a socialist nation for us to lose our freedom is for the government to take over the health care system.

And so the President will have what he wants when that bill is deemed passed by the Slaughter rule or the Slaughter House rule.

□ 2210

Mr. GINGREY of Georgia. We are getting very close, probably within 5 or 6 minutes of the end of our time.

I really appreciate, Madam Speaker, the gentleman from Iowa looking up some of the lyrics of ''Rainbow Stew,'' because, Madam Speaker, if this bill passes, this ''deem and scheme'' passage of this bill, if it passes, I'm sure the Democratic majority is going to think that they are drinking free bubble-ubb and eating that rainbow stew.

Well, I guarantee you, Madam Speaker, we referred to my mother a little earlier in the hour, and my mom knows what kind of stew they are going to be eating. And I would also suggest, Madam Speaker, that they're not going to be drinking free bubble-ubb. They're going to be drinking Jim Jones Kool-Aid. This is a toxic stew and a bad drink not only for Members of Congress and members of the Democratic majority who vote ''yes'' on this abomination, but it is horrible for the American people.

Madam Speaker, this is not a Slaughter House. No. This is the people's House, and that's what the gentleman from Iowa was talking about.

I want to yield a little bit more time to the gentlemen from Pennsylvania, and we have just a few minutes left, and let the gentleman from Iowa conclude.

I yield to the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I just wanted to follow up with a little feedback that goes well beyond this Chamber.

Certainly we know that if ObamaCare passes, we won't start to see the benefits in any way, and I happen to believe they're not benefits until 2013, 2014. Outside feedback. What's happening out in the country beyond this Capitol Hill?

There are three States that have already—Virginia, Idaho, and Utah have already passed laws to nullify ObamaCare's mandate that everyone purchase health insurance. Other States are following suit.

Arizona has a referendum on the ballot for November saying ''no'' to a mandate that every American should have to be required to purchase health insurance; ''no'' to the fact that an IRS agent can come evaluate whether you have or have not purchased that and then fine you or tax you.

Virginia's attorney general has already threatened legal action against the deeming process that is being used and touted and so discussed in this process.

Washington has no idea now how to deal with Medicare, Medicaid, and Social Security, and now we are creating a new entitlement that will accelerate, frankly, our path to ruin.

I want to share one quick feedback from a gentleman, a businessman. He and his dad have a business in Port Allegany, Pennsylvania. They make a product they are just so proud of. It helps with the car industry, and they do a great job, and they want to expand. They want to hire new individuals. They want to create prosperity. They want to grow. But, in fact, what has happened is that so much uncertainty has been created with this health care that they can't do that. They compete with China. They compete with South America. And now they can't compete because of this uncertainty.

Mr. GINGREY of Georgia. The gentleman from Pennsylvania is absolutely right. In fact, I think the State of Virginia, the legislature just voted to say, We are not going to require, under the penalty of law, our people to have health insurance. We want them to have health insurance.

I thank the gentleman for pointing out the fact that this expansion of Medicaid is crippling States, not only the State of Pennsylvania, rural hospitals as he pointed out, inner city hospitals that are serving the most needy, but in my State of Georgia, our Governor is struggling, is struggling to find ways to pay for this expanded Medicaid and has just announced that it's possible that the reimbursement to the hospitals in Georgia, the rural hospitals, all the hospitals, indeed, and the providers in Georgia, will be cut 10 percent Medicaid reimbursement. The gentleman has already talked about the reimbursement is 60 cents on the dollar.

I want to yield back, Madam Speaker, to the gentleman from Iowa to conclude, and I yield to him at this time.

Mr. KING of Iowa. I thank the gentleman. I'll just try to close one point here in this narrow window that we have, and I know that it's narrow, and that is this: This bill does fund abortion. And ever since 1973, the argument has been made by people on this side of the aisle, women and men both, consistently and relentlessly, that the Federal Government has no business telling a woman what she can or can't do with her body. But today, the same people are saying the Federal Government has every right to tell everybody in America what they can or can't do with their body, and they don't see the hypocrisy in it. They don't see the conflict or the lack of rationale. You can't be right both times. You can't say one thing for two generations and then just flip and decide that, well, it's convenient now to expand the dependency class, so now we're going to use the logic that the Federal Government has the right.

The Federal Government does not have the right to take over our health care. There is no constitutional foundation. There is no constitutional authority. It's a violation of the equal protection clause. It's a violation of the commerce clause in the Constitution. There is no authority.

The American people have rejected it. And now what we have is a situation where we have the arrogance of power of people that have not heard yet from the American people. We need this. The center of America has decided they want to protect their freedom, their liberty, and their own health insurance policies. We just need to have an election to reset the Congress so that Congress reflects the will of the American people. Until then, we're going to stand and do battle until we can have a Congress that reflects the will of the American people.

And I point out again, this is a bill that takes away liberty, has no constitutional foundation. It funds abortion and it funds illegals to the tune of 6.1 million according to the Senate version of the bill and the Congressional Budget Office. And so I would just take it to this point. I know we are down very close to the wire, and I thank the gentlemen I have joined.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ZOE LOFGREN of California (at the request of Mr. HOYER) for today.

Mr. CUMMINGS (at the request of Mr. HOYER) for today after 4:30 p.m. on account of official business in the district.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.
Ms. TSONGAS, for 5 minutes, today.
Ms. SPEIER, for 5 minutes, today.
Ms. CHU, for 5 minutes, today.
Mrs. DAVIS of California, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, March 20 and 21.
Mr. POE of Texas, for 5 minutes, March 20, 21, and 25.
Mr. JONES, for 5 minutes, March 20, 21, and 25.
Mr. MORAN of Kansas, for 5 minutes, March 20, 21, and 25.
Mr. FRANKS of Arizona, for 5 minutes, March 23, 24, and 25.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. RICHARDSON, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1789. An act to restore fairness to Federal cocaine sentencing; to the Committee on the Judiciary; in addition to the Committee on Energy and Commerce 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.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes; to the Committee on Education and Labor.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 17, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 2847. 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.

ADJOURNMENT

Mr. BROUN of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Friday, March 19, 2010, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter of 2010 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON FEB. 12, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	2/12	2/12	Haiti		$0		(3)				
Hon. John Conyers, Jr.	2/12	2/12	Haiti		$0		(3)				
Hon. Charles B. Rangel	2/12	2/12	Haiti		$0		(3)				
Hon. James L. Oberstar	2/12	2/12	Haiti		$0		(3)				
Hon. Earl Blumenauer	2/12	2/12	Haiti		$0		(3)				
Hon. Sheila Jackson Lee	2/12	2/12	Haiti		$0		(3)				
Hon. Donna M. Christensen	2/12	2/12	Haiti		$0		(3)				
Hon. Wilson Livingood	2/12	2/12	Haiti		$0		(3)				
Wyndee Parker	2/12	2/12	Haiti		$0		(3)				
Jonathan Stivers	2/12	2/12	Haiti		$0		(3)				
Dew Hammill	2/12	2/12	Haiti		$0		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Mar. 5, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON FEB. 19, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert C. "Bobby" Scott	2/19	2/19	Haiti		$0		(3)				
Hon. Michael C. Burgess	2/19	2/19	Haiti		$0		(3)				
Hon. Dennis J. Kucinich	2/19	2/19	Haiti		$0		(3)				
Hon. Michael E. Capuano	2/19	2/19	Haiti		$0		(3)				
Hon. Gwen Moore	2/19	2/19	Haiti		$0		(3)				
Stacee Bako	2/19	2/19	Haiti		$0		(3)				
Bobby Vassar	2/19	2/19	Haiti		$0		(3)				
Robyn Wapner	2/19	2/19	Haiti		$0		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Mar. 5, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON MAR. 5, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Zoe Lofgren	3/05	3/05	Haiti		$0		(3)				
Hon. David Dreier	3/05	3/05	Haiti		$0		(3)				
Hon. Eliot L. Engel	3/05	3/05	Haiti		$0		(3)				
Hon. Donald M. Payne	3/05	3/05	Haiti		$0		(3)				
Hon. David E. Price	3/05	3/05	Haiti		$0		(3)				
Hon. Janice D. Schakowsky	3/05	3/05	Haiti		$0		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON MAR. 5, 2010—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mario Diaz-Balart	3/05	3/05	Haiti		$0		(3)				
Hon. Al Green	3/05	3/05	Haiti		$0		(3)				
Hon. Yvette D. Clarke	3/05	3/05	Haiti		$0		(3)				
Peter Quilter	3/05	3/05	Haiti		$0		(3)				
Ann Marie Chotvacs	3/05	3/05	Haiti		$0		(3)				
Ben Nicholson	3/05	3/05	Haiti		$0		(3)				
John Lis	3/05	3/05	Haiti		$0		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Mar. 12, 2010.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6654. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods [Doc. No.: AMS-FV-06-0184; FV03-925-1 FIR] received February 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6655. A letter from the Assistant Secretary, Department of Labor, transmitting the Department's final rule — Civil Penalties Under ERISA Section 502(c)(8) (RIN: 1210-AB31) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6656. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received March 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6657. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized retransfer of defense articles provided by the United States, pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

6658. A letter from the Assitant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-153, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6659. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report required by the Omnibus Appropriation, Public Law 105-277, Section 2215 on ''Overseas Surplus Property''; to the Committee on Foreign Affairs.

6660. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of Justification regarding the determination under Title II of the Foreign Appropriations, Export Financing and Related Programs Appropriations Act, 2002; to the Committee on Foreign Affairs.

6661. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on the status of Data Mining Activities, pursuant to Implementing Recommendations of the 9/11 Commission Act, Section 804; to the Committee on Foreign Affairs.

6662. A communication from the President of the United States, transmitting a list of the sites, locations, facilities, and activities in the United States declared to the International Atomic Energy Agency (IAEA), under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America; to the Committee on Foreign Affairs.

6663. A communication from the President of the United States, transmitting a report pursuant to the National Defense Authorization Act for FY 2010; to the Committee on Foreign Affairs.

6664. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Researcher Identification Card [FDMS Docket: NARA-09-004] (RIN: 3095-AB59) received March 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6665. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's commercial activities inventory for FY 2009, as required under the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

6666. A letter from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Temporary Agricultural Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6667. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-203, -221, -222 Airplanes; and Model A300 F4-605R and -622R Airplanes [Docket No.: FAA-2009-0615; Directorate Identifier 2009-NM-043-AD; Amendment 39-16206; AD 2010-04-13] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6668. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30710; Amdt. No. 3361] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6669. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30709; Amdt. No. 3360] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6670. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Tansportation Workplace Drug and Alcohol Testing Programs [Docket OST-2007-26828] (RIN: 2105-AD64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6671. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket No.: OST-2008-0184] (RIN: 2105-AD67) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6672. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Graford, TX [Docket No.: FAA-2009-0927; Airspace Docket No. 09-ASW-27] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6673. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket: DOT-OST-2008-0088] (RIN: OST 2105-AD84) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4275. A bill to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold United States Judicial Administration Building''; with amendments (Rept. 11–444). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 1192. A resolution providing for consideration of the bill (H.R. 3644) to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions,

and providing for consideration of the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service. (Rept. 111–445). Referred to the House Calendar.

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 Mrs. DAHLKEMPER:

H.R. 4876. A bill to provide for the issuance of a Great Lakes Restoration Semipostal Stamp; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, 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. COFFMAN of Colorado, Mr. SCHAUER, and Ms. KOSMAS):

H.R. 4877. A bill to amend the Internal Revenue Code of 1986 to encourage investment in certain industries by providing an exclusion from tax on certain gains; to the Committee on Ways and Means, and in addition to the Committee on 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. YOUNG of Alaska:

H.R. 4878. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on corporations that make certain education contributions; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs. CAPPS, Mr. CAPUANO, Mr. ELLISON, Mr. ENGEL, Ms. DEGETTE, Mr. FARR, Mr. GRIJALVA, Mr. HONDA, Mr. ISRAEL, Ms. LEE of California, Mr. MCGOVERN, and Ms. WOOLSEY):

H.R. 4879. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4880. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Natural Resources.

By Mr. WITTMAN:

H.R. 4881. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for costs incurred to remediate the presence of drywall containing elevated levels of sulphur or strontium in the principal residence of the taxpayer, a deduction for alternative living costs incurred by reason of the need to vacate such residence because of such drywall, and a credit against income tax for the costs of moving to and from the temporary living quarters; to the Committee on Ways and Means.

By Mr. BACA (for himself, Mrs. BONO MACK, and Mr. LEWIS of California):

H.R. 4882. A bill to direct the Secretary of the Army to conduct a study to determine the feasibility of carrying out a project to address the water resource development and management needs of the Soboba Band of Luiseno Indians Reservation, California; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself, Mr. MARCHANT, Mr. GRAVES, Mr. BURGESS, Mr. SOUDER, and Mr. OLSON):

H.R. 4883. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish a sequestration to reduce all nonexempt programs, projects, and activities by 2 percent each fiscal year in which the Federal budget is in deficit, and for other purposes; 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. GARRETT of New Jersey (for himself, Mr. KANJORSKI, and Mr. BACHUS):

H.R. 4884. A bill to establish a covered bond regulatory oversight program, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on 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 Mrs. MALONEY:

H.R. 4885. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, 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. ROYCE (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. SCHIFF):

H.R. 4886. A bill to permanently authorize Radio Free Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LAMBORN (for himself, Ms. ROS-LEHTINEN, Mrs. SCHMIDT, Mr. SMITH of Texas, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. OLSON, Mrs. BACHMANN, Mr. GRIFFITH, Mr. PITTS, Mr. CAMPBELL, Ms. FALLIN, Mr. SHADEGG, Mr. KING of Iowa, Mr. CONAWAY, Mr. GOHMERT, Mr. BISHOP of Utah, Mr. BARTLETT, and Mr. MARCHANT):

H. Res. 1191. A resolution urging the expedient relocation of the United States Embassy in Israel to Jerusalem; to the Committee on Foreign Affairs.

By Mr. FLAKE:

H. Res. 1193. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. CANTOR:

H. Res. 1194. A resolution raising a question of the privileges of the House.

By Mr. MARSHALL:

H. Res. 1195. A resolution amending the Rules of the House of Representatives to require a three-fifths majority to designate spending as emergency spending, except spending for the Department of Defense; to the Committee on Rules.

By Mr. MORAN of Kansas (for himself and Mr. BLUNT):

H. Res. 1196. A resolution supporting increased market access for exports of United States beef and beef products to Japan; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. MACK, Mr. BURTON of Indiana, and Ms. ROS-LEHTINEN):

H. Res. 1197. A resolution expressing support for democracy in Honduras and restoring normal relations between Honduras and the United States; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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. THOMPSON of Pennsylvania:

H. Res. 1198. A resolution congratulating Lock Haven University of Pennsylvania for 140 years of excellence in higher education; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. BONO MACK, Mr. PAULSEN, Mr. KLEIN of Florida, Mr. BRALEY of Iowa, and Ms. DEGETTE.

H.R. 43: Ms. WOOLSEY, Mr. SHUSTER, Mr. LARSEN of Washington, Mr. POMEROY, and Mr. BARRETT of South Carolina.

H.R. 211: Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. LUJÁN, Ms. ROS-LEHTINEN, and Mr. CLEAVER.

H.R. 476: Mr. BERMAN.

H.R. 571: Mr. LATTA.

H.R. 690: Mr. BISHOP of Georgia, Mr. MCINTYRE, and Mr. PASTOR of Arizona.

H.R. 734: Ms. KOSMAS, Mr. CAMP, Mr. MAFFEI, Mr. GRIFFITH, and Mr. SCOTT of Georgia.

H.R. 866: Mr. FORBES.

H.R. 881: Mr. MICA and Mr. WHITFIELD.

H.R. 930: Mr. ETHERIDGE.

H.R. 948: Mr. KANJORSKI.

H.R. 1074: Mr. DEAL of Georgia and Mr. HERGER.

H.R. 1189: Mr. ELLISON and Mr. BACHUS.

H.R. 1237: Mr. BRALEY of Iowa.

H.R. 1310: Mr. INGLIS.

H.R. 1340: Mr. MARKEY of Massachusetts.

H.R. 1799: Mr. BRIGHT.

H.R. 1835: Mr. GALLEGLY.

H.R. 1957: Mr. CLEAVER.

H.R. 2109: Mr. PRICE of North Carolina.

H.R. 2262: Mr. WELCH.

H.R. 2351: Ms. NORTON.

H.R. 2429: Ms. LORETTA SANCHEZ of California.

H.R. 2483: Mr. LOBIONDO.

H.R. 2539: Mr. FORBES.

H.R. 2578: Mr. SCOTT of Georgia.

H.R. 2598: Mr. BRIGHT, Mr. HUNTER, Mr. CARSON of Indiana, Mr. LAMBORN, and Mr. HODES.

H.R. 2601: Mr. ROGERS of Kentucky.

H.R. 2692: Mr. ETHERIDGE.

H.R. 2746: Mr. LARSEN of Washington, Mr. RANGEL, Mr. KUCINICH, Mr. MEEKS of New York, Mr. GRAYSON, Mr. TIM MURPHY of Pennsylvania, and Mr. YARMUTH.

H.R. 2866: Mr. ROTHMAN of New Jersey.

H.R. 2981: Mr. MAFFEI.

H.R. 3012: Mr. BISHOP of New York.

H.R. 3189: Mr. BROUN of Georgia.

H.R. 3380: Mr. HOEKSTRA, Mrs. MCMORRIS RODGERS, Mr. BUTTERFIELD, Mr. GENE GREEN of Texas, and Mr. MILLER of Florida.

H.R. 3438: Mr. TAYLOR, Mr. SCHOCK, and Mr. BURTON of Indiana.

H.R. 3990: Ms. FUDGE.

H.R. 4004: Mr. CLAY.

H.R. 4014: Ms. WOOLSEY and Ms. ROYBAL-ALLARD.

H.R. 4021: Mr. KAGEN and Mr. WEINER.
H.R. 4090: Mr. SPRATT and Mr. BISHOP of Georgia.
H.R. 4109: Mr. WEINER.
H.R. 4149: Mr. BOREN.
H.R. 4241: Mr. STUPAK.
H.R. 4278: Mr. ROGERS of Michigan.
H.R. 4296: Mr. KILDEE.
H.R. 4360: Mr. COHEN, Ms. MARKEY of Colorado, Mr. MCCOTTER, Mr. ARCURI, and Mr. ROTHMAN of New Jersey.
H.R. 4375: Mr. CAPUANO.
H.R. 4376: Mr. HALL of New York.
H.R. 4469: Mr. ROGERS of Alabama, Ms. SHEA-PORTER, Ms. RICHARDSON, Mr. ROGERS of Kentucky, and Mr. THORNBERRY.
H.R. 4477: Mr. MICHAUD.
H.R. 4567: Mr. COHEN.
H.R. 4594: Mr. CONYERS, Mr. MARSHALL, Mr. BLUMENAUER, Mr. MCNERNEY, Mr. COSTA, Mr. MORAN of Virginia, and Mr. SNYDER.
H.R. 4596: Mr. POE of Texas, Ms. BERKLEY, and Mr. BILIRAKIS.
H.R. 4599: Ms. SCHWARTZ.
H.R. 4615: Mr. KUCINICH, Mr. GRAYSON, Mr. ENGEL, and Mr. FILNER.
H.R. 4632: Mr. MURPHY of Connecticut.
H.R. 4700: Mrs. DAHLKEMPER, Mr. PASCRELL, Mr. MURPHY of New York, and Mr. SARBANES.
H.R. 4701: Mr. HALL of New York.
H.R. 4710: Mr. MCINTYRE.
H.R. 4722: Mr. GUTIERREZ, Mr. MOORE of Kansas, and Mr. WEINER.
H.R. 4735: Mrs. MYRICK.
H.R. 4752: Mr. PERRIELLO.
H.R. 4781: Mr. CHAFFETZ.
H.R. 4788: Mr. SCHAUER.
H.R. 4789: Ms. RICHARDSON, Mr. HINOJOSA, and Mr. SCOTT of Virginia.
H.R. 4804: Ms. BERKLEY, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. ROS-LEHTINEN.
H.R. 4805: Ms. SCHAKOWSKY.
H.R. 4812: Mr. CONYERS, Ms. BALDWIN, Mr. FARR, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Ms. MATSUI, Mr. CAPUANO, Ms. KILPATRICK of Michigan, Mr. CLAY, Mr. JACKSON of Illinois, and Mr. FILNER.
H.R. 4850: Mr. POLIS, Ms. MARKEY of Colorado, Mr. ROGERS of Michigan, Mr. KILDEE, and Mr. MCMAHON.
H.R. 4856: Mr. BACA.
H.R. 4868: Mrs. MALONEY.
H.J. Res. 76: Mr. MELANCON and Mr. WESTMORELAND.
H. Con. Res. 98: Ms. PINGREE of Maine.
H. Con. Res. 169: Mr. MCCOTTER and Mr. JOHNSON of Illinois.
H. Con. Res. 198: Mr. RADANOVICH and Mr. WHITFIELD.
H. Con. Res. 201: Mr. MANZULLO and Mr. SOUDER.
H. Con. Res. 230: Mrs. MYRICK.
H. Con. Res. 252: Mr. MCMAHON.
H. Res. 173: Mr. WILSON of Ohio, Mr. YOUNG of Alaska, Mr. RYAN of Ohio, and Mr. PASTOR of Arizona.
H. Res. 351: Mr. PLATTS.
H. Res. 767: Mr. CASSIDY.
H. Res. 982: Mr. TAYLOR, Mr. CHAFFETZ, and Mr. CONAWAY.
H. Res. 987: Mr. OLSON.
H. Res. 1053: Mrs. MYRICK and Mr. RUSH.
H. Res. 1075: Mr. DUNCAN.
H. Res. 1104: Mr. MCCOTTER.
H. Res. 1116: Mr. COHEN, Mr. TERRY, Mr. BLUMENAUER, Mr. MCCOTTER, and Mr. ARCURI.
H. Res. 1132: Mr. WITTMAN, Mr. COURTNEY, Mr. BARTLETT, Mr. CONAWAY, Mr. WALZ, Mr. LANGEVIN, Mr. ELLSWORTH, Mr. KRATOVIL, Mrs. HALVORSON, Mr. INSLEE, Mr. ARCURI, Mr. PERLMUTTER, Mrs. DAVIS of California, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 1157: Mr. JOHNSON of Georgia and Ms. CASTOR of Florida.
H. Res. 1181: Mr. INGLIS, Mrs. MILLER of Michigan, Mr. MCCAUL, and Mrs. MYRICK.
H. Res. 1182: Mr. GOODLATTE.
H. Res. 1188: Ms. ROS-LEHTINEN, Mr. LATTA, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. KINGSTON, Mr. SMITH of New Jersey, Mrs. BACHMANN, Mr. GERLACH, Mr. BILBRAY, Mr. JONES, Mr. TIM MURPHY of Pennsylvania, Mr. WOLF, Mr. LUCAS, Mr. GARRETT of New Jersey, Mr. YOUNG of Florida, Mr. PETRI, Mr. DREIER, Mrs. BONO MACK, Mrs. MYRICK, Mrs. BIGGERT, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Mr. DEAL of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. BARTLETT, Mr. CALVERT, Mr. MACK, and Mr. TIBERI.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative CAPPS, or a designee, to H.R. 3644, the Ocean, Coastal and Watershed Education Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

God of peace, Author and Finisher of our faith, You hung the stars in their place and put the planets in their orbit.

Inspire our Senators to commit this day and their lives into Your gracious care. Give them vision to discern their duties and the strength both of heart and resolve to discharge them. May they rededicate themselves to serving those in need, obeying Your command to labor for the least and the lost in our world. Lord, enable our lawmakers to be a credit and not a debit in the ledger of Your providential purposes.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 18, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes. Following morning business, the Senate will resume consideration of the FAA bill. We will have debate run concurrently until 11:30 a.m., starting with the Sessions-McCaskill amendment and the Pryor amendment, with the time equally divided between Senators SESSIONS and PRYOR or their designees. At 2 p.m., the Senate will vote in relation to those amendments, with Sessions-McCaskill being the first in the sequence. Additional rollcall votes in relation to FAA amendments are expected throughout the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that the Republican time be extended to 10:10 a.m.

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

HEALTH CARE

Mr. GREGG. Madam President, I rise with some of my colleagues today to discuss one of the issues that is going to have a huge impact on how this health care issue is resolved or not resolved; that is, the question of what reconciliation is and what it implies relative to the legislative process.

''Reconciliation'' is an arcane term. It is a term that is tied to and created by the Budget Act under which we function in the Congress. It is ironic that the use of reconciliation would become the central effort in buying votes in the House of Representatives in order to pass the big, the giant health care bill, known as the Senate health care bill—which bill, as we all know, expands the size of government by $2.3 trillion and, in fact, we understand now there is a new score from CBO which is going to raise that number even further when it is accurately reflected.

It takes the government and puts it into basically the business of delivering health care in this country in a way that is extraordinarily intrusive and will cost a lot of people who are on private insurance—the insurance they have—which they probably feel fairly comfortable with although it may be very expensive—and it still leaves 23 million Americans uninsured while claiming to do a better job of insuring Americans and improving our health care system when, in fact, what it does

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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is create massive debt that will be passed on to our children which they cannot and will not be able to afford, explodes the size of government and, in my opinion, will lead to a diminution of quality of care in this country.

The way this big bill, which I outlined in the thumbnail process, is going to be passed in the House of Representatives is to have a trailer bill called a reconciliation bill, which is an art form developed around here relative to the budget process which is supposed to be used for very specific efforts, certainly not for the purpose of buying votes from the liberal constituencies in the House or to pass a bigger bill. But that bill needs to be discussed as to what its implications are.

A number of us have come to the floor of the Senate today to try to explain what the reconciliation bill is and how it has historically been used but what the implications are relative to some of the things in the bigger Senate bill, in the giant bill, the giant spending bill; what the implications of the reconciliation changes in the reconciliation trailer bill will be on the bigger Senate bill, and what the representations that are being made are and whether they are accurate.

Specifically, let's take one issue, and that is what is known as the Cadillac tax. The tax on Cadillac policies, which is the appropriate way to describe this, is a proposal which was in the Senate bill to basically eliminate the deductibility for health insurance policies that exceeded a certain level of cost—$27,000, I believe, is the number. To the extent an insurance policy paid for by an employer exceeds that number in cost, the excess in amount—let's say it costs $32,000 a year for an employer to have an insurance policy for you. That sounds like a lot of money, but actually there are a number that cost that much, especially of union programs. To the extent the difference between the $27,000 and the $30,000 is paid for by your employer, that will no longer be deductible by the employer as an expense. It is done in a more complex way, but that is basically the way it works out.

The effect of that is fairly significant on what is known as the Social Security trust fund because it actually creates a situation where there will be more taxable wages, which will mean that the Social Security trust fund will be getting more tax revenue.

This brings into play the question of whether you can even bring forward language of this type which affects the Social Security trust fund through the taxing of Cadillac policies in a reconciliation bill. I think this needs to be discussed because of a very important issue as to whether the House Members are being told correctly how this will be dealt with in the Senate.

I know my colleague wants to speak to the issue.

Mr. THUNE. Madam President, I ask my colleague, it seems to me, as he described this reconciliation trailer bill that the House will use, first, to try to fix elements of the Senate bill they do not like, and then that reconciliation bill would come back to the Senate, I ask the Senator: Is it not true that the House and Senate already passed their health care bills? Why then is this second vehicle, this reconciliation bill necessary?

It seems to me at least the House, if it were to vote on the Senate-passed bill, that would put into law most of the provisions that are included in that bill. So why is the second process necessary, I ask my colleague from New Hampshire?

Mr. GREGG. It appears that the House Democratic membership is, first, afraid to vote on the bill. They are actually going to ''deem'' this, it appears, versus vote on it, which is an incredible act of political cowardice, in my opinion.

Secondly, they definitely do not want to go to conference. They do not want to do what the traditional process around here calls for. When you have two different bills—a Senate bill and a House bill—we take them to conference and discuss those bills and come out with a final bill. Why don't they want to do that? Because they know they cannot pass the final bill in the Senate. To get around that, they developed this policy of reconciliation as a trailer bill so they will send back the reconciliation bill to be voted on here—not on the big bill, a $2.5 trillion bill. Thus, not only will they avoid a vote in the House on the big bill, they will avoid having to go to conference, and they will have basically bypassed the constitutional process in this manner.

Mr. CORNYN. If the Senator will yield for a question, I have heard this process whereby the House is going to deem the Senate bill passed and then pass a reconciliation bill which will then be sent over to the Senate as Speaker PELOSI is asking Members of the House to hold hands and jump off a political cliff, hoping the Senate will catch them by passing the reconciliation bill unaltered or just in the same form that it passed the House. But is it not true that complications arise in section 313 of the Congressional Budget Act because of the Byrd rule?

We have heard a lot of talk about the Byrd rule, what points of order might be appropriate in the Senate. I wonder if the Senator—he touched on this a moment ago—would explain, with 41 Senators agreeing to sustain all points of order in the Senate, how many different holes can be punched in the reconciliation bill passed by the House when points of order are sustained.

The Senator from New Hampshire mentioned the Cadillac tax. I note that the president of AFL–CIO was visiting with President Obama at the White House on Wednesday seeking further reassurances that the tax on the Cadillac plans would be deferred, and presumably that would be part of the reconciliation bill.

Can the Senator from New Hampshire explain what kind of jeopardy the Byrd rule and points of order call into play that would make it unlikely that the President's promise to defer the tax on union Cadillac plans could pass the Senate?

Mr. GREGG. In order to buy votes, as I understand it, in the House—and this is basically a vote-buying exercise—the reconciliation bill, in order to buy votes, they are going to put changes to the Senate bill in the reconciliation bill, and then send the reconciliation bill back here to be voted on, on the theory that it only takes 51 votes to pass it.

The only problem with that approach is that a reconciliation bill is part of the budget process and has very strict limitations on what can be in it. So much of what they are talking about putting in the reconciliation bill may well be knocked out in the Senate.

For example, the Senator from Texas mentioned the Cadillac tax. If in any way the Cadillac policy tax language impacts Social Security, it will be subject to a point of order. In fact, it will be subject to two points of order in the Senate, and it will take 60 votes to overwhelm that point of order. Therefore, since 41 members of the Republican Party have signed a letter saying we are going to sustain the rules of the Senate, we are going to stand by the laws that govern the Senate, the procedures here, that language will be knocked out.

What is being represented to House Democrats as a way to get their vote, to vote for the big bill which is to change the language relative to the Cadillac policy tax in the smaller bill, the reconciliation bill, that probably will not survive the process and will probably be knocked out on a procedural move, a procedural challenge on the Senate floor because it is inconsistent with the Senate rules.

Mr. CORNYN. If the Senator will allow me another question to clarify a point he made, and then certainly turn to the Senator from South Dakota, the point of order we are talking about, is it true that under section 313(B)(1)(F), that provision, that specific provision could drop out of the bill, but under a separate point of order under section 310(g) of the Congressional Budget Act, it could literally bring down the entire bill? Is that a correct reading of the Congressional Budget Act?

Mr. GREGG. The Senator from Texas understands the rules very well. A 310(g) challenge—to put it in understandable language—is a challenge that says it affects Social Security. The language affects Social Security. If the Cadillac policy tax impacts the Social Security trust fund, which, in my opinion, it does, and the Parliamentarian rules that it does, then the entire bill will fall.

Mr. THUNE. Let me, if I might, explore this a little further with the Senator from New Hampshire and follow up with a question that the Senator from Texas asked.

As I understand this then, the Cadillac tax provisions that were in the

Senate bill—and that bill is now over in the House and going to be voted on—because of the changes that have been proposed to it now, it would delay the implementation of the Cadillac tax. Of course, the Cadillac tax, as the Senator from New Hampshire explained, would cap the amount of health care benefits that would be tax free, essentially, so above and beyond that would then become taxable. There is an assumption made that there would be a shift from health care benefits from employers to cash compensation, which would be taxable and generate more payroll tax revenues. That was the Senate bill as it passed here. The additions or modifications that are being considered in the House would delay the implementation date. Therefore, there is a lot of payroll tax revenue that would be coming in under Social Security that would no longer be realized or at least not be realized until the year 2018, which affects the amount of revenue that would be coming in under the Senate-passed bill, if these changes are adopted.

As I understand what the Senator from New Hampshire is saying, that will impact Social Security revenues. Those are payroll tax revenues, and any changes that are made to Social Security create a violation of the reconciliation process in the Senate—the Byrd rule, as the Senator from Texas referred to—and, therefore, a point of order would lie against that reconciliation bill when it comes back over here.

The majority, I assume, would move to waive that point of order, but what happens if that point of order is not waived? If the majority is not successful in having that point of order waived, what happens to that reconciliation bill, which at that time would be under consideration in the Senate.

Mr. GREGG. Well, there are two points of order available. One is the Byrd point of order. If that were not waived, that section would go out of the bill. So people interested in that section, who used that section as the reason they were justifying voting for the bigger bill, that section would not survive. So they would have been sold a bill of goods.

The second point of order would take down the whole bill, and it would lose its reconciliation protections, which would mean the bill would require 60 votes to pass here. I can absolutely guarantee you it could not get 60 votes to pass. So you could presume the entire reconciliation bill would be dead. Again, people who are relying on the reconciliation bill in the House of Representatives—House Members on the Democratic side who are being told we will fix it in reconciliation—may well be being sold a bill of goods, if it is determined that some of this reconciliation language affects Social Security because it is very likely the entire bill will go down in the Senate because it will violate our Senate rules.

Mr. CORNYN. Following up with what the Senator from New Hampshire is saying by ''being sold a bill of goods,'' is he suggesting the leadership in the House and Speaker PELOSI are guaranteeing to House Members that the bill they pass—the reconciliation bill—will pass the Senate intact and, thus, they will have political cover from their constituents who don't like this bill, but they will be able to shape and affect the final outcome?

Is the Senator from New Hampshire suggesting that because the 41 Senators who have said we will vote against waiving any budget points of order, that there will either be holes punched in that reconciliation bill that will make it impossible for the Speaker to keep her promise to the House Members ultimately or that it will bring down the bill entirely? Is that what the Senator is saying when he talks about selling them a bill of goods?

Mr. GREGG. Essentially, what I am saying is—and the Senator from Texas has certainly put it in context—the only reason they could possibly be using this vehicle, this reconciliation vehicle, this extraordinary process is because they are using it to get people to vote for the bigger bill that they do not like, and they are claiming that bigger bill will be improved by this reconciliation vehicle. Yet it is pretty obvious that the reconciliation vehicle, when it comes over here, is going to be punched through and through with holes because it will violate the rules of the Senate on issues such as this.

Mr. CORNYN. That is particularly true of the promise the President has apparently made to union leadership to defer the application of a Cadillac tax—the excise tax on Cadillac health insurance plans. That promise, as the promise to televise the negotiations and pass the bill on C–SPAN; the promise that if you have a policy you like, you can keep it; the promise that the bill would not raise taxes and the like; that would be another promise that would not be kept—that promise would be broken?

Mr. GREGG. That would be like a ''the check is in the mail'' type promise. I would not take it with a serious grain of salt.

Mr. THUNE. Well, is it possible, I would ask both my colleagues, that the process the House is using—and by the way, this deeming the bill passed seems to be a very curious way of trying to pass legislation of this consequence, which literally impacts one-sixth of our economy and literally impacts every American in a very personal way—is meant to somehow divorce themselves from the accountability or the responsibility that comes with voting for this in the House; therefore, they are going to use this deeming provision that would essentially pass this bill without having to have a recorded voted on it? By the way, I find that incredibly ironic for a legislative body, which is supposed to be about debating and voting on legislation.

But let's assume that happens and they pass the Senate bill and then attach this reconciliation vehicle, which both my colleagues have referred to. Then it comes over here and these points of order that have been raised against the bill, which the Senator from Texas and the Senator from New Hampshire have both referred to—the Byrd point of order and this section 310(g), if that point of order is raised and the Chair sustains it, I guess—or essentially validates that is a valid point of order—there would be a motion to waive it. But this point of order on this extraneous Social Security provision that could be raised against the bill would sink the bill entirely, as I understand what the Senator from New Hampshire is saying. This other—the Byrd rule point of order—would punch holes in it, but it would, in any case, have to go back to the House of Representatives.

So if you are a Member of the House of Representatives, the best you can hope for is that you are going to get a bill back to the House that has a lot of provisions you cared about knocked out. The worst is that it might completely tube that process in the Senate, if this point of order, the Social Security point of order that could be raised against it, is actually not waived by the Senate. Our Republican Senators—41 of us—have signed a letter saying we will oppose waiving points of order that are raised against the reconciliation bill when it gets to the Senate.

I guess my question for my colleagues is: Under that type of scenario, what happens next? Do the House Members who are going to be voting for this, assuming the Senate will fix all these things, then have to have that bill come back? Is there any way in which all these fixes that they hope are going to be eventually attached to the Senate-passed bill will be attached or that these things they hope to fix in this bill are going to be fixed?

It seems to me it is very curious that they are betting on the come, so to speak, and trusting the Senate to fix these things and that is an incredible leap of faith.

Mr. CORNYN. I think the Senator explained it very clearly. Put in this larger context, can you imagine being asked to cast a career-ending vote because the people in your district hate this bill. Yet you are following Speaker PELOSI's instructions to vote for it and defying the wishes of your constituents. Can you imagine doing it in the context where there is so little certainty as to the outcome because of this reconciliation process and the Byrd rule and the points of order we have talked about.

Put that also in the larger context that the Senator mentioned of the deeming of the bill passed. I think that is clearly unconstitutional. Have you ever heard of a bill becoming law that wasn't passed by the House and the Senate? There have been legal scholars who have written this is clearly unconstitutional. I imagine there is going to be months, perhaps years, of litigation,

possibly even going to the U.S. Supreme Court, challenging this bizarre ''Alice in Wonderland'' procedure known as deeming the bill passed. Have you ever heard of such a thing?

Mr. GREGG. The concept where you would take the most important piece of legislation dealing with domestic policy in this country in the last 50 years and not vote on it is an affront to the purpose of a constitutional democracy. We are sent to the Senate to vote on a lot of issues and a lot of them not quite as significant as this one. But if you have the most significant issue you are going to possibly ever have before you, certainly in my career, you would expect that you would want to vote because you would want to express yourself.

I mean, why did you run for this job? Why did you want to serve your constituents if you were not willing to stand on something of this importance?

The ACTING PRESIDENT pro tempore. The hour of 10:10 has arrived.

Mr. GREGG. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

HEALTH CARE

Mr. CASEY. Madam President, I wished to review a couple points with regard to where we are on health care. We are at a point now where, of course, we are still awaiting action in the House—the other body, as it is sometimes referred to in the Senate—so we have to allow the House process to take place, and then, of course, we will be taking up health care more directly or more definitively next week.

But I think it is important to put this issue into the context of real people. We have a lot of discussions in the Senate and throughout Washington on process and procedure and numbers and all that, and that is important and relevant, but at the end of the discussion—the old expression ''at the end of the day''—we have to be able to not only talk to the American people, as we have over many months now—in some cases many years—about what this legislation will do, but also we have to be aware of what is concerning a lot of people, a lot of families.

I received a letter in the early part of 2009 from a woman in Pennsylvania who lives in Berks County—kind of the eastern side of our State, just north of Philadelphia, a couple counties north of Philadelphia, Berks County—and the woman who wrote to me, Trisha Urban, is someone whom I have come to know over the past couple years because of the tragedy in her own life which relates directly to health care.

Trisha Urban related to me, in a letter she wrote to me but also in subsequent conversations, her story, which was the subject of a lot of discussion and public notoriety in her home area. I wish to read portions of the letter—not the whole letter but I think the relevant parts of this letter. She talks about her husband, she and her husband having all kinds of trouble with health care, which relates directly to almost every major issue we are talking about. Quoting from her, she said:

> Like many Americans, we have difficulty with our health insurance. My husband had to leave his job for 1 year to complete an internship requirement to complete his doctorate in psychology. The internship was unpaid and we could not afford COBRA.

I will end the quote there for a second. We have had debates for weeks on extending COBRA health insurance to those who are unemployed—a safety net not only for Trisha Urban and her family, at that time, but so many American families—millions of them—especially in the midst of a terrible recession.

Picking back up on her letter:

> Because of preexisting conditions, neither my husband's health issues nor my pregnancy—

She talked earlier in the letter about her pregnancy.

> —would be covered under private insurance. I worked four part-time jobs and was not eligible for any health benefits. We ended up with a second-rate health insurance plan through my husband's university. When medical bills started to add up, the insurance company decided to drop our coverage stating the internship did not qualify us for the benefits.

I will comment on that section. In those few sentences, you have the preexisting condition problem and the ''insurance company dropped our coverage'' problem. This is information we have heard over and over in testimony from real people about what insurance companies in America are doing to these families. They are discriminating against families—legally, apparently, under current law. That is part of why we want to change what has been happening in America, change the law through passage of legislation to deal with the question of protecting families with preexisting conditions.

At long last—we have talked about this issue for decades but certainly in the last couple of years and more intensively in the last couple of months—this opportunity we have, this legislation gives us a chance not just to talk and to pontificate about what is wrong with the system but to act, to vote and to act to change the system to protect families.

Again, we are talking about preexisting conditions, we are talking about people, families who are going to work every day, paying their premiums, doing their part of the agreement they have with an insurance company. Yet, despite paying their premiums, despite doing what they are supposed to do under the current system, they are being denied coverage, they are being discriminated against because they have a preexisting condition or, even more outrageously, their children are being denied coverage because of a preexisting condition.

I have to ask myself—and I think a lot of Americans are asking this question—why do we tolerate this? Why do we go from year to year and say: it is terrible, insurance companies deny people coverage because of preexisting conditions even though they have been paying their premiums; it is terrible that insurance companies drop their coverage; it is terrible that they put limits on the kind of care they will provide, but they will put a dollar limit on it for a year or for a lifetime? That is really terrible, but there is nothing we can do about it.

That is basically what we have been saying for years. We complain about the problem, and no one or not enough people here in Washington are willing to take on the insurance company and say: No, you are not going to do that any longer. We are going to make those practices illegal.

We have a chance, and it is an up-or-down vote situation. We have a chance over the next couple of days—I hope not weeks but certainly the next couple of days—to decide these questions once and for all. We are either going to stand up to insurance companies or we are going to allow them to control people's lives in a way that is insulting to the American people. It is damaging the ability for families to have coverage and to have better health care.

I believe what insurance companies do on these discriminatory practices is harming our economy long term. How can you be a productive worker if you have to worry every day, even though you paid your premium, whether an insurance company can discriminate against you, against your family, and especially against your children?

That is what Tricia Urban was pointing to here, not because it was an issue in Washington but it was an issue in her life, in the life of her husband, and eventually having an impact on her own pregnancy. I pick up the letter again, and I am quoting Tricia Urban again in the letter. She talks about what the costs were for her and for her husband:

> We were left with close to $100,000 worth of medical bills. Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than 1 month ago . . .

Meaning less than 1 month prior to February of 2009.

Here is where she begins to close the letter. I am quoting again.

> I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home, my car, and everything we worked so hard to accumulate and our life will be gone in an instant.
>
> If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything.

You might be wondering what happened to her, what happened in her life. Was it just a situation where they got dropped from their coverage? That is bad enough. Is it a situation where they got dropped from coverage and also were denied treatment or care or

coverage because of a preexisting condition? That would be bad enough in and of itself. But, no, the story gets worse from there. She talks about the day when her water broke and she is about to go to the hospital to deliver her baby. The baby's name is Cora—just a little more than a year old now. Here is what she says:

My water had broken the night before, we were anxiously awaiting the birth of our new child. A half-hour later, 2 ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

She walks out the driveway to get into the car to go to the hospital to deliver her daughter Cora, and she sees her husband dead on the driveway, largely because or maybe exclusively because he missed his doctor's appointment for a heart condition because he was worried about paying for the doctor visit.

This is not some screenplay or some theoretical story; this is real life for people in America. We have to ask ourselves, on both sides of the aisle—our friends on the other side have to ask themselves: Is this good enough? Is this the best America can do, that we have to say sorry to Tricia Urban; sorry that happened to you about a preexisting condition, but we do not have the guts or the ability here in Washington to stand up to insurance companies; sorry you were denied coverage, but it is not going to change; sorry that a doctor's visit might have cost too much at a particularly vulnerable point in your life or the life of your husband; sorry that your husband died, but we don't think we can be responsive to those situations.

Why do we tolerate this? Why do we allow insurance companies to control our lives this way? This is not just another vote in Washington. This is not just some discussion about reconciliation or the House vote and all that other stuff. This is about real life, and in the next couple of days we are either going to stand up to insurance companies or we are not.

I think it is a whole set of questions Tricia Urban is asking. She is asking me, she is asking all the Democrats in this Chamber and all the Republicans.

Then there is another set of questions I have and I think a lot of Americans have for our colleagues on the other side. They say they want health care reform, but they are not willing to support what we are trying to do. You say: OK, if they do not support what you are trying to do, they probably have an alternative plan they have all come together on and worked on for months and they are going to propose that alternative; that is the American way.

They have an idea, we have an idea, we have a debate and vote, and someone wins, right? That is not the case. I am still waiting—we are all still waiting for Republican elected officials in Washington, House or Senate, to tell us what their plan is, to tell us definitively what they really want to do. Do they really want to be responsive to this problem of a preexisting condition? Do they really want to stand up against the insurance companies and say: No, you can't discriminate against families any longer.

Oh, by the way, they are going to do just fine, those insurance companies, because if our bill passes they are going to have 30 to 31 million more Americans covered. So they are going to do just fine. Don't worry about the insurance companies, they will do just fine even if we put a lot of protections in the bill.

We have to ask our Republican friends: You say you care about covering Americans. Our legislation covers more than 30 million; how about you? Their latest proposal covers 3 million Americans. That is not even a serious attempt to cover Americans. We passed a bill last year on children's health insurance where we are going from 4 million children covered and, because President Obama signed the children's health insurance reauthorization into law, we are going up to 7 million. We have already proven we can cover more children with an expansion of an existing program than the other side of the aisle is going to cover in their entire health care plan. But there is not much detail other than that. They say they want to cover 3 million. So it is a choice: Shall we cover 31 million Americans and strengthen our economy and give people the security of health care or give 3 million coverage and pretend that is a serious proposal?

They say they care. They say they care on deficit reduction and controlling costs. Yet they will not support a proposal that at last count reduced the deficit by $130 billion. We are getting new information that is just coming out today from the Congressional Budget Office that number might still remain true from what it was in December—$130 billion of deficit reduction over the first 10 years and in the second 10 years maybe as high as $1 trillion or more. If you care about deficit reduction, then why wouldn't you sign on to something that would provide maybe the most significant deficit reduction in American history in one piece of legislation?

They say they care about Medicare. We have heard that a lot over there. They care about Medicare and all that. Then, when their proposal comes out, they want to have vouchers for Medicare. Is that a serious proposal?

They have to answer some basic questions, and they have to specifically answer the questions Tricia Urban is asking us because Tricia Urban's story is a story we have heard in different forms all over the country, certainly all over Pennsylvania. Maybe not every story has preexisting conditions, limiting coverage, jacking up rates so you can't afford to have coverage, and, tragically, a death in the family. Maybe not every story is that substantial. But we have heard stories over and over.

I also point to our businesses. I ask unanimous consent to have printed in the RECORD an Associated Press—Pittsburgh Tribune Review article from earlier this month, ''Health Tops Pennsylvania Business Woes.''

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

[From the Pittsburgh Tribune-Review]

HEALTH TOPS PENNSYLVANIA BUSINESS WOES

STATE'S SMALL BUSINESSES ALSO SEE THE RECESSION AS A SEVERE OBSTACLE

(By Joe Napsha)

PITTSBURGH.—Pennsylvania's small businesses say rising health care costs, along with the recession and business and personal taxes, are the biggest challenges they will face this year, according to a recent survey

''It really confirms that in Pennsylvania, we need to zero-in on health care costs and taxes,'' said Thomas Henschke, acting president of the SMC Business Councils, a Churchill-based trade association that conducted the Small Business State Opinions survey in February SMC represents about 5,000 businesses throughout western and central Pennsylvania.

About 71 percent of the 250 businesses that responded to the survey said health care costs were their biggest challenge. More than 70 percent said that high business and personal taxes were a moderate-to-severe challenge to their business.

Increases in health care costs—ranging between 7 and 12 percent a year—are a ''huge problem'' for small business that isn't being addressed by politicians in Washington, said Peter Cady, president of Command Systems Inc. of Oakmont. The company operates Advanced Mining Service, which repairs and sells coal mining equipment.

''You can't pass those costs along. Nobody wants to hear that your health care costs went up,'' Mr. Cady said.

In response to a 23 percent jump in health care costs four years ago to cover about 55 employees, Command Systems moved to a high-deductible insurance plan, which makes it partially self-insured. Command Systems pays 99 percent of the insurance costs for its employees, Mr. Cady said.

In addition to health care, the poor state of the economy was cited as a severe challenge by about 45 percent of the respondents

''Even before the recession, Pennsylvania was a very difficult place to operate a business,'' compared to the neighboring states, Mr. Henschke said.

The survey was released the same day that President Barack Obama announced his latest version of health care reform.

''That's politics. This is reality'' Mr. Henschke said.

''Proposed reforms change daily, and you can't find anything that is going to lower costs.''

Small-sized employers often believe they are overpaying for health insurance for employees. But self-insurance for their work force is really not available because the pool of covered employees is ''too small to spread the risk out,'' said Vincent Wolf executive vice president of Cowden Associates Inc., a. Pittsburgh-based health care benefits consulting firm.

Health care costs are a major concern for businesses, which is driving their need to make changes in health care plans, said Lorin Lacy, principal for the health and productivity practice at Buck Consultants Inc., a Pittsburgh-based human resources consulting firm. Those changes include revising

cost-sharing between employees and employers and the use of wellness programs, Ms. Lacy said.

COUNTY HEALTH COMPARISON

[Ranking (Out of 67 Pa. counties)]

County	Overall health	Environmental and lifestyle factors
Lackawanna	51	19
Luzerne	57	37
Monroe	46	40
Pike	6	20
Susquehanna	41	31
Wayne	62	21
Wyoming	43	46

Source: County Health Rankings Study.

OVERALL HEALTH BY COUNTY

1. Chester
2. Centre
3. Union
4. Snyder
5. Montgomery
6. Pike
7. Bucks
8. Lancaster
9. Cumberland
10. Franklin
11. Butler
12. Bradford
13. Warren
14. Columbia
15. Lebanon
16. Berks
17. Indiana
18. Westmoreland
19. Lehigh
20. Jefferson
21. Adams
22. Tioga
23. Lycoming
24. Potter
25. York
26. Northampton
27. Fulton
28. Juniata
29. Washington
30. Erie
31. Bedford
32. Somerset
33. Crawford
34. Clinton
35. Perry
36. Delaware
37. Huntingdon
38. Sullivan
39. Montour
40. Cameron
41. Susquehanna
42. Clarion
43. Wyoming
44. Beaver
45. Clearfield
46. Monroe
47. Dauphin
48. Mifflin
49. Allegheny
50. McKean
51. Lackawanna
52. Mercer
53. Forest
54. Venango
55. Northumberland
56. Carbon
57. Luzerrie
58. Armstrong
59. Elk
60. Schuylkill
61. Lawrence
62. Wayne
63. Blair
64. Cambria
65. Fayette
66. Greene
67. Philadelphia

Mr. CASEY. It is an article, so you will not be able to see it, but the headline is ''Health Tops Pennsylvania Business Woes.'' The subheadline is ''State's Small Businesses Also See the Recession as a Severe Obstacle.''

If you are a small business owner in Pennsylvania, this survey shows, you are worried about two things: the recession—no question about that having an adverse impact; that is why the recovery bill and jobs bill are so important to these small businesses—but also health care.

I am reading an excerpt here:

About 71 percent of the 250 businesses that responded to the survey said health care costs were their biggest challenge.

Health care costs. This is not a group of Democrats sitting around a room in Pennsylvania saying: Let's pass health care. These are small business owners in Pennsylvania. They might be Democratic, Republican, Independent, or they may not have any affiliation. Their life is running a small business and raising their families, and 71 percent of those surveyed describe health insurance as their ''biggest challenge.'' We do not need any longer to debate whether this is an issue we have to deal with.

I want to walk through some of the basic provisions of what we have put in place in the Senate bill, what the House has been wrestling with all these months, and what President Obama has been trying to do. Just a couple of quick highlights.

First of all, if we are successful in this opportunity to pass major health care reform, other issues we have talked about for years but do not get a lot of attention are going to be finally the law of the land. Quality and prevention—the information and research on this is irrefutable. If you insist on prevention and you make it free or very low cost, that person is going to be healthier because they are going to take steps that are preventive in nature. They are going to be healthier, their family is going to be healthier, they are going to be better on the job and the economy will be stronger. But also we are going to strengthen our health care system in terms of costs. We are going to reduce costs in a lot of ways, but one of them is prevention and elevating the quality of our care. Sometimes people get the best care in the world, but in some places that can be very limited.

The second point on cost and deficit. I mentioned that before. The deficit reduction in the Democratic health care bill is $130 billion over the first 10 years. We will see if the Congressional Budget Office alters that.

But from what we are hearing today, some of the preliminary reports, that number might hold up. Some thought that because of the passage of time that number might go down $130 billion to $100 billion. But it is a tremendous deficit reduction over 10 and over 20 years.

Protections. I talked about that before. I just want to highlight that quickly. Basic protections for American families who have health insurance coverage now, families going to work, paying their premiums, and not protected. They think they are protected because they have a policy, an agreement, and they are paying their premiums. They are doing their part. Then some insurance company bureaucrat or some other player in this marketplace comes to them and says: We know you are paying your premiums; that you are holding up your end of the bargain. But we, the insurance company, do not think you or your child should have coverage. Sorry. You are out of luck.

Well, we are dealing with that in a couple of ways. First of all, it is important for people to understand what will happen now and what will happen later. If we get this bill passed, 6 months after the President would sign it into law, it would be illegal for an insurance company to deny a child coverage because of a preexisting condition. That is a tremendous change in the first year—literally, after 6 months.

In that same time period and beyond that, if you are an adult, technically you would not have the legal protection because you cannot do all of this at once. So we had to decide, do we do nothing in the short term or do we at least protect children. We are protecting children in the first couple months of the bill. But even though technically an adult would not have legal protection until 2014, they will have recourse. They will have an option to say: I am an adult. I have been denied coverage because of a preexisting condition. I can go into a high-risk pool and get coverage.

So there is recourse in the first—actually, that is in the first 3 months for the adult. So that is a very important protection. We can talk more later about that.

Finally, and I will begin to close, on children's health insurance—I talked about that before—it is important to note what the bill does on a great successful program, the Children's Health Insurance Program.

For example, in our State this is what children's health insurance has meant. It has meant that we have been able to reduce our rate of uninsured children down to 5 percent. It is still not good enough; we still want to go lower. But our uninsured rate among children in Pennsylvania is 5 percent. With regard to adults between the ages of 18 and 64, it is 12 percent, so more than double for the adult uninsured prior to getting to the age of Medicare. That is more than double the children's uninsured rate. That is good for children that we have made progress—we need to make more—but it is bad for adults who have not had a strategy to help them.

That is part of why we are trying to pass the bill. At long last we are going to be helping many adults, tens of millions. The Children's Health Insurance Program is extended under the bill for 2 years, until September 30, 2015.

What the President wants to do as part of the so-called reconciliation process is to maintain—he proposes to require States to maintain eligibility for children's health insurance to 2019, not just 2015, 2019. He wants to fund it through 2016. I think that is a very important change that the President has proposed and that we have a chance to ratify in our debate.

There is a lot more we can talk about, but I am running low on time. But I think the basic question for the American people is, Are we going to have an up-or-down vote on health care?

Some over there who have used this process before for other measures over many years seem to not want us to have an up-or-down vote on health care.

I think the American people want that, even if they disagree with parts of the bill. But the real question for our Republican friends is, Will they be responsive to Trisha Urban? Are they just going to say that preexisting conditions are a problem; I know recisions are a problem, I know limits on coverage are a problem for you and your family; I know that denying a child health care coverage because of a preexisting condition is a problem, but we are not going to do anything about it; the insurance companies were too strong; we could not beat them; we are just going to go the way that so many have gone in Washington.

I do not think that is going to be a good enough answer for Trisha Urban

and her family and for millions of Americans.

Finally, the question is, If you are not for our bill, if you are going to vote against it, what are you going to do about this? What are you going to do if you vote against covering 31 million Americans? What are you going to do? Are you going to cover three? Is that a serious proposal?

If you say you care about Medicare, are you going to support—which is the Republican proposal—having vouchers for Medicare? If you say you care about deficit reduction, you are going to vote against the bill that cuts the deficit by $130 billion, and let's say that number goes down, the worst we could do is $100 billion. But the estimates might hold up in the next couple of days. We will see what the Congressional Budget Office has.

So I think Republicans in the Senate and the House have to answer those basic questions, not necessarily my questions or our questions but the questions that Trisha Urban and others across our country and every single State, the millions of Americans who have been denied coverage because of a preexisting condition.

Notice I said millions over the last couple of years, according to one estimate, one survey. They have some questions to answer over on the other side of the aisle. We will see what their answer is, and the answer will be the vote. How you vote on this will be one answer to all of those and many other questions.

So I hope we can have some conversions on the other side; that they will see that it is important to cover Americans, it is important to provide the kind of security and protection to families who are paying their premiums every day and not being given the protections they deserve. I hope our friends do that.

I hope they do not just spend all of their time debating the finer points of process in the Senate. People really do not care about what the procedure is in Washington in the Senate. They want to know are we going to have, at long last, real protections for real families, or will the insurance companies win again.

This is not complicated. That is one of the basic questions they are asking us to answer for them.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CASEY. Madam President, I know I have less than 2 minutes, but I wanted to add a couple of things to the RECORD. One is an article from the Los Angeles Times of February 4 of this year, headlined ''Anthem Blue Cross Dramatically Raising Rates for Californians With Individual Health Policies.''

I ask unanimous consent that article be printed in the RECORD.

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

[From the Los Angeles Times, Feb. 4, 2010]

ANTHEM BLUE CROSS DRAMATICALLY RAISING RATES FOR CALIFORNIANS WITH INDIVIDUAL HEALTH POLICIES

(By Duke Helfand)

Anthem Blue Cross is dramatically raising rates for Californians with individual health policies. Policyholders are incensed over rate hikes of as much as 39%, which they say come on top of similar increases last year. State insurance regulators say they'll investigate.

California's largest for-profit health insurer is moving to dramatically raise rates for customers with individual policies, setting off a furor among policyholders and prompting state insurance regulators to investigate.

Anthem Blue Cross is telling many of its approximately 800,000 customers who buy individual coverage—people not covered by group rates—that its prices will go up March 1 and may be adjusted ''more frequently'' than its typical yearly increases.

The insurer declined to say how high it is increasing rates. But brokers who sell these policies say they are fielding numerous calls from customers incensed over premium increases of 30% to 39%, saying they come on the heels of similar jumps last year.

Many policyholders say the rate hikes are the largest they can remember, and they fear that subsequent premium growth will narrow their options—leaving them to buy policies with higher deductibles and less coverage or putting health insurance out of reach altogether.

''I've never seen anything like this,'' said Mark Weiss, 63, a Century City podiatrist whose Anthem policy for himself and his wife will rise 35%. The couple's annual insurance bill will jump to $27,336 from $20,184.

''I think it's just unconscionable,'' said Weiss, a member of Blue Cross for 30 years.

Woodland Hills-based Anthem declined to say how many individual policyholders will be affected or what a typical increase will be under the new pricing, which will vary from one individual to another. But the company defended its premiums, even as it tried to strike a sympathetic tone.

''We understand and strongly share our members' concerns over the rising cost of healthcare services and the corresponding adverse impact on insurance premiums,'' the company said in a statement.

''Unfortunately, the individual market premiums are merely the symptoms of a larger underlying problem in California's individual market—rising healthcare costs.''

About 2.5 million Californians have individual insurance policies, accounting for a small portion of the state's overall insurance market. By contrast, nearly 21 million people in California are covered by health maintenance organizations.

Individual policies are often the only option for those who are uninsured, self-employed or do not receive health coverage through employers.

Insurers are free to cherry-pick the healthiest customers in the lightly regulated individual market. They can raise rates at any time as long as they notify the state Department of Insurance and prove that they are spending at least 70% of premiums on medical care.

The size of the individual rate increases prompted state Insurance Commissioner Steve Poizner recently to call for a review of Anthem's charges.

''Commissioner Poizner is very concerned by these large rate increases,'' spokesman Darrel Ng said.

Poizner directed his department to retain an ''independent outside actuary to examine Blue Cross'' rates'' to ensure that the company spends at least 70% of the premiums on medical care, as required by state law, Ng said. Anthem said it had already hired an actuary who found that the rates were sound.

Anthem is not the only health insurer imposing double-digit rate increases. Competitors such as Blue Shield of California and Aetna also have raised premiums significantly in recent years, insurance brokers said. But they said the impending Anthem increases are the largest they have seen.

''Do they really think they are going to keep clients this way?'' asked Bill Robinson, a Palm Springs broker who has informed his Anthem clients that they will face increases of as much as 39% on March 1.

Anthem sent letters to agents a few weeks ago informing them of the March 1 increases and followed up with similar notices to policyholders last week.

That's when Mary Feller of San Rafael learned that the rate for herself and her husband will jump 39%, or $465 a month, driving the couple's annual premium to $19,896 from $14,316.

Feller, 56, said the premium for her 26-year-old daughter also will rise 38%, costing the family an additional $1,572 a year.

As a result, starting March 1, the Fellers' health insurance bill will surpass the family's monthly mortgage payment on their home north of San Francisco.

''It's breathtaking,'' said Feller, an entertainment journalist. ''We're going to have to cut back somewhere else. This kind of stuff strikes fear in the heart.''

Feller said she was troubled by another part of the Anthem letter. Besides detailing the premium increase, it said: ''Anthem Blue Cross will usually adjust rates every 12 months; however, we may adjust more frequently in accordance with the terms of your health benefit plan.''

She and others voiced anger about the increases as Anthem's parent company, WellPoint Inc., sees big profits. Last week the company announced an eightfold increase in profit for the last three months of 2009, a surge attributed largely to the sale of subsidiaries.

Broker and insurance industry analysts said the California rate increases will leave individual policyholders with few good options: Anthem subscribers such as the Fellers can switch to a company plan with a higher deductible. Or they can try to switch insurers, a dicey proposition because carriers in the individual market can reject applicants who have preexisting medical conditions.

''It's putting people's backs up against the wall,'' said Shana Alex Lavarreda, director of health insurance studies at the UCLA Center for Health Policy Research. ''They are finding new ways to create new problems for consumers.''

The insurer said it had a team of workers to help customers balance costs and insurance.

''Anthem offers a variety of health benefit plans,'' the company said, ''and we are dedicated to working with our members to find health coverage plans that are the most appropriate and affordable for their needs.''

Mr. CASEY. Basically, many Americans have heard these stories and experienced the pain of these health insurance premium increases. But I am going to read quick portions of it:

Anthem Blue Cross dramatically raised rates for Californians with individual health policies. Policyholders are incensed over rate hikes of as much as 39 percent.

Going on to say: Anthem Blue Cross is telling many of its approximately 800,000 customers who may buy individual coverage—people not covered by group rates—that their premiums will increase 30 to 39 percent.

Finally, I ask unanimous consent to have printed in the RECORD a series of statements contained in a 3½-page summary entitled ''GOP on Reconciliation.'' This is a series of statements that Republican Senators have made over the years with regard to this process they are complaining about and think that we should not be able to use, even though they supported it in the past. It is interesting reading which we do not have time to highlight.

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

GOP ON RECONCILIATION

GREGG

Gregg 2005: ''What's Wrong With Majority Rule?'' During a floor debate on drilling in the Arctic National Wildlife Refuge (ANWR), Senator Gregg said, ''We are using the rules of the Senate. That is what they are. Reconciliation is a rule of the Senate set up under the Budget Act. It has been used before for purposes exactly like this on numerous occasions. The fact is, all this rule of the Senate does is allow a majority of the Senate to take a position and pass a piece of legislation, support that position. Is there something wrong with majority rules? I don't think so. The reason the Budget Act was written in this way was to allow certain unique issues to be passed with a majority vote. That is all that is being asked for here. . . . The point, of course, is this: If you have 51 votes for your position, you win.'' [Congressional Record, 3/16/05]

Gregg 2008: Reconciliation ''One Tool of Significance'' Budget Committee Can Use. ''Reconciliation, as we know—those of us who work here—is the one tool of significance which the Budget Committee has. It allows us to change how entitlement programs are funded and slow their rate of growth—that was the purpose of reconciliation—and do it without the changes being subject to the filibuster rule. It is a vehicle basically directed on the purposes of the Senate.'' [Gregg Floor Statement, 3/13/08]

Gregg 2005: Republicans Used Reconciliation to Avoid Democratic Opposition to ANWR Drilling, Passing Medicaid Savings. ''The ANWR language has been a source of controversy all year, and along with Medicaid savings, was one of two principal reason for attempting to pass a reconciliation bill this year, according to Senate Budget Chairman Judd Gregg, R–N.H. Either provision on its own could not have survived a Democratic filibuster without the protection of budget reconciliation, Gregg said.'' [CQ Today, 12/19/05]

Gregg 2005: Mocked Democrats' Use of the ''Byrd Rule'' to Slow Reconciliation Bill, Said Democrats ''Enforcing Minutia Over Policy.'' ''Anybody who knows the Byrd rule knows it's an extremely arcane and incredibly complex piece of precedent that we deal with. And we had received estimates from CBO which said that all three items which points of order were made against scored . . . But the point here, of course, is there are so many rules in this institution that go to minutia on instances, that if you are using rules to enforce minutia over policy, you can have a pretty massive unintended consequence. Now in this case, I think it's intended, but the consequence of promoting minutia by use of the rules is that Katrina money isn't going to go out, people aren't going to see doctors because doctors aren't going to get paid, and students aren't going to be able to get student loans and it's potential that the welfare program won't have the funds it needs in order to continue to go forward. That's the consequence of promoting minutia in this instance.'' [Republican Press Conference, 12/21/05]

Gregg 2005: Reconciliation is the Mechanism that Deals With Entitlement Spending, Tax Policy. ''The letter asks that we indefinitely postpone reconciliation, reconciliation being the mechanism by which we address the entitlement spending and tax policy here at the Federal level. It is an outgrowth, of course, of the budget process.'' [Gregg Floor Statement, 9/7/05]

GRASSLEY

Grassley 2003: If a Broad Energy Bill Lagged, He'd Favor Attaching Energy Tax Credits to the Budget Reconciliation Legislation. ''The result is an energy bill much like the one lawmakers sought to finish in the final weeks of the 107th Congress that is composed largely of energy-related tax credits. . . . But if a broader energy measure lags, Grassley said, the tax package could be accelerated by also attaching it to reconciliation. 'If we weren't going to move an energy bill, then I would want to do that,' he said.'' [CQ Weekly, 1/17/03]

Grassley 2003: Aimed to Use Budget Reconciliation to Pass President Bush's Economic Stimulus Plan. ''The Finance Committee plans four hearings on Bush's economic plan in late January and early February. Grassley is aiming to use a budget reconciliation measure as a vehicle and hopes to have a stimulus bill completed by April.'' [CQ Daily Monitor, 1/16/03]

Grassley 2003: Planned to Move a Tax Package Through Budge Reconciliation Legislation, Said Some GOP Senators Would Oppose the Measure. ''Lawmakers and aides in both chambers, including Grassley, said a tax package probably will move as a fiscal 2004 budget reconciliation measure protected from Senate filibusters. 'We're still going to have to have a bipartisan agreement,' Grassley said. 'We won't keep all 51 Republicans together. I wish we could. But don't forget, we're going to have to work with Democrats to get something we can agree on.'" [CQ Weekly, 1/10/03]

Grassley 2001: Said Republicans Would Have to Use Reconciliation to Get the Bush Tax Cuts Passed, Would Protect Legislation from Filibuster and Limit Debate. When asked by Paula Zahn, ''As you know, House members have been criticized, particularly Republicans, for sailing, at least the rate cut portion of this bill, through the House so quickly. As Senate Finance Committee chair, how much debate will you allow?'' Grassley responded, ''Well, we're going to—in the Senate of the United States, if we do this under the reconciliation process—and that's probably the way it will have to be done in order to get it done at all—and that's a limit of 20 hours of debate. It's almost the only process in the Senate that does not have unlimited debate and cannot be filibustered. So we will probably adopt the budget the first week of April, get it through finally, and compromise the last week of April, and then go to the taxes during the month of May. But it will be the expedited procedure.'' [Fox News, 3/8/01]

Grassley 2001: If Tax Cuts Were Divisive, They Would Have to Be Passed Through Reconciliation. ''Many observers expect the Senate to take up the tax issue as part of the budget reconciliation process. Under Senate rules, debate is limited under the reconciliation process, preventing any individual senator from holding up the process with a filibuster. If there is a strong bipartisan consensus, the Senate may be able to move ahead with a separate bill that could move through in relatively short order, Grassley said. 'On the other hand, if you're going to have it be very divisive—even if it's a bipartisan bill it could still be very divisive—then it would demand to be part of the reconciliation process,' which could stretch into May or June, Grassley said.'' [CBS Marketwatch, 1/26/01]

MCCONNELL

McConnell 2005: Republicans Would Use Budget Process to Extend Tax Cuts Because They Could Not Reach the 60 Votes Needed to Make Permanent Changes Outside of the Budget Process. ''Well, we're going to try to extend a number of the taxes through the budget process that we're involved in this week. That's the good news. The bad news is you can't make these taxes permanent through the budget process, which is why we have what is perceived by a lot of people as the bizarre situation with regard to the death tax, where it phases down over a period of time, goes away for one year and then comes back. We are working on the death tax separately, hoping to come up with a proposal that could get to 60 votes, which we would need if we did it outside of the budget process. So we haven't given up on trying to get a major permanent improvement, if not total repeal, of the death tax. The other taxes that you mentioned we hope to extend for an additional period of years through the budget process.'' [Kudlow & Company, 3/15/05]

HATCH

Hatch 2001: Important to Pass a Budget So Senate Could Do a Reconciliation Bill to Pass President Bush's Tax Cuts. ''The important thing is, is that we got a budget through the Senate. The House has passed the tax cut of $1.6 trillion. Now that that budget's through, I think we can do a reconciliation bill that'll have an overwhelming number of senators and Congresspeople voting for this $1.3 trillion to $1.6 trillion tax cut. And that's critical for our economy, critical to this country.'' [Fox News Network, 4/16/01]

ROBERTS

Roberts 2003: Majority Rules. On the Senate floor, Pat Roberts said, ''If we do not end this business and get to the business of the Nation, and understand there is a majority and a minority and that the majority rules, we will open up a wound further that will not heal without significant price and scar, not to mention public ridicule for our institution.'' [Congressional Record, 1/14/03]

COLEMAN

Coleman: ''Principal of Majority Rule.'' On the Senate floor, Norm Coleman said, ''The fact is that what happened here is that my colleagues followed the history and tradition of this body and said they would make sure they got a vote because that is what the Senate is called upon to do, advise and consent. There is a principle of majority rule, a principle, again, espoused in this document, in this Constitution, of the United States.'' [Congressional Record, 11/12/03]

KYL

Kyl: Reconciliation Is a Perfectly Legitimate Legislative Process. On Hugh Hewitt's radio show, Senator Kyl discussed reconciliation and said: ''Reconciliation is a perfectly legitimate legislative process to deal with budgetary matters. It is a, it is the one exception to the general rules of the Senate

that was created about thirty or forty years ago, and Robert Byrd was one of the people that helped to create it, to deal with budget matters where you didn't want a filibuster to prevent the balancing of the budget, in effect. I mean, there's one thing you have to do. You have to be able to either increase your revenues or reduce your spending in order to balance the budget, theoretically. So they made that one exception to the policy of the Senate, which otherwise would have required sixty votes to do the big things. Now that process is available for those kinds of monetary-related subjects. And it has been used many times. That's true. The Bush tax cuts were done as, through reconciliation, for example. Now there have been a couple of other examples where they ventured outside of pure monetary issues. They shouldn't have. I wasn't there. I don't know why or how they did it. But in any event, it is not available for large, substantive, comprehensive kinds of legislation like this health care bill. It doesn't work, it's not suitable, and it certainly isn't appropriate.'' [Hugh Hewitt via Think Progress, 2/25/10]

Kyl: Only Takes 51 Votes To Extend the Bush Tax Cuts. In 2005, Senator Kyl said, ''the bottom line is in the Senate, to do anything permanently, it takes 60 votes because that's what it takes to break a filibuster. So if you don't have 60 votes, you've got to do the best you can. The best we can do right now, I suspect, is not to make all these tax cuts permanent but to extend them out as far as we can. If we had a five-year budget this year, for example, we could extend these tax cuts out through the year 2010. For example, that would mean that with dividends and capital gains, we need to take those two 15 percent rates and carry them forward two more years, so that they would include not only 2008 but also 2009 and 2010. And we can do that with some of the other rates as well. So with a five-year budget, that's doable. . . . And I would hope that—that only take 51 votes to accomplish, so I would hope that we would do that.'' [CNBC, 2/14/05]

CANTOR

2005: Cantor Hoped Congress Would Engage in Budget Reconciliation Every Year. ''I would again say, though, that obviously reconciliation is a two-part process; that we are focusing on reducing spending on this one. And again, a first step in a process that I hope we can engage in every year, that we would cut the size and growth in the entitlement programs, at the same time reform these programs to promote the efficiency that the taxpayers expect.'' [Republican Press Conference, 11/8/05]

2005: Cantor Praised His Colleagues for Passing Budget Reconciliation Legislation. ''Well, I too am here to also thank the entire team, from the speaker on down, for all that we did for America last night. And I think what is really telling, though, is the fact that we were able to vote and pass a reconciliation spending package, and unfortunately, we did it by ourselves. The fact is not one member from the other side of the aisle participated in doing what it is the whip just said, which was reform—beginning the process of reforming government. And I think it does demonstrate that the other side remains stuck to their old tax-and-spend ways and has not even presented—did not even present last night an alternative. I think that's very telling.''

Mr. CASEY. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1586, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

Sessions/McCaskilll modified amendment No. 3453 (to amendment No. 3452), to reduce the deficit by establishing discretionary spending caps.

McCain/Bayh amendment No. 3475 (to amendment No. 3452), to prohibit earmarks in years in which there is a deficit.

McCain amendment No. 3527 (to amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System.

McCain amendment No. 3528 (to amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park.

Pryor amendment No. 3548 (to amendment 3452), to reduce the deficit by establishing discretionary spending caps

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be divided equally between the Senator from Alabama, Mr. SESSIONS, and the Senator from Arkansas, Mr. PRYOR, or their designees.

Mr. DORGAN. Madam President, the title of the bill just reported is the correct title. However, the legislation we are discussing inside that bill does not relate so much to the title. This is the FAA reauthorization bill, reauthorizing a wide range of programs in the Federal Aviation Administration. This is the fifth day we have been on the floor. Senator ROCKEFELLER has been managing the legislation. He is necessarily absent now and asked me, as chairman of the aviation panel, to manage in his stead. He has said—and I agree—we have put together a piece of legislation that has substantial modernization pieces in it that will modernize the air traffic control system, provide substantial improvements in safety, improvements in the airport improvement program to invest in and expand the infrastructure in aviation. It contains a lot of things that are so very important.

I worry now, on the fifth day on this legislation, that if we don't get it done today, we may not get this bill done at all. That would be a shame because this authorization has languished for a long time. Rather than reauthorize the FAA with a new authorization, we have extended it 11 straight times. That describes how difficult it is to get things done.

Finally, Senator ROCKEFELLER and Senator HUTCHISON have brought the bill to the Senate floor. Senator DEMINT and I, as chairman and ranking member of the subcommittee, worked on the bill with them. We have now been here 5 days. The question will be, between now and the end of today, will we get this done or does this dissolve as unfinished work? We made a good try, but we just didn't make it happen, so it gets extended again and all of this work is for nought.

The fact is, every single Senator and every constituent of every Member has a big stake in getting this done. Anybody who flies on commercial airlines—and that is a lot of Americans—has a big stake in the issue of air traffic control modernization, improvements to safety, and the things that are included in this legislation. The failure to do this would be a great disappointment, not only for us but for the American people.

We have cleared a lot of amendments. As has been the case recently with a lot of legislation, there has been a lot of delay. We have worked on amendments en bloc that have been cleared. There is an additional group of amendments we hope we will clear.

At 2 o'clock today there will be votes on two amendments side by side, offered within the rules, although they do not relate to this particular legislation. But we will vote on those and try to dispose of those issues.

There is another issue, probably the last significant issue that is there. That is the issue of the slots and the perimeter rule at National Airport in Washington, DC. The slots and perimeter rule is controversial, complex, difficult. We have a number of amendments filed representing different interests of how many additional flights should be added to Washington National, how many flights might be added that would extend beyond what is a perimeter rule at Washington National. I hope those who have filed those amendments will agree to stand down and allow us to try to resolve that in some way in conference.

The House, in its legislation, does address in part the slot rule. If we get to conference with the House, if we can pass a bill through the Senate, it will be something we will need to resolve there.

What my great concern is, if this afternoon, following the votes, we get into long, protracted debate about the various amendments that have been

filed on the slot and perimeter rules, this bill will not get done. A number of people who have offered amendments dealing with slots have great interest in making certain this bill gets done. My fear is, if it is not done today, it probably will not be done. We will probably not complete this legislation.

I will be visiting and talking with those who have offered those amendments, asking if we can work with them as we go into conference and try to address the slot and perimeter rules with the House. It has to be a part of our conference because the House has a number of provisions in their legislation dealing with those issues.

The frustration for 200-plus years in the Senate is nothing moves very quickly. That remains a frustration in 2010. Nothing here moves very quickly. That is part of the charm of the Senate, perhaps, and part of the abiding frustration of the Senate. At least on important issues during important times things really should move. There are certain things that are urgent to get done.

One year has now passed since the last commercial aviation accident in Buffalo, NY. As a result of that accident and the investigation that ensued, a number of new safety recommendations are included in this legislation. It is important for us to understand the urgency of passing legislation that will substantially improve aviation safety. To ignore it is to shortchange the American people.

We are working through the amendments. I expect this afternoon we will have these votes. I also hope we can work with our colleagues on the slot or perimeter rule amendments that have been offered in order to resolve them. My hope is we will resolve them not by protracted debate, which will probably doom this bill because we will likely not have additional time on the Senate floor after 5 full days, but resolve them in a way that allows those who care about this to work with us as we go into conference with the House on the slot and perimeter rules.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3548

Mr. PRYOR. Madam President, I ask unanimous consent that I be allowed to speak for 10 minutes on my amendment.

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

Mr. PRYOR. Madam President, I rise to talk about the Pryor amendment we are going to take up this afternoon and have a vote on.

I wish to show my colleagues this chart I have in the Chamber that talks about America's fiscal condition. This chart came out of the CQ Today edition of Tuesday, February 2. As you can see, it takes the fiscal year 2011 revenue estimates over here, with this pie chart on the left, and it takes our proposed outlays with this other pie chart on the right.

Of course, it is obvious to anyone who is paying attention, if you look at these two numbers, it looks like we are taking in $2.5 trillion but we are sending out $3.8 trillion. That is a big problem. That means, once again, we are in deficit spending. We have to get our fiscal house in order.

I do not know if my colleagues on both sides saw this reported this week, but earlier there was a story in the New York Times—and it has been reported in other publications—that Moody's is looking at the possibility of downgrading America's credit from AAA down to something lower than that because of the enormous national debt we have and the persistent annual deficits.

This piece of the chart I think is very revealing, when you look at the money that is going out through the Federal Government.

We see this purple slice. There are a couple of slices here of the purple pie chart, and we see one is $671 billion. That is nondefense discretionary spending. Then, on the national defense discretionary spending, it shows $744 billion, but everything else in here is mandatory spending or it is our interest on the national debt.

This little green sliver here—it may be hard to see on television—is actually what we are paying on the national debt. It is $251 billion in interest payments and paying back the national debt.

Nonetheless, we see that the majority of the money we are spending is for mandatory spending. These are entitlements and various programs, things such as Medicare, Social Security, and other entitlement programs and other mandatory spending.

The amendment I have been working on this week tries to address our fiscal situation not merely by tapping into this discretionary spending, which, depending on which part of discretionary spending we are talking about, could be as little as 12 percent of the money we have going out of the system or it could be as much as 25 or 30 percent. It depends on how you calculate and all we include. We can't fix our fiscal house using discretionary spending only. I think one of the advantages of the Pryor amendment is we want to take the whole picture—all the mandatory spending, all the discretionary spending, and all the revenues—and use them to try to get our fiscal house in order.

One of the best things about this chart that was in CQ Today is this graph. It shows where we start during the Carter years, and it goes all the way through the Obama years. So we have Carter, Reagan, George Bush, Clinton, George W. Bush, and now Obama, and we can see this purple line. Unfortunately, most of these years it is below zero. The line is our annual deficit. This yellowish-orangey line shows as a percent of GDP what our deficit is.

One of the great things about this graph that gives me courage and gives me hope is that during the Clinton years, we went above the line. We actually went into surplus spending. We did it for the last 4 years of his administration. The thing I get hope from is we can do it again. We can do this. We can address this. If we do it in a bipartisan way, if we do it in a smart way, if we put everything on the table as they did during the Clinton years, we can address our deficit and our national debt and we can do it in a way that will be good for the country long term. Because every time we spend a dollar around here, we are making our children and our grandchildren pay for that. At some point down the road they will have to pay for it.

We need to stop the reckless course we are on, everybody agrees. Whether it is the chairman or the ranking member of the Budget Committee, whether it is outside economists, or whether it is people such as those on Wall Street who analyze all of this, everybody agrees that we are on an unsustainable course. So what the Pryor amendment tries to do is address our deficit spending, not just the spending part but our whole picture to look at our annual deficits.

One thing I wish to comment on is when I look at this graph, this is a graph of political courage. Because the easiest thing in the world for a politician to do—the easiest thing that any of us can do around here—is to cut taxes and increase spending. That is what has happened in recent years. That didn't happen during the Clinton years, but that has happened in recent years. The easiest thing to do is to go into deficit spending and push the problem down the road to somebody in the future. The time is now for us to stop doing that. The time is now for us to reverse these purple lines and get them going up, above zero.

The truth is, we can't do it in 1 year. We probably can't do it in 5 years given the economic and fiscal condition we are in right now, but over a period of years, we can get this moving in the right direction. I promise my colleagues the markets will love it. I promise my colleagues the global economy will love it. They will love to see some American leadership. Everybody in the world looks at how we spend money around here and they shake their heads, because they know we are on an unsustainable course.

This graph is a graph of political courage. Back during this time, when they did this Balanced Budget Act, back in 1993—and I have a lot of colleagues who were here and casting those hard votes back then—those were

acts of courage. It wasn't always popular because they made some hard choices, and that is what we have to do again. That is, hopefully, what the Pryor amendment will get us on track toward doing.

Madam President, I know I just have a couple of minutes left. How long do I have?

The ACTING PRESIDENT pro tempore. There is 2½ minutes remaining.

Mr. PRYOR. I will try to wind down. The Pryor amendment freezes all discretionary spending caps at the level proposed by President Obama in the year 2011. So it does have a discretionary freeze. It freezes all discretionary spending caps for fiscal years 2012 and 2013 at 40 percent of the difference between President Obama's budget proposal and last year's budget proposal.

The reason we are doing that is because Senator SESSIONS and Senator MCCASKILL have worked very hard on their amendment—in fact, I voted for their amendment a couple of times in its previous forms—but they used some different numbers. I thought in order to be fair we need to split the difference with their numbers, and these two freezes we are talking about will reduce discretionary spending by at least $77 billion over 15 years. That is major. That is a big chunk out of discretionary spending.

Where we make up the difference is then we ask the National Commission on Fiscal Responsibility and Reform to find at least—at least—an additional $77 billion of deficit reductions over the next 3 years to close the gap between projected revenues and entitlement spending. So we pretty much give this to the commission and say: Look, commission, you are set up. The President has put you together. We have six or eight Members from the Senate on that commission, other Members from the House. You all sit down and you all work through this. You have a year to do it. You need to work through this and find the other $77 billion worth of savings.

In comparing the two amendments, the Pryor amendment actually saves a little bit more money over the next 3 years than the Sessions amendment, but one of the reasons is because we are looking at deficit reduction, not just spending. I think their amendment—again, which I have supported in the past—focuses on spending, but ours is more about deficit reduction and trying to take a full picture into account.

Mr. DORGAN. Madam President, will the Senator yield for a question?

Mr. PRYOR. I will be glad to.

Mr. DORGAN. First, let me say I support the Senator's amendment. Both amendments have some merit. It is not unworthy to be talking about trying to tighten belts in every area of public spending, but some public spending is more important than others, and we ought to be judicious as we deal with it.

The difference, as I understand, between these amendments is one says, Let's cut spending in one area, which is domestic discretionary spending, which is a rather small part of the budget, and it doesn't address the other issues of the spending that goes on through the Tax Code, the entitlement spending, and other larger issues as well. Even as we vote on these issues—and I intend to vote in support of your initiative, which I think is the right initiative—I have to say I don't think this is complicated in terms of what has happened to our country and what we have to do to put it back on track.

You can't send kids off to war and then say we are going to charge all the costs of war. We have been involved now in the war against terrorism, the war in Iraq, the war in Afghanistan, and not paid for a penny of it because throughout the last decade the President said we are going to make all of this emergency spending. Some of us said, Well, let's pay for it? And President Bush said, If you try to pay for it, I will veto the bill.

So it is not particularly complicated to understand what has happened here. Government has to pay its bills. Dealing with the entire area of public spending here is very important, and I think the Senator has offered a piece of legislation, an amendment, that has great merit and I hope will get the substantial support of the Senate.

Mr. PRYOR. I thank the Senator.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

AMENDMENT NO. 3453

Mrs. MCCASKILL. Madam President, I rise to speak in opposition to the Pryor amendment and in favor of the Sessions-McCaskill amendment on us trying to get our fiscal house in order.

Right now in America, most families are figuring out where they can cut the budget. Most families are figuring out what the extras are that even though we don't want to give them up, we have to give them up. That is what America is doing right now. Most local governments are doing the same thing. They are sitting around rooms trying to figure out where they can cut budgets because their revenue is down.

In Missouri, the Governor has had to cut the budget significantly. Even with the stimulus money we sent to Missouri to help them balance their budget, they are cutting programs. They are cutting employees. They are doing what they have to do to balance the budget. Then we get to Washington. Everybody in America is cutting back except Washington.

We came very close a few weeks ago—59 votes—to a very modest baby step. We are not talking about something that is earth shattering here. We are talking about limiting the size of growth. We are not cutting anything. The Sessions-McCaskill amendment cuts nothing. All it does is limit the size of growth, of discretionary spending in both the defense budget and the domestic budget. We had 59 votes to limit the growth of discretionary spending.

Would it be great if we could do the same thing with mandatory right now? I think it would be. I think it would be terrific if we could limit the size of growth of mandatory spending right now. Could we, in fact, roll back some of the Bush tax cuts for the wealthiest? I would be for that. The bottom line is we have 59 votes for a baby step.

So what happens around here when we have 59 votes for a baby step? We come up with an amendment, frankly, that is more cover than substance. It is time to take a hard look in the mirror. If we can't do Sessions-McCaskill, what can we do around here? What can we do to show the American people we understand that government can't continue to grow when revenues aren't? We have done some big, bold things—and I have been supportive of all of them—to bring us back from the brink of a recession. They were very important. But I have been so discouraged by what has been going on around here the last few days: the circling of the wagons.

This amendment, with all due respect—and he is my friend; we have worked together on many things—but 50 votes to waive, are you kidding? You have to have 60 votes now to waive, and they are lowering it to 50. The only changes we have made to the Sessions-McCaskill amendment since that 59-vote margin we got a few weeks ago is we moved down how many votes you have to have for emergency spending. It is no longer subject to a 67-vote point of order. This was done to address the concerns that some Members had about Congress's flexibility to respond to emergencies, though it is very hard to find any emergency in history that Congress hasn't addressed with more than 67 votes. We moved that number down. Now the caps only cover 3 years. A 1-percent growth over the next 3 years, when every other government in America is cutting? A 1-percent growth over 3 years. Is that so hard? There are no caps on this year in this amendment and no caps for 2014. The Pryor amendment only has 1 year of caps and it can be waived with 50 votes, and then it purports to try to mandate that the fiscal commission do some things. By the way, if the fiscal commission doesn't do it in time, then none of this counts.

We are outsourcing our responsibilities here. I was for the fiscal commission. I was a cosponsor. I think we have to be honest about what this body is capable of doing and what it is not capable of doing. But did I think this body was not capable of 1 percent of growth for 3 years in discretionary spending? I had no idea this body wasn't capable of that. The pressure that is being put on Members as part of that 59 is depressing to me.

This is one of those moments where I separate from leadership of my party. I am proud to separate from leadership

of my party, because this is the right thing to do right now. America doesn't think we get it, and you know what. They are right. We don't. A 1-percent growth in government in discretionary spending for the next 3 years is a reasonable approach to what we are looking at in terms of both our deficit and our debt.

I am sorry leadership does not agree with me on this. I am sorry leadership does not think this is good public policy. But I have to tell you, we worry around here about elections. I will tell you, the folks who are thinking this side by side is somehow going to cover them from the wrath of the American people when it sinks in that we are not even willing to limit growth in a meaningful way in this country—when I am in the grocery store when I go home on the weekends, that is what I am constantly told when I run into people: It just doesn't feel like you guys get it. If we end up with less than 59 votes today, if we go backward rather than forward, do you know what I am going to have to tell them when I see them in the grocery store this weekend? You are right, the majority of my party does not get it.

By the way, I am willing to stand right now and cosponsor anything we want to limit the growth in mandatory. I am for that too. I am for doing whatever we need to do to make sure we look at the revenue side. I am for that also.

But this is a baby step, and if we cannot take the baby step right now at this moment in history with this mess we are facing in terms of finances, then I think we are in a world of hurt, just a world of hurt.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to express my appreciation to Senator MCCASKILL, who is a person of courage and conviction and made a decision that we need to do better in our country about spending. As she said, is a simple truth. Our amendment is a small but significant step. It is a statement that we are going to take some action that will have some benefit in containing the growth, not requiring cuts but containing the growth of spending in our country.

Unfortunately, as we have gotten so close to having it passed, now an organized effort appears to be underway to try to see if they can pull back a growing number of votes that have been cast for it. We started out with 56 votes, then went to 59 votes. Every Republican and 18 Democrats voted for it. We just need one more vote and we will be able to take this significant step of having a statutory cap on spending.

The level of spending we are limiting it to is the level in the Democratic budget that passed this year. The amount is not anything other than what the budget already calls for that was passed by a Democratic majority. It is the kind of numbers we probably could do better on and we probably could and should cut some programs.

Regardless, what we are saying is, one of our big problems is we do not stick to whatever budget we have. We constantly violate the budget. Republicans have done this too. The debt now is spiraling out of control to a degree we have never ever seen in the history of our country. It is not responsible, and we have to stop it.

I say this about my colleague from Arkansas—we were celebrating a bipartisan effort just last night when he and I and others worked on balancing the crack and powder cocaine penalties so they are more fair and more realistic. That was a good bipartisan step.

I think we are on the way to a bipartisan bill. I am disappointed we now have what can only be referred to as a cover amendment that does not have the teeth or the strength of the amendment we have offered. It provides an opportunity for people to vote for it and say they have voted to contain spending: I was all for it; I didn't vote on the McCaskill-Sessions amendment, but I voted on this other amendment, and it is just as good.

It is not just as good, and it does not have as much ability to contain spending. It does not. It should not be substituted.

The American people are frustrated with us. The polling numbers for Congress are perhaps as low as we have ever seen in this country. One of the reasons is, they are tired of us manipulating and maneuvering to try to make ourselves look good and the interest of the country takes the hindmost. People are tired of that and in my view they are correct.

Some of our colleagues say that is populist; they are just angry; they will go away. Americans have a right to be concerned about what we are doing and how these activities are occurring on the floor of the Senate.

The Democratic leadership obviously decided this amendment might be in a position to pass. They didn't want it to pass. They conjured up what we call a cover amendment. It should not be what we adopt.

I note the caps are higher in this amendment than the budget resolution passed by Congress—the Democratic budget resolution just last year. It would allow about $38 billion more in nondefense spending over 3 years than what was in our fiscal year 2010 budget resolution. The side by side, the cover amendment, does not follow the President's proposal to freeze nondefense discretionary spending for 3 years. It waives the fiscal 2012 and 2013 caps. It has only a 51-vote threshold.

I wish we could have talked some more about what Senator MCCASKILL and I have offered. Maybe we could have made some changes to the plan we have. Frankly, this will be the third time we made changes in the legislation to try to assuage concerns Members had that we thought were legitimate and worthy of putting in the bill. I would have liked to have made those changes.

The American people are unhappy about this situation. I know polling numbers are not supposed to be the end all in Congress, but we ought to understand we work for our constituents; they do not work for us. That is what I am hearing out there: You work for me, SESSIONS, and I am concerned about what you are doing up there. We want a better response from you guys.

This is a CNN opinion poll:

> Which of the following comes closer to your view of the budget deficit—the government should run a deficit if necessary when the country is in a recession and at war, or the government should balance the budget even when the country is in a recession and is at war?

That is a pretty hard question. I think some people who are very frugal might worry about how to answer that question. But look at the numbers: 67 percent, two-thirds, of the American people said balance the budget. Only 30 percent said run a deficit.

I tell you, the American people have it right. The threat to our economy in the long run is one thing: debt—irresponsible, reckless, unsustainable growth in debt. If we would get that under control, the great American entrepreneurial spirit, the work ethic of our people, the exceptional capabilities of our business leaders will allow us to compete with anybody. But if we tax and spend ourselves into debt, we are threatening our future.

How big a threat is it? Look at these numbers. This is the debt. In 2008, it was $5.8 trillion. Since the beginning of the American Republic, we had accumulated $5.8 trillion in debt. It was projected by CBO that in 2013, it will be $11.8 trillion. In a little over 3 years, we will be doubling the total American public debt. Finally, by 2019, based on the budget we are operating in today and the laws that are on the books today, it will triple to $17.3 trillion. Consider the interest on that debt—we have to borrow the money. Does anybody understand that? We borrow the money. We are borrowing it on the world market. Interest rates are sure to surge in the years to come. Right now, with the economy shaky, people are willing to buy government bonds, even if they pay low rates. We are getting a bargain on interest rates right now. But this debt isn't going to be a bargain in the future—not a bargain for the good of the country.

This chart shows the interest that will be paid. In 2009, last year, we paid $187 billion in interest. In 2020, according to the President's budget analysis that he submitted, it will be $840 billion—$840 billion in interest in 1 year. The Federal highway bill is $40 billion a year. Does that give us some perspective? It is bigger than the defense budget.

These are stunning numbers. That is why every economist, Republicans and Democrats, the Heritage Foundation and Brookings Institution, former CBO

Directors and OMB Directors of both parties all say repeatedly we are on an unsustainable course.

The deficits continue to surge in the outyears. They are not coming down. People say: When are we going to pay it back? We are not paying it back. In these years, in the outyears, 2017, 2018, 2019, 2020, they are projecting steady but lower growth—but growth every year, no recessions. The deficits are going to be about $1 trillion a year. They are not going down. We are still going into debt $1 trillion a year.

I guess what I am saying is, what we need to do is focus on discretionary accounts, and this amendment is it. Some say only the mandatory, only the entitlements count. That is not so. As of this moment, this year, every penny of the surging debt—and this year's deficit will be $1.5 trillion—every penny of that debt will be the result of spending in the discretionary accounts, not Social Security and not Medicare.

Some say: Oh, that can't be so. Social Security and Medicare together are now still in net surplus. We take the money, that surplus, and we spend it and we give a bond back to Social Security and Medicare.

I guess what I am saying is, don't think the discretionary problem is not a big part of the problem. It is the problem today. In the future, it will be an actuarial challenge of monumental proportions because the expenses of Medicare and Social Security are going up and the revenue is going down and we are going to be in serious trouble. We need to deal with this now.

I thank my colleagues for the opportunity to share these remarks. I urge my colleagues to take a good vote. Vote for the Sessions-McCaskill amendment and oppose the Pryor amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Madam President, I wish about 3 minutes to respond to my colleagues.

I commend both Senator SESSIONS and Senator MCCASKILL for the work on their amendment. As I said, I voted for previous editions of it. I think it has one major flaw, and that is it only deals with discretionary spending. I know it does affect the deficit, and that is very important. But it focuses just on the spending.

When we did multiyear discretionary spending caps—they were a key part of the 1990, 1993, 1997 deficit reduction patches—they worked. However, those deficit reduction patches looked at all spending—mandatory and discretionary—as well as revenues. That is what our amendment does. It takes the whole picture.

If we are going to walk the walk on having our fiscal house in order, we need to look at the entire picture, and I think we need to do it in a bipartisan way, as they did in previous Congresses when they made serious efforts to get the deficit under control. It needs to be bipartisan. One of the problems I have is, if we fix discretionary spending, it will be difficult for us to reach a bipartisan agreement on mandatory as well as the revenue pieces of our budget.

Senator MCCASKILL mentioned this is a baby step. I don't know if it is a baby step. What they are proposing is a very solid first step to try to get our fiscal house in order. I am just concerned it might close the door.

I wish to make this point in closing. If we look at these purple lines on this graph, we see these years are the Obama years. Certainly, he inherited a lot of things the first year, so the first year probably is not fair to give to him.

If you look to these years, to the President's credit, he says he wants to freeze discretionary spending. He says he wants the purple lines to get shorter. That is good, but it is not enough. It is not enough. The President's budget, in his proposal, in my estimation, is not enough. We need to get this moving back in the right direction.

If you look at just discretionary spending and throw in the military discretionary spending as well, that is about 25 percent of the budget—just discretionary alone. Domestic discretionary is only about 12 percent. But put those two together, and let's say it is about 25 percent. The real flaw in the McCaskill-Sessions is that we are using 25 percent of the budget to fix 100 percent of the budget. We need to put 100 percent of everything on the table so we can then use our good judgment and make those hard decisions to try to get us back to a balanced budget.

We are not going to do this in 1 year. We are probably not going to do it in 5 years. I wish we could do it in 5 years. But these numbers are not enough, and we need to move it back in the right direction. My approach actually helps this picture quite a bit more than their pictures help.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 3475

Mr. MCCAIN. Madam President, I rise in support of amendment No. 3475, which I have introduced. As I have stated several times already, the amendment is very simple. It would place a moratorium on all earmarks in years in which there is a deficit. I am joined in this effort by my good friend from Indiana, Senator BAYH, and I again thank him for his leadership and courage on this issue.

Last year, I reminded my colleagues about the current fiscal situation. I think it is important to again review the facts. The Treasury Department, a week ago, announced the government racked up a record-high monthly deficit of $220.9 billion. We now have a deficit of over $1.4 trillion and a debt of $12.5 trillion, and unemployment remains at close to 10 percent. The list goes on and on.

On Tuesday, the Senate rejected an amendment offered by Senator DEMINT. This amendment called for a moratorium on all earmarks for fiscal years 2010 and 2011. There wasn't anything earth-shattering about that amendment. It wouldn't have shaken the foundations of our democracy. It is simply the political equivalent of calling a timeout. Yet, sadly, 68 Senators voted against this modest proposal, including 15 from my own party.

So I have no illusions about the outcome of this amendment. I have been around here long enough to see what goes on. But it doesn't mean I will quit fighting, nor does it mean the American people will quit fighting to eliminate the waste and abuse of this system, and indeed the corruption that is part of this earmarking.

I have listened to the arguments some of my colleagues continue to state; that eliminating the earmarks isn't necessary because they account for such a small part of our annual budget. Is that a reason to continue this practice?

I am aware that earmarks consume a small percentage of a budget measured in the trillions, but given the seriousness of our current situation and the problems that are confronting American families who wake up every morning wondering if they are going to lose their job or their house, or if they will still be able to afford their children's education, it is deeply offensive to them. It is deeply offensive that we in Congress can't exercise some fiscal discipline. It is all the more offensive given that we have had in recent times all the evidence we should require to understand that earmarks are so closely tied to acts of official corruption.

In a report entitled ''Why Earmarks Matter,'' the Heritage Foundation wrote:

> They Invite Corruption: Congress does have a proper role in determining the rules, eligibility and benefit criteria for Federal grant programs. However, allowing lawmakers to select exactly who receives government grants invites corruption. Instead of entering a competitive application process within a Federal agency, grant-seekers now often have to hire a lobbyist to win the earmark auction. Encouraged by lobbyists who saw a growth industry in the making, local governments have become hooked on the earmark process for funding improvement projects.
>
> They Encourage Spending: While there may not be a causal relationship between the two, the number of earmarks approved each year tracks closely with growth in Federal spending.
>
> They Distort Priorities: Many earmarks do not add new spending by themselves, but instead redirect funds already slated to be spent through competitive grant programs or by States into specific projects favored by an individual member. So, for example, if a member of the Nevada delegation succeeded in getting a $2 million earmark to build a bicycle trail in Elko in 2005, then that $2 million would be taken out of the $254 million allocated to the Nevada Department of Transportation for that year. So if Nevada had wanted to spend that money fixing a highway and rapidly expanding Las Vegas, thanks to the earmark, they would now be out of luck.

On March 17, a Roll Call editorial, ''Earmark Action,'' stated the following:

Even though they represent just a small fraction of Federal spending, earmarks have accounted for an outsized proportion of Congressional embarrassment over recent years, so we are pleased to see House Democrats and Republicans moving to limit them. But until the Senate goes along, or until President Barack Obama determines to veto earmarks when they come his way, the spectacle of special interest spending won't stop—nor, with it, the public's suspicion that many earmark projects are bought with campaign contributions.

Madam President, I ask unanimous consent to have printed in the RECORD the editorial from Roll Call from which I just quoted.

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

[From Roll Call, Mar. 17, 2010]

EDITORIAL: EARMARK ACTION

Even though they represent just a small fraction of federal spending, earmarks have accounted for an outsized proportion of Congressional embarrassment over recent years, so we are pleased to see House Democrats and Republicans moving to limit them.

But until the Senate goes along, or until President Barack Obama determines to veto earmarks when they come his way, the spectacle of special interest spending won't stop—nor, with it, the public suspicion that many earmarked projects are bought with campaign contributions.

After House Democrats announced that they would ban all earmarks directed toward for-profit companies, Speaker Nancy Pelosi (D–Calif.) issued a self-congratulatory statement that ''over the past three years, we fought to replace a culture of corruption with a new direction of transparency and accountability, including earmark reforms in the last Congress.''

She added that the new ban would ''ensure good stewardship of taxpayer dollars by the federal government across all agencies.''

It's true, there has been improvement in transparency. Members are now required to disclose each project they are requesting, along with its beneficiary. The value of earmarks has fallen from $29 billion in fiscal 2006 to $19.6 billion in 2009 and an expected $14 billion to $16 billion for 2010, according to the watchdog group Citizens Against Government Waste.

Still, the ''culture of corruption'' has not been expunged. As Roll Call reported last week, the House ethics committee exonerated some of Congress' most prolific earmarkers without—so far as anyone can tell—conducting a serious investigation of their possible connection to campaign contributions.

House Democrats have now announced there will be no more appropriated earmarks to for-profit entities and have directed federal inspectors general to audit 5 percent of all earmarks directed to nonprofit entities to ensure they are not providing cover for for-profit enterprises.

Watchdog groups have given qualified praise to those moves. They've given even more plaudits to House Republicans, who imposed a unilateral one-year moratorium on all of their earmark requests, including those to nonprofits, plus special interest tax and tariff breaks secured through the Ways and Means Committee.

However, Senate Appropriations Chairman Daniel Inouye (D–Hawaii) has ruled out any similar limits on his side of the Capitol, and it remains to be seen whether Sen. Jim DeMint's (R–S.C.) move to ban earmarks will ever come to a vote.

As we've often said before, a Member of Congress is elected to look after the welfare of his or her district or state as well as that of the nation—and part of that involves sponsoring economic development projects.

But those actions should take place through regular order—approval in a federal agency competitive procedure or, if that fails, authorization and appropriation by Congress.

In the absence of a Senate ban, it's up to Obama—a declared foe of earmarks—to use his veto to stop special interest spending. He has a mixed record. He used persuasion to keep earmarks out of last year's stimulus bill, but he has yet to veto anything. This year, the Senate will give him opportunities to show he's serious.

Mr. MCCAIN. Madam President, I also ask unanimous consent to have printed in the RECORD the following articles: the article in the Wall Street Journal of March 17 entitled ''Earmarks in Reverse,'' the Washington Post article of March 12 entitled ''All Earmarks Should Be Banned in the House and Senate,'' the Steven and Cokie Roberts article entitled ''A Bribe By Any Other Name,'' the editorial of the Las Vegas Review-Journal entitled ''Going All In,'' and finally, the article of Matthew Bandyk of March 15, 2010, entitled ''Why Earmark Reform Has Not Changed Much In Congress.''

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

[From the Wall Street Journal, Mar. 17, 2010]

EARMARKS IN REVERSE

There's nothing like a 25% approval rating and the prospect of an electoral rout to focus the Congressional mind. And so it is that three years after vowing to clean up earmarks, House Democrats are embracing some reform—and in the process inspiring some healthy earmark one-upsmanship.

Alarmed by public dismay at their spending, House Democratic leaders last week announced an indefinite ban on budget earmarks to for-profit entities. Not to be outdone, House Republicans surprised even themselves by pledging a total one-year ban. In the Senate, South Carolina's Jim DeMint jumped in with a proposal to require a one-year moratorium for both parties. Senator John McCain—that long-time scourge of pork—is preparing an amendment to ban all earmarks until the federal deficit is eliminated. This is one political rivalry worth applauding.

It's also long overdue. Nancy Pelosi became Speaker in 2006 in part because her party promised to clean up the earmark excesses that had earned the GOP a reputation for corruption and Bridges to Nowhere. Yet aside from a few stabs at transparency, Democrats have practiced business as usual. According to Taxpayers for Common Sense, fiscal 2010 spending bills contained 9,499 earmarks worth $15.9 billion, an increase over fiscal 2009's $15.6 billion.

The reluctance to change is rooted in the Congressional belief that earmarks are the main guarantee of incumbency. Earmarks were relatively rare until the rise of the Tom DeLay Republicans in the late 1990s. By 2005, the high-water mark of the earmark craze, both parties had linked arms to add 13,500 pet projects to spending bills. Legislators crow about their largesse and use it to land campaign money from earmark recipients.

This cash-for-votes mentality has become a symbol of everything Americans hate about Washington. The recent decision by the House ethics committee to put aside allegations that seven House Members had awarded earmarks in order to secure campaign donations was another sign that Congress wasn't serious about changing this culture of special favors.

So the Democratic turnabout is welcome, if incomplete. The ban on for-profit earmarks will apply to a small portion of pet projects. By the Appropriations Committee's estimate, the for-profit ban would have eliminated about 1,000 earmarks, worth about $1.7 billion, in fiscal 2010.

The ban would miss what Republican Jeff Flake of Arizona has shown to be ''shadow'' nonprofits that exist to funnel money to private contractors. House Appropriations Chairman David Obey has mandated that federal inspectors spot-audit some earmarks to check for this practice, which might deter or uncover some funny business. The GOP moratorium—which appears to encompass even tax and tariff earmarks—would be better, but give Democrats credit for starting the bidding.

The obstacle now is in the Senate, where Minority Leader Mitch McConnell is lukewarm and Thad Cochran of Mississippi argues that such a ban interferes with Congress's power of the purse and won't save much money in any case. In fact, Congress still determines where nearly all federal money is spent, whether or not Members shovel billions to parochial projects.

As for spending restraint, it's true that ObamaCare's subsidies will swamp even decades of earmark restraint. But you have to start somewhere, and earmarks are often a gateway drug to larger fiscal addictions.

[From the Washington Post, Mar. 12, 2010]

ALL EARMARKS SHOULD BE BANNED IN THE HOUSE AND SENATE

Seven House members, including Northern Virginia Rep. James P. Moran Jr. (D), collected more than $840,000 in political contributions from employees and clients of a lobbying firm, Paul Magliocchetti and Associates Group (PMA), during a two-year span. In that same period, the lawmakers, strategically situated on the Appropriations defense subcommittee, directed more than $245 million in earmarks to clients of PMA.

If you think those two facts are unrelated, you are qualified to be on the House ethics committee. The panel recently found that ''simply because a member sponsors an earmark for an entity that also happens to be a campaign contributor does not, on these two facts alone, support a claim that a member's actions are being influenced by campaign contributions.''

The ethics committee acknowledged that ''there is a widespread perception among corporations and lobbyists that campaign contributions provide enhanced access to members or a greater chance of obtaining earmarks.'' Gee, how could anyone have gotten that impression? Maybe because the lawmakers targeted those seeking earmarks for campaign contributions? Sent their key appropriations staffers to fundraisers?

For instance, in 2008, the appropriations director for Rep. Pete Visclosky (D–Ind.) told corporations interested in obtaining earmarks that they needed to submit requests by Feb. 15. On Feb. 27, Mr. Visclosky's campaign manager sent a letter to companies that had sought his help on defense matters inviting them to a fundraiser on March 12. Mr. Visclosky's political committees received $35,300 from clients of PMA that month, plus another $12,000 from the lobbying firm and its employees. A week after

the fundraiser, which was focused on defense contractors and attended by his chief of staff and appropriations director, Mr. Visclosky requested earmarks for six PMA clients, totaling more than $14 million.

House leaders understand that voters may not be quite as obtuse as the ethics committee seems to assume, and their extreme embarrassment—over this and other scandals—may lead to useful action. The House is right to ban lawmakers from earmarking government funds for for-profit companies. It should go further, and extend the prohibition to nonprofit and educational institutions as well. Some nonprofit institutions spend enormous sums on lobbyists, who dispense campaign donations in hope of obtaining earmarks. More important, the Senate must follow suit, as much as it appears disinclined to do so. A system that aligns campaign cash and earmarks is inherently unseemly, if not outright corrupt, and the Senate is tainted by this setup as well.

We say this fully aware that the Constitution grants Congress the power of the purse and that earmarks are not close to the biggest reason for out-of-control spending. And that lawmakers have taken steps in recent years to reduce the number of earmarks and make the process more open. And that eliminating earmarks would not end every instance in which private interests lobby for—and make campaign contributions in hope of obtaining—particular favors.

It would, however, eliminate the worst such abuse. The House Ethics Manual cautions members ''to avoid even the appearance that solicitations of campaign contributions are connected in any way with an action taken or to be taken in an official capacity.'' The ethics committee, dismissing that caution and a recommendation by the newly created independent Office of Congressional Ethics to investigate two of the seven representatives, decided there was nothing to worry about in the PMA case. With standards this lax, the only reasonable choice is to end the earmarks that fuel this sleazy process.

[From the Arizona Daily Sun, Mar. 11, 2010]

A BRIBE BY ANY OTHER NAME

(By Steve and Cokie Roberts)

An executive for the Sierra Nevada Corp., a defense contractor based in Nevada, wanted to know why he should contribute $20,000 to Rep. Peter Visclosky, an Indiana Democrat. A colleague replied that Sierra Nevada was working with PMA, a Washington, DC-based lobbying firm, to curry favor with Visclosky, a key member of the subcommittee that funded defense projects.

''That's what each of the companies working with PMA and Visclosky have been asked to contribute,'' explained the second official. ''He has been a good supporter of SNC. We have gotten over 10M in adds from him.'' (''Adds'' refers to earmarks, special amendments filed by a single legislator that awards contracts to a specific firm with no competitive bidding.)

''Bride'' is a hard term to define legally. But we know a payoff when we see one. And that e-mail exchange could not have been clearer: Sierra Nevada delivers for Visclosky because Visclosky delivers for Sierra Nevada. And yet the House Ethics Committee recently cleared Visclosky—and six other lawmakers who had similar dealings with PMA clients—of any ethical wrongdoing.

Here's what they said: ''The Standards Committee (the panel's official name) found no evidence that members or their official staff considered campaign contributions as a factor when requesting earmarks.''

No evidence? The evidence of collusion was slapping them in the face. Yet the committee chose the narrowest possible standard of proof: If there's no smoking gun, no direct and specific record of a quid pro quo, then cash-for-clout transactions are entirely proper.

In the past, ethics panels have denounced the ''appearance'' of impropriety, even when the letter of the law has not been breached. But that standard has apparently now been jettisoned. Leave the money on the dresser, honey. Just don't ask for a receipt.

Full disclosure: We have many friends and relatives who are lobbyists. It's an honorable profession, and campaign contributions are a legitimate expression of free speech. But there should be reasonable limits on how campaign cash affects public policy, and the House Ethics Committee has just made those limits looser, not tighter. The door to greater abuse of the system has been wrenched wide open.

''This will embolden members,'' Rep. Jeff Flake, an ardent foe of earmarks, told the New York Times. ''In essence, unless you're caught on the phone with a lobbyist saying, 'Contribute or else you don't get an earmark,' they you're fine. That's the clear message here.''

That message is particularly untimely because the Supreme Court ruled last January that corporations could spend their own money directly on campaign advertising. As a result, government contractors like Sierra Nevada are freer than ever to buy influence in the political marketplace.

It's also untimely because President Obama campaigned heavily against earmarks and vowed to curb their impact. But the administration has not said a word about the ruling that gutted House ethics rules. And Obama's goal of reducing the role of earmarks remains largely unmet. In the last fiscal year, Congress spent $15.9 billion on special-interest projects, up from $15.6 billion the previous year.

Why should we care? That amount spent on earmarks accounts for less than 2 percent of the federal budget. But the issue is important for at least four reasons. First, that's the taxpayer's money Congress is throwing around. As the president himself said last year, ''On occasion, earmarks have been used as a vehicle for waste, and fraud, and abuse.'' And ''the context of a tight budget'' makes that waste even more costly.

Second, the earmark system distorts national priorities and violates principles of fairness. As Ryan Alexander, president of Taxpayers for Common Sense, put it, ''Powerful lawmakers are hoarding cash for their districts while the rest of the Congress fights for table scraps.''

Third, appearances do matter. Earmarks reek of corruption even if they do not violate bribery statutes. Just becaause a practice is technically legal does not make it right or ethical.

Most important, confidence in government has plummeted. Americans believe that Washington rewards power and money while ignoring the interest of ordinary people, and the earmark system is a visible symbol of their disillusionment. Obama himself has talked about ''the need for further reforms to ensure that the budget process inspires trust and confidence instead of cynicism.''

He's right about that. But the House Ethics Committee, run by the president's own party, has taken a step back, not forward. They have encouraged the triumph of cynicism over confidence when that's the last thing we need.

[From the Las Vegas Review-Journal, Mar. 12, 2010]

EDITORIAL: GOING ALL IN

Facing a monumental washout this November, House Democrats underwent an election year conversion this week and announced they'll ban earmarks to for-profit entities.

Republicans promptly called their bluff and went all in.

With a handful of Democrats encountering ethical difficulties, and the recent investigation of several House members over defense earmarks, House leaders clearly took their step in order to seize an election-year issue from the GOP.

But Republicans quickly grabbed it back, vowing not to lard up any spending bills this year with any earmarks.

''We have a real possibility of regaining the majority, and I think a lot of members realize that we have to regain the voters trust somehow,'' said Rep. Jeff Flake, R–Ariz. ''Earmarks are the most visible thing that we can do because we abused it so badly in the past.''

Hear, hear.

Earmarking is the term used to describe it when a member of Congress drops a pet project into a spending bill. These grants or direct payments may benefit a local government, a community organization or a profit-making entity. They have come to symbolize congressional profligacy at a time when many voters are now demanding fiscal restraint and responsibility.

Rep. David Obey, the Wisconsin Democrat who chairs the Appropriations Committee, said he hoped that banning the practice when it comes to for-profit entities would result in 1,000 fewer earmarks and help Congress alter the perception that members routinely hand out lucrative contracts and grants to campaign contributors.

Taxpayers for Common Sense notes that last year's defense appropriations legislation included 1,720 earmarks worth $4.2 billion. ''For-profit earmarks are really where the rubber meets the road as far as corruption,'' Steve Ellis of the watchdog group told The Associated Press.

That's great, as far as it goes. But add up all the spending bills—not just defense—and Congress crammed through 10,000 earmarks worth about $16 billion. If members remain free to route the pork fat back home to nonprofit entities, the problem has not been adequately addressed. Why should the people of Nevada have to pay to remodel Lawrence Welk's boyhood home in North Dakota?

''I've long said that earmarks are the gateway drug to spending addiction in Washington,'' said Sen. Tom Coburn, the Oklahoma Republican who has crusaded against the practice. ''Banning earmarks is a long overdue, common sense step that will help Congress win back the trust of the public and tackle our mounting fiscal challenges.

That's why House Republicans did the right thing this week by going all in. Let's hope Sen. Coburn can convince GOP senators to follow suit. And if the Democrats don't match the pot, many of them may be out of the game come November.

[From U.S. News and World Report, Mar. 15, 2010]

WHY EARMARK REFORM HAS NOT CHANGED MUCH IN CONGRESS

(By Matthew Bandyk)

Call it good timing. Shortly after an ethics investigation concluded that several members of Congress did not trade earmarks for campaign cash, both parties in the House announced new moratoria on earmarks in spending bills. Earmarks are provisions that members of Congress stick into larger bills that direct federal dollars to specific projects. This spending is often labeled ''pork barrel'' because of the perception that earmarks benefit only local constituents and special interests. While the changes announced by Congress last week substantially

alter the earmarking process, they do little to change Congress's ability to pursue pork barrel spending.

Rep. David Obey, a Wisconsin Democrat and chair of the House Committee on Appropriations, announced that his committee would no longer accept earmarks that fund private for-profit entities. House Speaker Nancy Pelosi denied that this move was connected to the ethics investigations, calling the timing a coincidence. ''It just had to do with the time of the year, the beginning,'' she said at a news conference. ''Members are making their requests for earmarks, and we thought it would be important to let them know that they probably should not make a request for an earmark for a business.''

Shortly after, House Republicans went a step further and declared a unilateral moratorium on all earmarks. Minority Leader John Boehner explicitly linked this move to the perception that special interests have excessive influence in Washington. ''For millions of Americans, the earmark process in Congress has become a symbol of a broken Washington,'' he said in a statement.

But even with both parties taking actions against earmarks, there are a few reasons why pork barrel spending will continue in many forms.

1. Every member of the House and senator could agree to never put an earmark in another bill, but billions of dollars' worth of projects for special interests could continue. That's because there are many provisions in large spending bills that resemble earmarks, but Congress does not define them as such. Taxpayers for Common Sense, a nonprofit taxpayer watchdog group in Washington, estimates that there were about 91 provisions worth about $5.9 billion in fiscal year 2010 alone that TCS considers earmarks but Congress does not. For example, in the fiscal year 2010 defense spending bill, there was $2.5 billion to build 10 C–17 Globemaster Strategic Airlift Aircraft, despite the fact that the Defense Department said the 205 C–17s it already has are sufficient. This spending is not considered an earmark by Congress, and thus would not be affected by either the Democratic or Republican earmark reform. ''They've decided that it's not an earmark, even though it walks like an earmark and talks like an earmark,'' says Steve Ellis, vice president of TCS.

2. As the majority in Congress, Democrats have the most influence over earmarks at the moment. They have decided not to allow earmarks ''directed to for-profit entities.'' But evidence suggests that this move affects only a small minority of earmarks. It can be difficult to find out which percentage of earmarks are for private interests and which fund nonprofit groups or state and local governments. Finding out which is which is time-consuming. It requires combing through the sometimes thousands of earmarks in a given bill because ''Congress doesn't tell you right off the bat who the beneficiary [of an earmark] is,'' says Ellis. According to Representative Obey's announcement, the new earmark reform would have affected about 1,000 earmarks for 2010 had it been enacted last year. But according to TCS, there were about 9,000 earmarks in fiscal year 2010. Citizens Against Government Waste, another watchdog group, counts 10,160 earmarks, of which the Democratic reform affects only 10 percent.

Furthermore, some of the earmarks that critics have cited as particularly wasteful are directed to public entities, not private companies. For example, last year, a federal spending bill set aside $1.7 million for pig odor research at a Department of Agriculture facility in Iowa.

3. Perhaps the most infamous earmark of all time is the ''Bridge to Nowhere,'' a $400 million proposed bridge for a tiny Alaska town. The earmark was axed in 2005 but would not have been canceled by Obey's recent move because the money would have gone to a local government. But ''even if [the money] was going to Alaska Construction Inc., it would not be affected'' by the Democrats' earmark reform, says Ellis. That's because the change only applies to bills that come from the Appropriations Committee. The Bridge to Nowhere was originally placed in legislation by Rep. Don Young, an Alaska Republican who was chair of the Transportation Committee. This committee passes highway bills, which tend to be some of the most earmark-heavy. Citizens Against Government Waste counted more than 6,000 earmarked projects in the 2005 highway bill.

Mr. MCCAIN. The reason I add those to the RECORD is because it isn't just my opinion, it is the opinion of the Wall Street Journal, the Washington Post, and many other periodicals to this effect.

Also, we perhaps in the Congress might pay attention to the fact that a poll in the last couple of days shows a 17-percent approval of Congress. Our approval ratings are at an all-time low. There are a variety of reasons. It isn't all because of earmarks. It is because of the economic situation, it is because of the frustration, it is because of the belief by many Americans that we are not responsive to their problems and challenges they face, which are unprecedented in these days, especially when we are spending $1 million to rehabilitate a bathhouse at Hot Springs, AR, $1 million for a waterless urinal initiative, $250,000 for turf grass research, $500,000 for a teapot museum in North Carolina, $2 million for the Vulcan monument in Alabama or $556,000 for the Montana Sheep Institute.

Some may argue these are small amounts of money. But Americans don't understand when they can't stay in their homes or educate their kids or they can't keep their jobs, why Congress continues to engage in this practice.

Let me just say, in the interest of full disclosure, this problem was exacerbated when Republicans took control of both Houses of Congress. The Wall Street Journal says:

The reluctance to change is rooted in the Congressional belief that earmarks are the main guarantee of incumbency. Earmarks were relatively rare until the rise of the Tom DeLay Republicans in the late 1990s. By 2005, the high-water mark of the earmark craze, both parties had linked arms to add 13,500 pet projects to spending bills. Legislators crow about their largesse and use it to land campaign money from earmark recipients. This cash-for-votes mentality has become a symbol of everything Americans hate about Washington. The recent decision by the House ethics committee to put aside allegations that seven House Members awarded earmarks in order to secure campaign donations was another sign that Congress wasn't serious about changing this culture of special favors.

So I think, Madam President, we could take a major step in the direction of restoring confidence in us if we would just stop using the earmark process until the deficit is erased. I urge my colleagues to consider this proposal and to reconsider their opposition to it.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise today in support of the bill that is before us—the FAA reauthorization legislation, which is currently on the Senate floor. I thank Senator DORGAN, the neighboring State to Minnesota, for his leadership on the committee and on the subcommittee. I am proud to be a member of that subcommittee and to have worked on this bill.

The air transportation system is important to all Americans and certainly to the people of my State. Minnesota is the childhood home of Charles Lindberg. Today, Minnesota is a major hub of Delta, which was previously Northwest Airlines. It flies people literally all over the world. We are also home to Cirrus Aircraft, which is one of the manufacturers of smaller planes up in Duluth. We have thousands of pilots and airline employees who fly each and every day, both for their enjoyment as well as for their livelihood.

As anyone who has recently flown on an airplane knows, our airport transportation system is strained and it is subject to increased congestion and delay. Recent notable incidents have, in fact, called into question the safety of our commercial aircraft as well as the training of a few of the pilots who fly them. We know, for the most part, that we have a very good air system, but we also know there must be improvements, especially if we are going to compete on a global basis with other countries that are working to update their air traffic systems.

As a member of the Senate Commerce Committee's Subcommittee on Aviation and someone who has worked hard to bring this legislation to the floor of the Senate, I know this bill will address many of the concerns of people around our country.

First, this legislation incorporates important safety improvements. The tragedy of Colgan Air Flight No. 3407, which crashed outside of Buffalo in February of last year, brought the safety of our airlines back into the public eye and raised new questions about the safety of regional aircraft and the training and experience of the pilots who fly them.

We have had many hearings, thanks to Senator DORGAN, on this tragedy. Every single time there were families of people who were killed in that crash in the hearing room to remind us of the changes that need to be made.

Pilots for these regional carriers are, in some cases, not trained as well as for major carriers. They are overtired and underpaid. In fact, some regional pilots earn so little that they take second and sometimes third jobs. Many pilots live far away from their bases, leading to long commutes and even longer hours spent waiting in airports.

The facts surrounding the Buffalo crash bear this out. The first officer,

who earned around $20,000 a year, flew to Newark on a red-eye flight on the day of the accident. She arrived at 6:30 a.m. and reports indicate she spent the entire day in the Newark airport sending text messages to her friends before her shift began. The evidence also suggests the pilot was up for large parts of the night before the flight. Once on the plane, the pilot and the first officer broke FAA policy by engaging in nonessential banter and conversation during critical times of the flight. And the flight data recorder indicated the crew was inexperienced, poorly trained, and ill-prepared for the tough weather conditions that night.

As the first officer told the pilot—and this is an exact quote—and I will never forget this because being from Minnesota, we have a lot of ice issues, and it is where, in fact, Senator Wellstone was killed in a crash, in part because of poor pilot training and icing issues. This is the quote of the first officer on that plane, before that plane went down in Buffalo:

> I've never seen icing conditions. I've never de-iced. I've never experienced any of that.

Imagine the chilling effect of those words on the families of those who died in that crash.

Many people in my State rely on regional jets to connect them to each other and to the world. As I have said before, a passenger should be as safe on a regional carrier going from Minneapolis to Duluth as they would be on a Boeing 767 flying from Los Angeles to New York.

This legislation will help us do just that. In particular, the bill will require the FAA to adopt new rules on pilot fatigue, rules that have not been updated since the 1950s. And the bill will boost pilot training requiring that the pilots meet certain standards before being allowed in the cockpit so we will not have to hear those words again, Senator DORGAN, ''I've never seen icing conditions. I've never de-iced . . . I've never experienced any of that.''

In short, this legislation will help raise the safety standards for regional jets and pilots and ensure one level of safety for all commercial aircraft in this country. The thing I most remember is there is an argument, in fact, that regional flights are even more difficult than the big passenger planes. Why? They have to land and land and land, have shorter flights, and they actually are more tiring and they have a better chance of encountering difficult weather conditions, so we should have one level of safety for all commercial aircraft in this country.

Recent safety incidents have not only highlighted concerns with regional airlines but with major carriers as well. In 2008 we learned that some major carriers had kept flying aircraft in need of necessary repairs and that the FAA may have actually known about it. The disclosure of these safety lapses led to thousands of flight cancellations, and these safety lapses and cancellations raised questions about the FAA's ability to enforce our safety laws and regulations.

What we learned is troubling. The Department of Transportation's inspector general described an ''overly collaborative relationship'' between FAA management and the airlines they regulated.

To help recalibrate the balance between the FAA and the carriers, Senator SNOWE and I introduced the Aviation Safety Enhancement Act to ensure that the FAA does more than just trust that the airlines comply with all Federal safety regulations. In particular, the legislation, which has been incorporated into the FAA reauthorization bill we are now considering, puts a stop to the so-called revolving door between the FAA and the carriers by requiring a cooling-off period for FAA inspectors before they can work for the airlines and interact with the FAA.

It also establishes a whistleblower office in the FAA and creates a roving ''National Review Board'' that will travel around to various FAA inspection offices to conduct safety reviews and unannounced audits. These unannounced safety audits are important.

I tend to straighten up my house a bit before I know my mother-in-law is coming over and that is why I know that if you have an unannounced visit, you might have a different result than an announced visit. These unannounced safety audits will be very important to make sure things are in order, that facilities are in order, and help ensure that the carriers remain focused on safety and that the FAA remains true to its mission, to protect the American flying public.

We also need to pass this FAA reauthorization bill because it would put a passenger bill of rights into law. The need for a passenger bill of rights was made clear to me and other Minnesotans last summer. Just ask Link Christin. On August 7, Link was aboard Continental Flight 2816, a flight from Houston Intercontinental Airport to Minneapolis-St. Paul when it was redirected to the Rochester airport in Rochester, MN due to severe weather. It landed in Rochester around midnight and the passengers were not allowed off the plane until 6 a.m. the next day, midnight to 6 am. The passengers aboard the flight described the experience as a ''nightmare,'' saying they were not given any food or drinks during the time waiting, things smelled, there were babies on the plane. It is as if common sense had flown out the window, but the windows were not open. No passengers should have to go through what Link and the other passengers aboard Continental Flight 2816 went through—forced to remain on the tarmac for 6 hours without food, in an increasingly uncomfortable cabin atmosphere, and denied the opportunity to deplane when the airport was only yards away. The FAA reauthorization bill we are considering today helps ensure we don't have any more stories such as Link Christin's. I appreciate Secretary LaHood's leadership on this already, but we should be putting this into law.

In particular, the bill requires that airlines provide passengers with food, water, and adequate restrooms during a delay. The passenger bill of rights would also require airplanes to return to the gate once the plane has sat on the ground for 3 hours—or 3.5 hours if the pilot thinks the plane will take off before then.

Finally, this bill helps upgrade our air traffic control system to the next generation, the NextGen system of air traffic control technology. We have focused a lot lately on roads and bridges which I know, coming from Minnesota where the bridge fell down in the middle of a summer day, are critically important parts of our Nation's infrastructure, but our national aviation infrastructure is just as important. The current air traffic control technology, developed in the 1950s and used by the FAA today, is based on outdated technology that relies on ground-based radar systems, voice communications, and fragmented weather forecasts. With NextGen, a system that uses satellites rather than ground-based radar, both pilots and controllers will have the benefit of virtual maps, up-to-date weather reports, and other real-time information.

The result is a more efficient use of our airspace, safer skies, and less congested airports. That is something we should all be able to support.

In this bill we make sure that NextGen is a national priority by giving it the resources and the attention it needs to get the program up and running.

The aviation system is too crucial a part of our Nation's infrastructure and too important to our Nation's economy to let the problems go unaddressed. This bill modernizes our air traffic control system, our air transport system, it puts in that passenger bill of rights, it does something about pilot safety and training, and all the things we know need to get done here. It helps to ensure that our system is in fact the safest in the world. We have waited too long to pass this bill. But now is the time when the rubber meets the runway. It is time to pass the FAA reauthorization and I urge my colleagues to support this bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to briefly comment about the Pryor amendment that has been offered as an alternate, a side-by-side, or cover amendment to the Sessions-McCaskill amendment that would take the budget limits that were passed by this Congress and make those more difficult to violate by creating a two-thirds vote for it. I would say a couple of things about the Pryor amendment.

It is not good and we should not vote for it. It pretends to have good motives, and maybe it does have good motives. But in fact it would allow $62 billion more in spending over 3 years than the McCaskill-Sessions amendment. It would instruct the deficit commission to propose tax increases and entitlement cuts to pay for increases in discretionary spending. The deficit commission was not meant for raising taxes and cutting entitlements to pay for new discretionary spending increases. The whole purpose of that was to figure out a way to deal with the surging entitlements that are growing out of control and to contain their growth.

How are we going to do that? We are going to do it two ways, primarily. I suppose they will propose some sort of tax increases, increase in Social Security withholding or increase in Medicare withholding, and they will cut Medicare and Social Security benefits. That is what real life is.

But this would instruct the commission to cut entitlement benefits, Medicare, and Social Security, to increase taxes, and use it to fund more discretionary spending. That is not good. People should not vote for an amendment that would do that. We are going to have to wrestle with the entitlement commission. It does not have binding authority, it is a recommendation to us, and maybe they will have some recommendations we can all support. But it is not going to be fun. It is not going to be easy. There is no free lunch. Nothing comes from nothing. Somebody must pay to fix the entitlements. They are at the present time in surplus and the surplus they are producing from the revenue from Social Security withholding and Medicare withholding is being spent for discretionary spending. So to raise their income for those accounts and to cut spending in those accounts to allow even more spending on the discretionary side I think would be very unwise. Perhaps that is not what was intended but that is what appears to me to be pretty plainly what is going on in this amendment.

Second, the Republican counsel on the Budget Committee has advised that the amendment would not only abandon the two-thirds requirement that Senator MCCASKILL and I are proposing to violate the budget, but it actually would eliminate the point of order that currently requires 60 votes to violate the budget. Currently, if somebody proposes a spending amount that violates the budget, any Senator can object and it would take 60 votes to waive the budget to allow this extra spending to occur. The way we are reading this amendment is that it would dramatically weaken the existing law and eliminate this point of order that would even require 60 votes. That has not proven to be a very effective tool. The two-thirds vote would be better.

I thank my colleagues for the opportunity to share these remarks and urge my colleagues to resist the Democratic leadership's injunctions and pressures to vote against the Sessions-McCaskill amendment. I know 18 Democrats have already voted for it. It is a bipartisan bill. We worked at it together in a good way. It has the ability to take a significant, though not dramatic, but a solid step in the right direction. I am disappointed we are now proposing an alternative amendment that will not be as effective and that the leadership on the Democratic side is opposing. If Senator REID and Senator DURBIN said: Fine, you can vote for this if you like or: We are going to vote for it, do what you want, Senator, it would pass like that. But it is their leadership decision that has put us in a difficult position and makes it more difficult for us to get 60 votes. I hope we can, but it may not occur.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise today to speak about this critical legislation we have before us—The Federal Aviation Administration Air Transportation Modernization and Safety Improvement Act.

I wish to thank Chairman ROCKEFELLER, Chairman DORGAN, Ranking Members HUTCHISON and DEMINT for their hard work on this critical legislation.

I share the concerns raised by Chairman DORGAN, as he spoke on the floor about the need to advance this legislation, and implement a number of vital improvements to the safety and security of our aviation system

On the night of February 12, 2009, Continental flight 3407, operated by Colgan Air, departed Newark Airport bound for Buffalo, NY.

The 45 passengers and 5 crewmembers were just miles from the airport when a series of events resulted in the death of all aboard as well as a father on the ground whose home was the unfortunate final resting place of flight 3407.

Over this last year, I have gotten to know many of the families of the victims very well. They are a constant presence here in Washington, DC, working to improve safety conditions so that others are spared from the horror and loss that they have experienced.

Sitting in my office last spring, as the NTSB began to release information on the crash, I discussed with the families the tremendous value of their advocacy. For decades the system has been slow to change and in the mean time innocent lives have been lost.

We discussed the possibility of seizing on this very legislation as a vehicle of change—to bring accountability and transparency to the system—to strengthen the training requirements and push forward to achieving not just ''one level of safety'' but a ''higher level of safety''.

That conversation began a year-long campaign by the families who, on their own dime, have been here at every aviation-safety hearing both in the Senate and House and have frequented Senator's offices with the steadfast determination to turn this tragedy into a clarion call for change.

We must remember the people we lost in the Buffalo crash.

An expecting mother, a community health advocate, a young couple in love, an international human rights leader, a second-year law student. These were mothers, fathers, brothers, sisters, sons and daughters, taken suddenly, their passions and dreams left for those closest to them to honor and pursue.

Beverly Eckert died in that crash. She was a national leader, who took her personal tragedy of losing her husband on September 11, and became a leading advocate for the 9/11 families. She was on her way to Buffalo that night to celebrate her late husband's birthday with family, and to honor a student at Canisius High School with a scholarship named for her husband.

Gerry Niewood, was a noted jazz musician, Rochester native and graduate of the Eastman School of Music and University at Buffalo. Gerry was on his way to Buffalo to join his long-time friend and Grammy winner Chuck Mangione in a concert with the Buffalo Philharmonic Orchestra.

The details surrounding the tragedy of flight 3407 have been well-documented.

We know that for the 2 days prior to that night, the captain, who had a history of training failures, had not slept in a bed, commuting from his home in Florida.

The copilot, who had complained of illness during the trip, had also not slept in a bed the night before, commuting from her home in Seattle, with a stop in Memphis, to her duty station at LaGuardia.

I don't know of many jobs, especially those where people's lives are in your hands, that can be done under these circumstances.

Although not specifically addressed in this underlying bill, this issue of commuting and duty time, is but one of many factors that came together to result in this tragedy.

Working with my colleague, Senator SCHUMER, we advanced legislation that would raise the minimum standards for new commercial pilots. A version of this proposal, which was endorsed by the Families of Flight 3407, has been secured in this underlying legislation.

The new standards would increase the minimum flight hours for commercial hires from the current 250 hours to 800 for copilots. Apart from just more flight time experience, the new regulations would increase the quality of that training, not just the quantity.

The proposal requires the Administrator of the FAA to engage in rulemaking that requires that beyond the 800 hours minimum pilots must demonstrate effective operation of aircraft in: multipilot conditions; adverse weather conditions, including icing conditions, as was the case with flight

3407; high altitude operations; and basic standards of cockpit professionalism and operations in part of the airline industry.

A major concern that I share with the families, is that often times, when left to their own, the FAA has a poor track record in acting on updating regulations.

This legislation will give the FAA until end of next year to enact these new regulations or a more stringent set of regulations will become the across-the-board standard.

Also, included in this bill is the crux of the Flight 3407 Memorial Act, my legislation that would require the FAA to report back to Congress on all new safety recommendations issues by the National Transportation Safety Board investigative reports.

Time and time again the FAA has failed to enhance training requirements and other safety measures. The version of the reporting requirements that I secured in the underlying bill will not only require the FAA to respond to NTSB recommendations, but let the American people know what actions they are taking, and the timeline by which they will act on recommendations.

This will ensure that the voices of the families are not only heard, but responded to.

Instituting this level of oversight is critical as we look to assure the Families of Flight 3407, and all Americans who travel by air, that those responsible for acting on the recommendations of safety experts, are not simply filing those recommendations away in a filing cabinet, never to see the light of day. They are listening and implementing safer standards and procedures.

I am grateful for the hard work of the Commerce Committee and leadership in bringing this important bill forward.

The steps taken in this legislation begin to address the culture of inaction that helped contribute to the crash outside Buffalo.

It is time to learn the lessons of the past, change the culture of inaction, and make air travel safer for all of us.

We owe it to those lost to never forget, and to continue our work to address the serious concerns raised over the last year.

I look forward to seeing these improvements contained in this critical legislation enacted.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, before the Senator leaves the floor, let me say that the families of the victims of the Colgan crash—the tragedy that occurred just about a year ago now—have been unrelenting in coming to the Congress, appearing at every single hearing, meeting with Members of Congress, saying: We want these changes.

I just wanted to say I know the families know but New Yorkers should know the work Senator GILLIBRAND has done, and Senator SCHUMER as well, to try to include in this legislation, the FAA Reauthorization Act, some very needed changes, safety changes, that resulted from what we learned in investigating that accident.

Senator GILLIBRAND talked about the fact that 2 people entered the cockpit of a commercial plane that evening, and then a number of people—45 people—entered from another door and filled that commercial airplane and set off at night, in bad weather, with icing conditions. The two people in the cockpit—the person flying in the left seat, the captain, had not slept in a bed for 2 nights, and the copilot had not slept in a bed the night before. As Senator GILLIBRAND indicated, she had deadheaded from Seattle, WA, which is where she lived, to go to work, to a workstation in La Guardia. This is a young copilot who was paid between $20,000 and $23,000 a year in salary deadheading across the country to get to her duty station, not feeling particularly well, sitting in the crew lounge, where there is no bed.

The point is, we have learned that is just the fatigue issue and the commuting issue. We learned about training issues in that cockpit with the stick pusher, the stick shaker, icing conditions, and other things. So I want to say we have learned so much from that tragedy.

Our hearts go out to the victims of the crash, and, yes, the pilot and copilot lost their lives as well, and our hearts go out to their families. But it is important for us to learn from this. The diligence of Senator GILLIBRAND and Senator SCHUMER, especially, and I would say especially the witness exhibited by the families of the victims over all of these months have been extraordinarily important in putting in this bill some very needed safety changes. So I thank Senator GILLIBRAND for her diligence.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I would like to speak on my amendment here for a few minutes, somewhat in response to Senator SESSIONS but really more just to ask my colleagues to please consider voting for the Pryor amendment.

This reminds me of a conversation I had a few years ago with a friend of mine in Arkansas. He is kind of a member of the deficits-do-not-matter club. This was probably 6 years ago. I was a pretty new Senator here.

I said: Look, we have to start to get this thing turned around. Some of the policies we have done here are not good, not sustainable for the country.

He told me back then that deficits do not matter. And where I disagree with him and others like him I said: Look, anytime any of us walk into a bank or some other financial institution and want to borrow money, the first question they ask is, How are you going to pay it back? That is what they want to know: How are you going to pay it back? The problem we have had around here for years now is that we have no plan to pay this money back—none. We have no plan to pay this money back, and that is why we are just pushing it off down the road to where, you know, we do not have to make the hard decisions.

But I want to tell you right now, our children and grandchildren do not appreciate what we are doing to them. We have to take responsibility for us living beyond our means. The way I look at this is that in America for too long, we have lived beyond our means. Our government has done that. Corporate America has done that. There is too much debt in corporate America. We have seen that over the last year and a half. Also, individuals and families have done that. We have done that on a personal basis with too much debt. And we all need to take responsibility. We all need to manage that and manage our way out of that situation.

My amendment basically, as much as anything, communicates to the American public, it communicates to the global economy, it communicates to all of the economists and all of those experts on Wall Street, all other places all around the world, that we are capable of making these difficult decisions and that we are willing to make the hard calls in order to get this done.

I know one of the criticisms we are going to have on the Pryor amendment is that it may lead to raising taxes. Certainly, I hope it does not. But we have to be willing, in this Chamber and in that Chamber down the hall and at 1600 Pennsylvania Avenue, we have to be willing to make these hard choices, these hard calls. That is what we call leadership and that is what we call democracy.

People elect us to come to Washington to make difficult calls. The easiest thing we can do is to be fiscally irresponsible. It is like in our own personal house. Hey, I would love to have a bass boat. I would love to buy a new car every year. I would like to have a lake house. But I cannot afford those things. In this Nation, we have gotten to the point where we cannot afford to have it all.

The Pryor amendment really gets us back in the zone where we can manage this fiscal picture we have, and hopefully what we can do, over the next 10, 12, 15 years, however long it is going to take, we can actually get back to a surplus and make a significant dent in paying off the national debt. I think we have to do that. It is imperative that we start now.

That is what the Pryor amendment is about and really the biggest advantage over the Sessions-McCaskill amendment. Again, I have total respect for these two Senators. They have spent a long time on this. They have been working on this for a long time. But I think the limitation of their amendment and really the big shortfall there is that it only deals with discretionary spending. As I showed you earlier in

the pie chart, that is a very small piece of the fiscal pie. We need to put it all on the table, and we need to show the American public we are serious. We need to show them that we are willing to take this on; that we have the discipline it requires to restore fiscal responsibility here in this government; that we can reduce the deficit, and that we can return our Nation once again back to a fiscally sound path. That is really what this issue is about today.

I very strongly encourage Members on both sides of the aisle to look at the Pryor amendment. I encourage you to vote for mine. I think it is a more comprehensive approach than Senator SESSIONS' and Senator MCCASKILL's. As I said, I voted for that one twice before in previous iterations of it. It has changed a little bit. I voted for it before. But I have come to the conclusion that we need a comprehensive solution. We need to put it all on the table. And we need to show the leadership—this country is crying out for leadership. We need to show some leadership on this issue and show people we are serious and willing to do what it takes in order to get this done.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. We are on the FAA reauthorization bill. I want to comment on the discussion of my colleague from Arkansas, but I will do that briefly.

I did want to say before that, however, that we really threaten to lose this bill. We have been on the floor now 5 days. We have a number of amendments. We are going to vote at 2 o'clock today on a couple of amendments that are properly filed, but they have nothing to do with the underlying bill. We have some other amendments still waiting that have nothing to do with the underlying bill. And then we have this issue of slot rules and perimeter rules with National Airport, which is unbelievably complicated. I think we have eight amendments, and my hope is that we can convince people not to offer those amendments. We will try to deal with them in conference because the House has a couple of provisions. But if we do not complete this bill today, after 5 days, then I worry we will never get back to it and once again the issues of aviation safety and airport improvement funds and all of those issues will be left at the starting gate.

We have extended this 11 times. Rather than reauthorizing the FAA bill, we have extended it 11 times.

Now we finally have legislation that deals with aviation safety, which is so unbelievably important, a passengers' Bill of Rights, AIP improvement funds. Let's get this done today. I urge colleagues, if they have amendments to offer, offer them.

As to the vote at 2 o'clock, Senator PRYOR has offered an amendment that one of my colleagues described as a cover amendment, not very serious. That is unfair to Senator PRYOR. His amendment is not only serious, it is so much better than an amendment described as a baby step. It is OK to take baby steps, but we don't exactly face baby challenges. We have unbelievable fiscal policy challenges. It should not surprise anybody that we face these unbelievable challenges. Ten years ago, we had a budget surplus. President George Bush said: I want very large tax cuts, the bulk of which will go to the wealthiest Americans. Some of us said no. I said no. Katy bar the door, it happened. It accounts for about 50 percent of the current deficit, as a matter of fact, going forward.

Then we had a recession. Then we had a 9/11 attack. We had a war against terrorism, a war in Afghanistan and in Iraq, and now back in Afghanistan. None of that was paid for. All paid for with emergency money stuck on top of the Federal debt. This is unsustainable. There is no question how serious it is. But when we do address it, let's address it in a way that tends to grab this problem and begins to fix it. My colleague seemed to suggest, let's clean house, and we will only do the smallest room. That doesn't make any sense to me. Senator PRYOR has offered an amendment that says: Let's look at all areas. I know why it is the smallest room. Because the minute you talk about taxes, some people here have an apoplectic seizure. What about asking people who aren't paying their fair share to do so. What about asking those earning the highest incomes in the land and paying a 15-percent tax rate to begin paying what the rest of the American people pay? How about that? Is that a tax increase? I suppose for somebody who makes $3.6 billion in a year, which is $300 million a month or $10 million a day, and that person, who incidentally was the highest income earner running a hedge fund in 2008, that person not only got $10 million a day in income but, because of the generosity of this Chamber and others, gets to pay a 15-percent rate, one of the lowest income tax rates.

Warren Buffett wrote an op-ed piece some while ago. I like Warren Buffett. I have known him for some years, one of the world's richest men. They did a little survey in his office in Omaha. Of the people who work in that office, if you take a look at the taxes paid, income taxes and payroll, the lowest tax rate paid was by one of the world's richest people. A higher tax rate is paid by his receptionist than by him. Think of that. Warren Buffett is the first to say that is not fair. It is not right. You need to straighten that out. Under what we are going to vote on proposed by the Sessions-McCaskill amendment, you couldn't do that. They want to keep that over here because that would be trouble if you decided to ask those folks to pay their fair share.

It is not a tax increase to ask others to pay what most Americans pay. If you want all the benefits America has to offer, how about meeting the responsibilities to your country?

That is a lengthy way of saying, Senator PRYOR has offered an amendment that says: Let's look at everything. Let's ask those who are not paying their share to pay. Let's look at discretionary spending but not only that. Look at all of it: Defense, entitlements, do it all, and do it in a serious way with the seriousness of purpose that says to the people looking to the future, we are going to get this under control. We are going to seize this deficit and debt problem and tame it. We don't have a choice. If we don't reestablish some confidence in the future among the American people, this economy will not recover.

I briefly taught economics in college. I used to teach that this is all about confidence. If people are confident, they do things that are expansive to the economy—buy a suit, a car, a home, take a trip. They do things that expand the economy. When they are not confident about their families, about the future, they do exactly the opposite. They delay the purchase. That contracts the economy. We need to do some things that will give the American people some confidence that we are not going to stay on this path. This path is unsustainable. It requires us to look at every aspect of fiscal policy and domestic policy and find a way to tame these deficits.

I strongly support the amendment offered by the Senator from Arkansas. I don't agree it deserves to be called a cover amendment. It has a much greater seriousness of purpose than the Sessions-McCaskill amendment. I hope the Senate will see fit to support the amendment offered by Senator PRYOR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Unless my colleague from Arkansas wants to respond, I will proceed.

Let me comment on the suggestion by the Senator from North Dakota that we need to move on with this legislation. I agree. It could be concluded this week. On the other hand, the matter that relates to the perimeter rule and slots at the airport, while every bit as complicated as my colleague suggested, is also very much in need of resolution. One way or another, we will have to get that resolved on this bill. I am hoping that after a meeting we will convene in a little less than an hour, a compromise can be achieved such that we can move forward and get something adopted. But we will not finish that bill until that important issue is dealt with.

I will refrain from talking further about that in the hopes that there is a compromise we can support.

Mr. DORGAN. Would the Senator yield for a question?

Mr. KYL. Surely.

Mr. DORGAN. Let me observe that we were able to get that bill out of the Commerce Committee because we did not deal with the slot issue. I understand there is an appetite for slots and perimeters. The only way we will get an FAA reauthorization bill done is if

we get it out of the Senate and get into conference somehow. That is the dilemma. If we get involved in a lengthy debate with multiple amendments on slots and perimeters, we may never get the FAA authorization off the floor. We will never have the opportunity to get all the other things that relate to that bill.

It seems to me we could in conference, even as it goes to conference, work on a solution that would resolve some of the issues the Senator mentioned.

Mr. KYL. I certainly appreciate the sentiment of my colleague. The underlying bill is important to get done. These perimeter rule revisions are important too. Our fear is, unless there is some action, it will not be resolved, as it hasn't been in the past. I don't think it has to be a lot of amendments or a huge amount of debate. I do think we need the opportunity to have a vote or two on a couple of these amendments. If they don't prevail, then so be it. But that is an issue we will have to deal with one way or the other.

What I would like to do is change the subject a little bit and talk about the proposals made by Senators SESSIONS and PRYOR in a different context. We just got the word from the Congressional Budget Office that the new cost of the legislation on health care is going to be over $940 billion. Each iteration of this bill has seen an increase in the cost. This is striking because, as we know, even though the Congressional Budget Office has had to take the legislative language as it has been given to them in providing the pricetag and, therefore, alleges that it will not put us in deficit, the truth is, it will. If you double count savings, if you assume savings that will not exist and so on, then you can project a budget-neutral bill. I think most objective observers have acknowledged that the bill will be far out of balance and that the $940 billion price tag will not be paid for by the various taxes and spending reductions ostensibly a part of the bill.

There is nearly $½ trillion dollars in Medicare cuts. Most people think that is unrealistic. We have never been able to find that much waste, fraud, and abuse in the past. It is going to be hard to find it in the future. You can't assume we will save all that money.

It is true this new bill will also raise taxes. There are 12 or 13 new taxes in the bill. It supposedly raises about $½ trillion in taxes. That includes on seniors, the chronically ill, and on the very drugs and devices that help us when we are sick. I wonder how long those taxes are going to last.

The bottom line is, we will be adding to the deficit under this legislation or paying a lot more in taxes than we do today. The irony is, we are not even solving the core problem we started out to try to solve, which was to reduce the cost of health care premiums. CBO confirms over and over again that premiums will continue to rise. They say, in the individual market, this bill will cause premiums to soar by 10 to 13 percent in the year 2016 because the government is going to force patients to buy benefits packages with coverage they may not need or want.

According to Lewin Associates, an objective observer, the premiums will go up even more. A third study, Oliver Wyman & Associates, has projected that prices will exceed a 50-percent increase—in my State of Arizona, a 72-percent increase in premiums—as a result of this legislation. That is almost incomprehensible and it is wrong. The irony is, the increases will be paid by small businesses that we are asking to hire more people. It is going to paid for by young families and individuals forced to buy insurance they don't believe they need right now. Right now they have relatively low premiums because they have relatively low health care needs. The bill will raise the cost of insurance for many Americans and then, through new mandates, force everyone to buy a policy and not just any policy but one that has actually been written in Washington.

It adds a new entitlement we can't afford. There are so many other things wrong with it. My point was not to go through all the things wrong with the health care bill but, because we now know or we believe the bill will be voted on in the House perhaps as early as Sunday and we now have the new score, the biggest score yet of almost $1 trillion, it is worth talking about in the context of the amendments on the floor to try to deal with escalating spending.

During his campaign, President Obama made almost a fetish out of saying he would fix the way Washington works. There would be no more business as usual. But from what we have seen on the health care debate, there has been arm-twisting and backroom deals and sweetheart deals that end up buying the votes they need to pass the legislation but add dramatically to the cost, as well as the unfairness, because certain provisions of the bill are made inapplicable to certain favored constituencies.

I have always thought, if the bill is such a great idea, why would Members exempt their own constituents from the application of the bill. One of the areas in which this is done is the cuts to Medicare. About half of that comes from reducing the benefits under Medicare Advantage. Medicare Advantage is enjoyed by a great many seniors who are on Medicare, about 330,000 in my State of Arizona. Their benefits will be dramatically decreased under the bill. Our colleague from Florida heard an earful from his constituents, senior citizens, who said: Don't cut my benefits under Medicare Advantage. He said OK. We will grandfather you, and we will grandfather some folks from other States. But my constituents in Arizona don't get grandfathered. Their benefits are going to be cut. How is that fair? How is that right?

Let me run through a couple of these other special deals. Unfortunately, not everybody gets the advantage of these special deals. There was the so-called ''Louisiana purchase,'' $300 million. I don't know the page of the new bill, but in the old bill it is section 2006, page 432, line 14. The ''Gator aid,'' which is the thing I was just talking about, grandfathers Medicare Advantage patients to the tune of about $25 to $30 billion from the cost of rather than from the effects of reducing their Medicare Advantage benefit. There are some other States that get specific benefits as a result of Medicaid patients who are added to the rolls: Vermont, $600 million; Massachusetts, $500 million.

There are three targeted FMAP provisions: bonuses for Vermont, Massachusetts, and Nebraska. Vermont gets a 2.2-percent FMAP increase for 6 years for their entire program. Massachusetts gets a half-a-percent increase for 3 years. Nebraska gets a 100-percent FMAP increase for newly eligibles forever. That was this new particular deal.

Under the disproportionate payment section, Hawaii is alone among the States that get an extension. Michigan and Connecticut get a special benefit under section 508 so that their hospitals have an option to benefit under that section if it means higher payments. This was also done in previous legislation.

Montana, South Dakota, North Dakota, and Wyoming get a special deal: an amendment that adds 1 percent to the hospital wage index for those States. There are other States that would qualify but would not benefit because they are already above the 1-point wage index value. It also establishes a 1.0-practice expense floor for physicians in those particular States.

One of my colleagues got a benefit for his constituents in Libby, MT: Medicare coverage for individuals. The EPA has announced there is a public health emergency at a Superfund site there, so they get a special advantage.

It is interesting that while the Nebraska ''Cornhusker kickback'' got a lot of attention, two other benefits for Nebraska entities did not. Blue Cross and Blue Shield of Nebraska and Michigan Blue Cross Blue Shield and also Mutual of Omaha get special benefits—so two in Nebraska and one in Michigan. They get a carve-out. One of them gets a carve-out from the insurance fee for Medigap policies and the other the insurance fee paid to these two particular companies.

Connecticut hospital—Senator DODD from Connecticut took credit for getting $100 million for a hospital in his State.

I could go on and on.

The point is, the process by which the legislation has been put together, as well as its substance, is what has caused the American people to have an extraordinarily low opinion of Congress. The latest trick, this so-called

scheme to deem the legislation the Senate passed—passed without a vote; in other words, passing a law without ever voting on it—is just the latest of the chicanery that appears to be engaged in, in the House of Representatives now, in order to get around the Senate bill, which, as the Speaker said, her Members do not like and do not want to vote on.

Madam President, I ask unanimous consent to have printed in the RECORD an editorial from this morning from one of my hometown newspapers, the Arizona Republic, which discusses what they call the end run by Democrats as a travesty, and they discuss this so-called scheme to deem in the editorial.

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

[From the Arizona Republic, Mar. 18, 2010]

END RUN BY DEMS IS A TRAVESTY

Last Sunday, The Arizona Republic published a brief editorial chiding Democrats in the U.S. House for considering an elusive, patently preposterous method for passing their epic health-care legislation.

In point of fact, we did not believe at the time they were serious. We saw desperation. A grasping at straws. A passionate willingness to consider any means necessary, even something like ''deeming''—a sleight of hand that in theory might leave no fingerprints.

But we did not truly believe the Congress of the United States ever would attempt to pass a measure reconfiguring an entire sector of the American economy by obscure parliamentary trickery. Without a real vote on the measure at hand.

We thought they would come to their senses. They have not. Aghast, astonished and still agog at the brass on display, we can only say . . . this . . . is . . . not . . . right.

In one of the more memorable acknowledgements in this historic fight over health-care reform, House Speaker Nancy Pelosi said Monday that ''nobody wanted to vote for the Senate bill.'' That may be the case, but it does not justify this end run.

The intent of the Democrats is to vote to pass a package of amendments to the Senate legislation passed on Christmas Eve. Once the amendments bill is passed, Pelosi intends to invoke a ''self-executing rule'' to ''deem'' the legislation on which the amendments is based—the Senate bill—passed, sans vote.

Their mission is to throw a thick cloud of smoke over events, thus giving (make that, attempting to give) reluctant Democratic members of Congress plausible deniability regarding their vote.

The Democrats' majority leader, Rep. Steny Hoyer, insists the practice ''is consistent with the rules'' and is ''consistent with former practice.'' It is neither, if by rules and ''former practice'' one means abandoning a clear Constitutional expectation that a bill should pass by vote of both houses of Congress, especially a bill costing trillions and impacting one-sixth of the nation's economy.

The tactic has been employed by both parties but never regarding anything nearly this substantive. Indeed, Democrats, including Pelosi, took Republicans to court in 2005 to oppose its use. They said it was unconstitutional. They were outraged. Really.

Any vote in support of an abomination like this ''self-executing rule'' should be viewed for what it is: an abdication of responsibility regarding the most significant social legislation in 70 years. It will not provide the cover Pelosi thinks. We will see the fingerprints.

The positions of Arizona's congressional delegation regarding support for the Senate health-care bill and the deeming procedure, as of Thursday:

Rep. Ann Kirkpatrick, D–District 1: Would vote in support of the bill. Has not indicated whether she would support deeming.

Rep. Trent Franks, R–District 2: Opposed to the bill and deeming.

Rep. John Shadegg, R–District 3: Opposed to the bill and deeming.

Rep. Ed Pastor, D–District 4: Officially uncommitted, but support for the bill is considered likely. Position regarding deeming unknown.

Rep. Harry Mitchell, D–District 5: Positions unknown. Spokesman says it would be ''irresponsible to speculate on hypothetical procedures, bills, votes.''

Rep. Jeff Flake, R–District 6: Opposed to the bill and deeming.

Rep. Raul Grijalva, D–District 7: Officially uncommitted, although many vote tallies consider Grijalva a likely supporter of the bill. Position regarding deeming unknown.

Rep. Gabrielle Giffords, D–District 8: Has indicated support for both the Senate bill and deeming.

Mr. ALEXANDER. Madam President, will the Senator from Arizona take a question?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. KYL. Yes, I will. I was about to get to the final point, which is the matter on which my colleague from Tennessee is the expert, and that is the latest item to try to flavor the legislation to get more votes; namely, to have the Federal Government take over student loans. But, yes, I will yield.

Mr. ALEXANDER. I thank the Senator, and I will sit down and listen to his explanation on the other issue. But I heard the Senator mention the news this morning, that the new bill—which we have not seen, and which, suddenly, of course, as is usually the case, we have to rush and pass over the weekend before we read it—is going to save the government money. I do not think very many Americans believe that.

But my question is this: I wonder if the Senator knows whether this comprehensive health care bill—which is going to ''save'' the government money; not run up the deficit—includes the amount of money it costs the government to pay doctors to serve Medicare patients. If it does not include that amount—which I believe I heard the Representative from Wisconsin say was $371 billion in the President's budget over 10 years—would that not be like asking the Congressional Budget Office to tell you the cost of a horse farm without the horses? Can the Senator from Arizona imagine a comprehensive health care program that does not include the cost of paying doctors to serve Medicare patients? If it does not, does that not clearly mean that just that one provision will guarantee that the bill will increase the Federal deficit?

Mr. KYL. Madam President, my colleague from Tennessee is exactly correct. Just that one item alone—of course it is part of Medicare; you have to pay doctors to take care of you in Medicare—and if you do not include the cost of that, then obviously you are not identifying the true costs of the legislation, and just that item alone would be enough to knock it out of balance.

I did not even get into all the double counting and the other ways in which they try to game the system so it makes it look like you have saved money, but you have not. One of our friends, Stephen Moore, I heard, had this analogy. He said: This is a great deal: Gee, you cover an additional 30 million people and you save money. Gee, at that rate, we should cover everybody in China. We could really reduce the deficit.

Well, I think it makes the point. The American people have broken the code here. We are not going to save money by adding more people to the rolls. That may be a good idea. It may be that we should subsidize people, but let's acknowledge the true cost, and that gets back to the amendment of our colleague from Alabama, the amendment that is pending on the floor. He says we have to stop spending so much, so let's do something very modest. Let's put a cap using last year's budget. We are not talking about cutting way back. We are not cutting into muscle or bone or anything like that; we are just saying: OK, if it was good enough for 2010, let's stop there. Let's have a little hold, let's have a little pause here before we add a whole lot more money to the deficit.

My State of Arizona has had to cut well over $1 billion out of its budget. I think it is closer to $2 billion. They are cutting significant elements that the State has paid for in the past. The city representatives were in seeing us yesterday and last week the county representatives. They are all having to dramatically cut what they provide in the way of government services.

But we in the Federal Government, we keep right on going as if there were no problem at all. That is why the amendment that is pending—I guess we are going to vote on it in about an hour—the amendment by Senators MCCASKILL and SESSIONS is one we need to support and to vote against any other amendments that appear to try to provide savings but, in fact, do not.

I will close here because I see my colleague on the floor. The last thing I want to mention is the latest gimmick to get support for this health care legislation: adding something that has nothing to do with health. It is the Federal Government takeover of the student loan program. A lot of folks in the country have gotten student loans for their kids to go to college. It is a process that has worked. It is federally guaranteed so banks are able to make those loans at a relatively low rate of interest. It is a good deal for kids who want to go to college.

Well, the Obama administration—which has taken over car companies, taken over other insurance companies, now wants to take over health care and has taken over, partially, banks—now

wants to take over student loans. It has made them part of this legislation. We do not know for sure exactly how because we have not seen the bill yet. But allegedly it is made a part of this legislation.

My colleague from Tennessee has been very good at pointing out that actually it is going to cost people more money because the government gets to borrow money at 2.8 percent interest, then it is going to loan it out at 6.8 percent interest, and then take the difference in the two and pay for additional government programs.

To me, though, one of the most pernicious things is that after July, you are not going to be able to pick the lender that best fits your needs or your kids' needs to go to college. You get to go to a Federal bureaucrat who is going to decide that for you. Instead of something like 3,000 different places where you can go to get this, I think there are going to be four call centers. Good luck. If you think it is slow down at the motor vehicle division or the Post Office, good luck trying to get a loan for your kid now to go to college.

As my colleague, Senator ALEXANDER, wrote in the Washington Post:

> [Y]ou'll work longer to pay off your student loan to help pay for someone else's education—and to help your U.S. representative's reelection.

This is a bad idea. To try to fold this into the health care legislation is a doubly bad idea. The bottom line is, our House Democratic colleagues who are now being very strongly pressured to vote for this health care legislation are not going to be able to fix any of this. Because when the bill comes over to the Senate, and they supposedly have put the fixes in it, the reality is that every one of those things that is subject to a point of order will be stricken from the bill on a point of order. Some things can be amended, of course. So the House is going to have to deal with the bill at least one more time if, in fact, they pass it this weekend. The Senate is not going to bail them out, as some of them apparently think may be the case.

So I throw that note of caution to my colleagues in the House who may be thinking of supporting this bill on the grounds that the Senate is going to clean it up. In fact, that is not going to happen.

Mr. SESSIONS. Madam President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I say to Senator KYL, you have worked on this issue for many years. You are one of the Senate's leaders, the assistant Republican leader, and a leader in the Finance Committee. Isn't it true we have known for some time that we are losing doctors who are declining to do Medicare work and that if we do not take action, they will have a dramatic 20-plus percent cut in their pay? Every year we have known that cannot happen, so we have found the money to put back into it. One of the announced purposes for the President's health care reform was to fix this problem.

First, I understand from your conversation with Senator ALEXANDER that this problem has not been fixed in the bill at all. Then of course, when you figure out how much the bill costs, it does not reflect that we need, under the new estimates, $300 billion more. So if they are claiming the bill is going to create a surplus of $130 billion, you would have a $200 billion or so deficit on the doctor fix alone; is that correct?

Mr. KYL. Yes. Madam President, my colleague is exactly correct, and the math is correct as well. It is very disappointing to me because most of the doctors with whom I have spoken are very afraid of this legislation. They are afraid of what it will do in their practices in the way they will be able to deal with their patients. They are also afraid because they can see this continued downward pressure on reimbursements they receive. Frankly, a lot of them are saying: We are not going to be able to take Medicare patients in the future.

In my own State of Arizona, in fact, the Mayo Clinic has already announced that at two or three of its facilities, it is not going to take new Medicare patients. So that is one of the things that should be fixed in the health care bill. It is not fixed.

It disappoints me that even though the medical association has urged they take out a very pernicious amendment that deals with specialty hospitals—basically, it cuts specialty hospitals off in the future; and the AMA has fought very hard to allow specialty hospitals to exist, but that is not going to get fixed in this bill—even though they have sought to be excluded from the Medicare cuts that are in the Medicare Commission here—that is supposedly going to save $250 billion or so; that has not been fixed—and even though they need to have the basic reimbursement section, the so-called SGR, fixed—and as my colleague has just pointed out, it is not fixed in the legislation—what is disappointing to me is—and those are three of the most critical elements of this bill because of the effect it will have on the treatment of their patients—the American Medical Association is still toying with the idea of supporting the legislation, when the vast majority of physicians in the country, in my opinion, do not support the legislation. Again, it is primarily because of the effect they think it will have on their patients.

I would close by saying, all of these——

Mr. SESSIONS. I have one more question of the distinguished Senator.

Mr. KYL. OK.

Mr. SESSIONS. The way this new benefit is funded, as I understand it, is through a $500 billion cut to Medicare and increased Medicare taxes. Wouldn't it be the correct thing for policymakers to take that money first and strengthen Medicare and pay the doctors whom we owe instead of starting an entirely new program, leaving the doctors unpaid, and raiding Medicare benefits?

Mr. KYL. Madam President, I will conclude by saying, absolutely yes. This is one of the good ideas Republicans had. Rather than creating a new entitlement, taking money from Medicare to fund that new entitlement, the savings we believe we can achieve in Medicare should be applied to keeping Medicare solvent for another 17 years or whatever amount of time this money could provide.

Then, if we are going to expend money, let's use it to pay the hardworking physicians and all the other providers, the RNs, the folks in the hospitals, and everybody else whom we want there to take care of us when we get sick. Let's make sure that money is available there and that we have some kind of permanent resolution of this problem so we do not have to come back and try to fix it every year.

Those are just some of the things we believe should be done rather than to scrap the whole system we have, replace it with this new government-operated behemoth that takes over this big section of our economy, pushes government bureaucrats between patients and their physicians and ends up providing enormous new taxes, without cutting the premiums—in fact, allowing premiums to go up even more than they would have otherwise. Other than that, it is a nifty idea. Of course, I am being facetious. The health care bill, in my opinion, is not a good idea.

My last point is simply to urge my colleagues in the House to appreciate the fact that the Senate is not going to bail them out by cleaning up the Senate bill, which we already passed here, and they should not be voting for this legislation under the false assumption that somehow we are going to make all those changes in the Senate bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN Of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Mr. BROWN of Ohio. I ask unanimous consent that following my remarks on health care, Senator TESTER be permitted to take the floor to talk about health care.

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

HEALTH CARE

Mr. BROWN of Ohio. Madam President, I don't know where to start. I listened to Senator KYL, whom I really do like personally, and respect, but I just hear so much. Of course, it is not just Senator KYL; it is almost all of my colleagues on the other side of the aisle who have just engaged in scare tactics.

First, they try to scare the middle class and scare people who have parents who are older by talking about

death panels. Well, that didn't work because nobody believed that. Some people believed it, but most rational people didn't believe it. Then they try to scare people who have health insurance by saying it is going to be taken away. Then they try to scare senior citizens by saying we are going to cut Medicare. Now—this is almost funny—they are trying to scare House Members. These poor, innocent House Members who can't figure things out on their own, we need Senate Republicans to tell them all about these House rules and Senate rules and reconciliation. It is a little bit funny but, again, it is not very funny because it is standing in the way of what we need to do for the American people.

I am particularly amused—again, probably a wrong choice of words—when my Republican colleagues talk about cutting Medicare. Just look at the history. They have built careers trying to destroy Medicare. I haven't been around here since 1965 by a long shot, but I sure read about 1965. The Presiding Officer knows this history. She has talked to people in Charlotte and Winston-Salem. I have talked to people in Dayton and in other areas of my State about it.

In 1965, Republicans used the same arguments. They thought that Medicare might be a government takeover. Then, the John Birch Society made all of these claims about Medicare, as the tea party is doing today about this health care bill. It wasn't true. It didn't matter that it wasn't true. They said government bureaucrats were going to get between you and your doctor. That is what they predicted with Medicare, and that is what they predict now. It didn't happen. In 1965, half of America's seniors had no health insurance. Today, 1 percent of America's seniors have no health insurance.

It didn't just end in 1965 when Republicans in large numbers and these same insurance company interest groups—I might add, the Republicans' most important benefactor is the insurance industry. That is why they are coming to the floor acting as if they are defending seniors, acting as if they are defending the middle class and the poor, and health care. They are defending the insurance companies. That is the way they do it. Just as they defend the oil companies on energy legislation, and just as they help and defend the drug companies; just as they defend the drug companies that send jobs overseas, that is why they are against trade agreements. That is why they always support the oil industry in climate change and everything else. That is why they support the drug companies and insurance companies. They are their biggest benefactors. That is who helped them get elected, although don't say that on the floor: I am against this bill because the insurance company is against it. No, they try to scare the Medicare beneficiaries. They try to scare the middle class and rural constituents and urban constituents and suburban constituents. But it just doesn't wash.

Now they have brought in the student loan bill: We have to protect middle class, working class students so they can get student loans. No, they want to protect the banks. This is about: Should we give direct loans to college students or should we let the banks skim off and leave some of the money. Then they have the nerve to say the money we save in this will be put back into the government bureaucracy. No, the money we save by saying to the banks, no more skimming off student loans, no more taking your cut, giving worse service at higher interest rates, that money goes for Pell grants. So the money we take back from the banks—the decade of George Bush subsidies for the banks—is, instead, going to students so they can afford to go to college.

Back to the health care issue itself. I hear my colleagues so liberally—if I could use that word to define them—quote Lowen & Associates. Every time Lowen & Associates puts out a new study, they come to the floor and they ponderously and seriously say: Lowen & Associates says this bill—da, da, da.

Lowen & Associates is owned by United Health Care, which is one of the biggest health insurance companies in the country. So quoting Lowen & Associates on health care is like quoting the oil companies on energy legislation or climate change or quoting the drug companies or the Medicare giveaway to the drug companies bill. Just forget about Lowen & Associates. If they want to comment on something that has nothing to do with insurance, maybe they are reputable. They used to be reputable, but then United Health Care got them. Sorry. That is just the way it is.

With all of this, let's stop the scare tactics. Let's take a deep breath. Let's look at what this bill is about.

What this bill is really about is helping people who have lost their insurance, who have had insurance and found out it wasn't much good because of what the insurance companies did to them, as Senator TESTER knows. He has people in Billings and in Helena and in White Fish who, because of a preexisting condition, lost their insurance or they got sick and then their illness was so expensive the insurance company said: We don't want to insure them, we want to cut them off.

I wish to share a couple of letters, and then I will turn it over to Senator TESTER because this is what it is all about. They can talk about tax increases. They are wrong about it. They kind of make up some stuff. They can talk about budget-busting legislation. I am a little curious about their saying that because the Congressional Budget Office, which we kind of agree with—whether you are a moderate Democrat such as Senator CARPER or a conservative Republican such as Senator KYL or a progressive Democrat such as the Presiding Officer, we all agree that the Congressional Budget Office is pretty much reliable. They are not partisan. They don't cheat. They don't scam the system. They don't lie to us. The Congressional Budget Office says this actually pays for itself and then some. It will help to retire the budget in the first 10 years and do even better in the second 10 years.

With all of that debate, why does this matter? This matters because we have constituents in Wilmington, in Chicago, and in Butte, as I do in Youngstown and Toledo, who thought they had good health insurance and then they get sick and then they find out they didn't.

I have read letters on this floor since July from people who, a year ago, if you asked them, they would say: My health insurance is pretty good. Then they found out it wasn't because they really needed it. This tells the story, to me, why this is important. Forget the political side. Forget the accusations. Forget the charges. Forget the countercharges. Forget the philosophy. We need to help people and this bill does it.

Gwen is from Claremont County, a very conservative county. Her daughter is a recent college graduate who has been denied insurance. She writes:

> My 22-year-old daughter is a recent college graduate. While looking for a permanent job, she's working full time as a waitress. Her employer will not give her health insurance, and she can't stay on my policy because she is no longer in college.
>
> She takes no prescriptions and is one of the healthiest young people you can find. One insurance company offered her a policy for $750 a month.
>
> I am a teacher and my husband has been unemployed for a year, and even if he were working full time, we could not afford $750 a month.
>
> Our present insurance system decides who can have health insurance at what price.
>
> That's a moral and ethical decision no insurance company should decide.

We know what this bill does. This bill says these pages sitting in front of us—they are not yet in college. They come home, they can't find a job with insurance, perhaps, when they are 23 years old—although they are all so young and bright they will, but most people can't at this age. They are 23, 24. They come home from college. They have no insurance. Our bill says: You can go on your parents' insurance plan until you are 26. That takes care of that problem. That is barely debatable. That makes sense for Republicans and it makes sense for Democrats.

The second letter is from Tammy from Preble County, another conservative rural county. This one is; the other one is a conservative suburban county. This story is much more tragic. Tammy writes about her best friend who died in January at the age of 31 from cervical cancer. She was a nursing assistant, a single mother of five children. She worked her way out of low-income housing into her first home. When she couldn't afford health insurance, she was able to roll her children into Medicare. She writes:

By the time my best friend could afford health insurance and went to a doctor, it was too late. She learned she had cervical cancer and that it was spreading throughout her body.

A woman with breast cancer in this country without insurance is 40 percent more likely to die than a woman with breast cancer with insurance. People say: Well, conservatives seriously don't want government involvement—whatever that means, even though Medicare works for millions. Conservatives say: Well, they can just go to the emergency room and get care.

If you have breast cancer, you don't go to the emergency room to get care. They will only take care of you right before you die or right before you have an episode. If you are a chronic asthmatic or have chronic diabetes, they won't take care of you in the emergency room unless you have an insulin attack or unless you have a terrible situation with your asthma or you can't breathe. They are not going to help you maintain your health so you don't end up in the emergency room.

That is what this bill is all about. This bill will prevent situations such as Tammy's friend. Pure and simple.

Thomas from Cincinnati is writing about his brother Jim who has been in hospice care after being diagnosed with lung and brain cancer less than a year ago. He doesn't have much longer to live. He wanted his story told, as Jim said, to anyone who would listen. He doesn't have health insurance and can't afford the cost of cancer treatment.

My dying brother is an example, and the countless stories we hear from others are examples of why we need protection from the insurance industry.

I have a lot of insurance companies in my State. I don't hate insurance companies. I understand they are in a situation where to compete with each other they have to have a business model. The business model is—if Senator CARPER and Senator TESTER and I run an insurance company, do you know what we all do? We hire a bunch of bureaucrats to keep people from buying insurance that might be expensive. If you are sick, and you are sick, and you are not, well, I don't want to insure you because you are sick. You are going to cost too much and affect my bottom line. Then they hire a bunch of bureaucrats on the other end for people who actually have insurance policies and get sick to deny their claims.

So this is a business model where you don't insure people who are sick and you try to slough off people who get sick whom you insure, and that is the way you make a lot of money. If you don't do that, you go out of business.

So I don't have any problems with insurance executives. They are paid too much, but I don't have any problems with what they do except their business model forces them to do this. I think they should come to us and say: Senator CARPER, Senator TESTER, Senator BROWN, thank you for bailing us out from doing bad things because you are going to set new rules so we can't do that anymore.

It is outrageous that we have a system—we are the only country in the world that does this. A lot of countries have private insurance companies running their health care system, but they are private, not-for-profit insurance companies. They are not Aetna and Cigna and all of these companies that pay their executives an average of literally $11 million a year to the CEO. Why do we want a system where for-profit insurance forces these companies to keep people from buying insurance if they are sick, keeps them out if they might get sick, and denies them care if they do get sick. It doesn't serve the public interests, period. That is why this legislation is so important.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Montana.

Mr. TESTER. Mr. President, I was wondering if the Senator from Ohio would yield for just a few questions.

Mr. BROWN of Ohio. Yes.

Mr. TESTER. One of the previous speakers spoke about President Obama taking over our health care system with government health care. In the Senate bill we passed and that the House is about to take up, is there government health care in that bill?

Mr. BROWN of Ohio. Mr. President, there is already Medicare, which seems to work for a lot of people, and Medicaid, which seems to work for a lot of people. You have military bases in your State, as I do, one of the greatest Air Force bases in the country, and they have something called TRICARE that works pretty darn good. This isn't a takeover. This still allows lots and lots and lots of private involvement. But we have some government involvement in the health care system, I would say.

Mr. TESTER. Absolutely. We have Medicare and the VA and TRICARE and those kinds of things.

As far as government taking over the health care system, is there anything in the bill that would create anything different than we have now?

Mr. BROWN of Ohio. Not that I see.

Mr. TESTER. How about health care costs overall in this country. Does the Senator see those health care costs, if we do nothing, declining or going up?

Mr. BROWN of Ohio. They keep talking about our bill. Health care costs will go up. Health care costs are going to go up a lot faster. It doubled in the last 7 years, and it will double again, if we do nothing, in the next 6 or 7 years. Who is going to pay for that?

Mr. TESTER. Exactly. How about insurance companies. If we do nothing, is there going to be accountability for health insurance companies in this country?

Mr. BROWN of Ohio. If you count accountability, still allowing them to cut people off for preexisting conditions, no. It allows them to keep abusing the system the way they have.

Mr. TESTER. What happens to Medicare? If we do nothing, where is it headed?

Mr. BROWN of Ohio. It is more and more expensive. If you follow what some of my colleagues want to do, they want to privatize it further.

Mr. TESTER. Isn't it a fair statement that doing nothing is not an option here?

Mr. BROWN of Ohio. To me it is. Clearly, if we do nothing, small businesses are going to get creamed, taxpayers are going to get hurt and, most importantly, patients.

Mr. TESTER. I thank the Senator for his comments.

I rise today with some startling news from the State of Montana. I do not think it is singular to the State of Montana. It is news that drives home the need to get a handle on America's health care problem.

Being a Senator is a tough job, but it is not the toughest job I ever had. The toughest job I had was serving on a school board back in Big Sandy, MT. I also am a former teacher. So as a former school board member and a former teacher, I appreciate the long, hard, often thankless hours teachers put in. To say they are not the highest paid profession would be an understatement.

I was shocked when I heard about the bad news hitting teachers all across Montana. This week, my staff and I spoke with folks such as the ones in Elysian school district in Billings, MT. Employees there just received word that their health insurance rates are going up, and I mean way up. Normally, a big rate hike might be something like 10 percent or 20 percent. Sometimes we hear folks getting slammed for 30 percent or 40 percent. But the rates of the folks in Elysian are skyrocketing this year by 69 percent.

And you think that is bad. Talk with the folks in Hinsdale or Saco, MT. They just found out their rates are going up, too, by more than 70 percent. Then in the Nashua school district, rates are going up by 72 percent. The rate given to those employees who purchase family insurance is going up by 83 percent.

Let me repeat that. Health insurance rates are going up by 83 percent in 1 year. For those in Congress who think nothing is the best option when it comes to health care, I have one question: How much more of their paychecks are Montanans supposed to fork over before Congress finally reforms our broken health care system?

The folks I am talking about do not belong to any big nationwide corporate insurance system. They are not paying for anyone's big million dollar salaries or lobbyists or advertisements. It is just the cost of health care going through the roof that is breaking these Montana families.

For those in Congress who say the American people do not want or need reform, let them talk with the folks I

have talked with, such as the teachers seeing these rate increases, such as the Montanans being forced to sell their family farms and ranches because of medical bills, such as the Montana small business owners who cannot afford to insure their employees.

On Christmas Eve, I stood in this Chamber and cast a vote to keep government out of health care, to cut the national deficit, to hold insurance companies accountable, to strengthen Medicare, and to slow the rise of health care costs. I am very proud of that vote.

This week, after months of listening, debating, and voting, Congress has a chance to work together to get something done. If Congress does nothing, we know what will happen: Medicare will go bust. Costs will continue to break Montana families and this country, and no one will hold insurance companies accountable. And year after year, hard-working Montanans will continue to see more of their hard-earned paychecks eaten up by health care costs.

I am not in the do-nothing camp, especially when hard-working Montana families are trying to make ends meet with 83-percent rate hikes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, we are in full mode on health care reform. I am going to stick to that subject this afternoon. I have heard my colleagues say a couple of things I am going to emphasize, but I am going to have a different take on some of this as well.

It is not that I actually am writing down what some of my constituents in Delaware have said to me about health care and concerns about our legislation which may or may not pass, but among the things I heard is: We have the best health care system in the world; why mess with it?

I heard: What we are going to do will be government run, it will be government funded and the government doesn't do anything well.

I heard concerns about the size of our budget deficits and how this is going to add to those budget deficits and make them worse.

I heard folks who expressed concerns about whether we would be robbing Medicare to provide health care to illegal aliens and other folks and set up death panels.

I heard concerns about abortion on demand and using tax dollars to pay for that.

I heard we are not going to do anything on medical malpractice reform, and we ought to do something.

I heard a lot about process, how we are going to use the process of reconciliation, the House might use a process called ''deeming'' in order to pass health care reform legislation.

Let me take these one at a time.

Do we have the best health care system in the world? Sadly, we do not. Did we ever? I am not sure we ever did. We do not have the best today; we have the most expensive.

A couple weeks ago, I hosted exchange students from all over the world, including Japan. We talked about a lot of issues. One of the issues we talked about was the health care system, what ours is like and what theirs is like. There were kids from Japan. In Japan, they spend about half of what we do as a percentage of GDP. They spend about 8 percent of GDP for health care. We spend almost 16, 17 percent. They get better results. It is not even close. By any objective measure, they get better results. They cover everybody. We have 40 million or 45 million people whom we do not cover. Think about that. They spend 8 percent of GDP, we spend twice that much; they get better results than we do and they cover everybody. We have a lot of people who are not covered.

My thinking in reflecting on that, the Japanese are smart people but they cannot be that smart and we cannot be that dumb. We can do a lot better than we are doing.

Does it have to be government run or government funded? We actually have a system in this country that is government run and government funded, and it is called VA. I am a Navy veteran. The VA system is a great system. It is not inexpensive, but it is a great system for our veterans. The closest thing to a government-run system is VA.

Look around the world at other health care delivery systems. One that is government run and government funded, where the government pays for stuff and basically you show up and get care and are provided for by government doctors and government nurses is Great Britain. We are not interested in doing that here. We are not interested in making the rest of our health care delivery system look like the VA.

What we are trying to do is borrow from something that works, and that is creating large purchasing pools, much like we have for Federal employees, including us, but it is a large purchasing pool of about 8 million people. We only get to choose from for-profit health insurance products. A lot of companies want to sell their products to us. We have very low administrative costs because when you have 8 million people in a purchasing pool, you drive down the administrative costs.

The role of government I think is to row the boat, not steer the boat. I think those are the words of David Osborne—row the boat, not steer the boat. The role of government is as Lincoln said. Lincoln said the government should do for the people what they cannot do for themselves.

What we propose to do in our legislation is to replicate what works, to take this idea of a large purchasing pool and say to every State: We want you to create a large purchasing pool. We will call it an exchange. In the military, if you go to an exchange, you go on base to buy something. We talk about an exchange where people go over the Internet to buy health insurance.

Who can do it? Small businesses, individuals, families, people with coverage, without coverage. They will have a bunch of health insurance products from which to choose. It will not be government funded or government run, but they will have a lot of choices. The idea there is to get the kind of competition in each of those State exchanges we enjoy as Federal employees under the Federal health benefits plan.

Some would say we ought to be able to sell or buy health insurance across State lines. I am sympathetic to that argument. What we do in that legislation—use Delaware as an example. Our neighboring States include Maryland, Pennsylvania, and New Jersey. Currently, we cannot buy health insurance products that are sold in New Jersey, Maryland, or Pennsylvania. But under this legislation, Delaware can enter into an interstate compact with Maryland or New Jersey or Pennsylvania or all of the above. We would create a large purchasing pool, a regional purchasing pool with millions of people in it to help drive down administrative costs, and the insurance sold in those four States could be sold across State lines, increasing the number of options and increasing consumer choice and competition that I think will benefit not the insurance companies but consumers.

A side note here. The beauty of having a large purchasing pool, such as the one we are in, the Federal Employees Health Benefits Plan, is that our administrative costs are 3 percent of premium dollars. If we were to go on the outside and try to buy for a family or small business, we would not pay 3 percent administrative costs—maybe 33 percent but not 3 percent.

What we want to do is replicate what works. Large pools work, the ability to sell across State lines works, the idea of having a lot of options for consumers works. In fact, to take it one step further, among the health insurance plans that we can choose from as Members of Congress or Federal employees, Federal retirees, or dependents are multi-State plans, almost like national health insurance plans. They will be offered on the exchanges so people who are buying their health insurance in my State, Illinois, Alabama, or any State in the future may be able to choose from amongst the same plans that Members of Congress can choose.

Another concern that has been raised that has already been addressed by previous speakers—and I want to mention it again—is that we are going to further blow up the national debt. In the first 8 years in the last decade, from 2001 to 2008, we literally ran up as much new debt as we did in roughly the 208 years of our Nation's history. We are adding to that every day. It is an enormous concern to me, and I know it is to our Presiding Officer and to others.

As it turns out, the referee for us when we pass legislation, whether it is

tax legislation or whether it is spending legislation, is the Congressional Budget Office. It is not Democratic or Republican. If I want to cut taxes or raise taxes, if I want to cut spending or raise spending, I have to go to the Congressional Budget Office and ask them to tell us what the estimate is, what it will actually do to the deficit going forward.

Whenever we have tried to offer different approaches on health care reform legislation, we had to go to the Congressional Budget Office and say: What is going to be the impact on the budget and the deficits going forward? They have dutifully, for months now, been scoring the different approaches.

The approach we have already voted on in the Senate for the most part—and in the House they will be taking up this weekend—the Congressional Budget Office has announced this morning that the legislation, when you put it all together, does not increase budget deficits. They are saying it lowers budget deficits I think in the next 10 years by about almost $140 billion. It is a $140 billion deficit reduction over the next 10 years.

The real question, though, in my mind, is: What does it do for the 10 years after that? For the 10 years after that, the CBO says the deficit will be reduced over those 10 years by as much as $1.2 trillion. Think about that. It is hard to estimate with any great accuracy what we are going to do over the next 20 years. I would much rather be looking at estimates that say deficits go down by $138 billion in the first 10 years and deficits down by another $1.2 trillion in the next 10 years. I would rather be looking at the arrow going that way than the arrow going the other way.

Think about it, though. I think what CBO is telling us is that the budget savings in what will be this final combined legislation will save more money, reduce the deficit by more than either the House or Senate bill. This legislation will cover more people—95 percent of the people in our country—than either the House or Senate bill. They also add that it will make insurance more affordable for a lot of people and better quality health care, better coverage for a lot of people.

Another concern we have had is what we are going to do will somehow badly damage Medicare. Medicare, as we know, is running out of money. It is estimated to run out of money in about 7 or 8 years. I believe this legislation will pretty much double the life of the Medicare trust fund; not forever, but it will double it. That is a pretty big step in the right direction.

We need to do more, and we will be coming back to this later this year when the Presidentially appointed and congressionally appointed deficit panel comes back with a recommendation.

Some of my senior citizens said to me: I am concerned you will be taking a lot of money out of the Medicare trust fund and reducing services to us. What we are doing is we are trying to say to Medicare Advantage Programs that are spending, in some cases, way more money than I think can be substantiated or supported, that they are going to be getting less money. And they do not like that. It is not for all Medicare Advantage programs but the ones that get the highest premium dollars and the most support from taxpayers that are going to get less money in the future.

Another concern about Medicare, though—one of my concerns—is that we don't do a very good job of primary care in this country. A lot of people never get a physical in their life. They never get an annual physical.

I became a Navy midshipman at Ohio State when I was 17 years old. I think almost every year of my life since then I have gotten a physical. I was in the Navy for about 27 years, so all those years and even now I get an annual physical. I know my colleagues do as well. We have a lot of people who never get a physical in their lives.

A few years ago, when we adopted the Medicare prescription drug legislation, we said Medicare beneficiaries, Medicare recipients should get at least one physical in their lives. Now, under current law, when they turn 65 and join Medicare and are eligible, they get one physical under the Medicare Program. That is it. If they live another 40 years, they do not get another physical provided for by Medicare. This legislation we will pass, every year a person who is eligible for Medicare will be eligible for a physical. That is the kind of preventive care and prevention we need to do.

The Medicare prescription drug program, if you happen to be poor, is a really good program. If you happen to use a whole lot of expensive medicines, it is a pretty good program. If you happen to be somewhere in between, it is not such a good program because of the so-called doughnut hole, where if a person's prescription drug costs exceed $2,500 a year, up to about $5,500 a year, Medicare doesn't pay for any of that. In the legislation that is before us, Medicare will dramatically increase its participation and support for prescription drug costs for people who run in that area between $2,500 and $5,500 on their prescription drug costs. They call it filling the doughnut hole. And over time, I hope we will fill it completely, but this will at least get us started in the right direction.

Another problem I hear about with regard to our health care system is that doctors are doing what we used to call in the naval aviation trying to protect their 6 o'clock or cover their 6 o'clock, which means protecting themselves from lawsuits. They provide more tests, more visits, more MRIs, more everything—more lab tests, you name it—in order to reduce the likelihood they will be sued. I don't blame them, but it runs up the tab for health care. It is the cost of defensive medicine, and we need to do something about that. We need to try to do anything in terms of figuring out what works to reduce the incidence of medical malpractice, what works to reduce the incidence of defensive medicine, and what works to improve outcomes. While we reduce lawsuits, reduce defensive medicine, how can we do that and improve outcomes?

There are some pretty good laboratories of democracy out there in the States. As an old Governor, I like to look to the States to see what is working.

Let's say the Presiding Officer is my doctor in Michigan. At the University of Michigan, he performs a procedure I don't like. He botches it, and the outcome is bad for me, and he knows he screwed up. In Michigan, they provide an opportunity for the doctor and the patient to have a chance to meet in private. The doctor will apologize, he will offer a financial settlement to the patient, and the patient accepts it—either they can or they can't—and that has reduced by 50 percent the incidence of medical malpractice lawsuits. Most of the offers are accepted, and most patients feel it is a pretty good thing. That conversation that takes place between the doctor and the patient can never be used in a court of law against the doctor. And that works.

We have what are called certification panels in a number of States. They are a little different from State to State. For example, ''Dr. Burris''—actually, Senator BURRIS—performs on ''patient Carper'', in one approach, a procedure I don't like. I am unhappy with it, and I want to sue him. Before I can go to court, I have to go to a certification panel. Some have a right to say: You don't have a case. That is it; you are out. Others can say: You can go forward, but if you lose, you pay the doctor's legal fees. Others say: Well, bring the case to the certification panel, and if they say you don't have a case, you can still go forward. That is pretty much the approach in my State, and it has literally cut by 40 percent the number of medical malpractice lawsuits.

There are other ideas out there—health courts. We have bankruptcy courts where the judges are lawyers. How about health courts where the judges are medical specialists. Another idea which I think has a lot of virtue is what we are calling safe harbors. Again, a doctor is working with a patient and does everything he or she should have done—or a nurse or hospital—given the symptoms and the medical history and all. Everything is done by the book; everything that should have been done is done. The idea is to provide the doctor a safe harbor from lawsuits, allowing that doctor at least a rebuttable presumption.

Those are all ideas that are working in different places around the country—maybe around the world but especially around the country. Let's figure out which of those will work best to reduce medical malpractice lawsuits, reduce the incidence of defensive medicine, and improve outcomes. And there

is money in the legislation before us to robustly demonstrate and test those approaches and figure out which ones work best and try to replicate those all over the country.

There is a last point or two I want to make. One of those is that if we can accept that we really don't have the best medical system in the world, that we actually do have the most expensive and we don't get the best outcomes—we can get by that argument; if we can sort of get by the argument that what we are trying to do is to set up a government-funded, government-run system; if we can get by the idea that not only are we not exploding the deficits but that we will reduce them by $138 billion, roughly, in the next 10 years and maybe another $1.2 trillion in the next 10 years after that; if we can get by the idea that we are not stealing money out of the Medicare trust fund and paying for abortions and health care for illegal aliens; if we get by the arguments that we are not doing anything on medical malpractice or reducing the incidence of defensive medicine, well, then, what are we arguing about? Well, what we can argue about is process. We can argue about process. And we are having a big argument about that today.

While I won't get into all the details of this process called reconciliation, it is basically used at the end of the budget process to reduce deficits. It pretty much focuses on deficits—either raising revenues or reducing spending in order to reconcile the budget deficit and make it smaller.

It sometimes is used to pass major legislation. When the Republicans were in the majority here, we used it to pass welfare reform legislation and to create the Children's Health Insurance Program. When the Republicans were in the majority, we used it to provide for major tax cuts adopted during the Presidency of George W. Bush. Those were all adopted during reconciliation. I think maybe 20, 22 times, since 1980 or so, reconciliation has been used to pass significant legislation, and 16 out of the 22 times were when our Republican friends were in the majority—not Democrats but Republicans—and we didn't hear criticism of using reconciliation as an approach during those times.

Let me say that I objected when the idea was first raised about using reconciliation to pass comprehensive health care. I have been vocal about that. I didn't like that. It is the wrong thing to do. We end up with legislative Swiss cheese because through the reconciliation process it is hard to legislate prevention, primary care, insurance reform, and those sorts of things. That process doesn't lend itself to health care reform legislation. So we have proceeded along regular order here and passed health care legislation, unfortunately on a partisan basis—60 to 40—at Christmastime last year.

I must say that one of my great regrets here is that we didn't pass a bipartisan bill. We would have had a better bill if we had a bipartisan bill. But it is what it is.

Over in the House, they are trying to determine whether to deem the legislation as passed, through some kind of process in the Rules Committee. But where did they get that idea? Well, they got the idea from when the Republicans were in majority in the previous Congresses. It worked a number of times for them, so maybe the House Democrats will use it as well. There is an old saying that imitation is the most sincere form of flattery. In this case, for better or worse, I think we are seeing the Democrats trying to emulate what our Republican colleagues have done in past Congresses.

One last point on focusing on what works. I took a day and went to Ohio State. I spent some wonderful years of my life in Ohio. I went to Cleveland a time or two, but I went back to Cleveland last year to the Cleveland Clinic.

I had been hearing a lot about Cleveland's clinic and the Mayo Clinic and Geisinger Health Care from Pennsylvania and how Kaiser Permanente in California and Intermountain in Utah and these big health care delivery systems are able to deliver better health care and better outcomes for less money. I was intrigued by that, so I went to the Cleveland Clinic to spend a day with them. I found out that the health care delivery systems in Cleveland and at the Mayo Clinic and Geisinger and Intermountain are all pretty similar. They have a number of things in common. First of all, their doctors and nurses are all on salary. They are not out there as free agents, they are all on salary—for example, at the Cleveland Clinic. Second, they focus on primary care. Third, they focus on prevention. They focus on wellness. All the patients have electronic health records. They coordinate their care. They focus on diseases such as diabetes, cancer, heart, pulmonary, and they treat them in a holistic way. They coordinate their care and the delivery in those places, and they get a better result for less money.

They have been able to go to high-cost areas—for instance, Mayo went down to Florida to provide health care down there in a high-cost area, and they replicated what they do in Minnesota.

Part of what we try to do in this legislation is to incentivize other health care delivery systems in the country—other than the ones I have mentioned—to learn from what works to lower health care costs and provide better outcomes in Minnesota through Mayo, at Geisinger in Pennsylvania, and so forth.

Let me close with this, if I can. I was invited to attend the Delaware annual agricultural dinner about a month ago in Dover. It is an annual event. Probably those kinds of things happen in Illinois, in North Dakota—I know they have them in North Dakota—and in Alabama as well. People had already gone through the buffet line by the time I arrived—I was a little late—but as I went through the line to get my food, a guy came up to me and said: Don't vote for any health care. Don't vote for any health care. I said: Why? And he mentioned some of the arguments I have raised here before.

So I thought about that as I sat down and was eating my dinner, and when I was announced and got up to speak to the audience that night, I said: I know some of you aren't in favor of our doing anything on health care because you have heard the argument that it is going to blow up the deficit or you have heard about death panels and you name it—all this stuff. Let me just ask you this. You raise food. You are farmers. You feed us, and you are pretty good at it, too, because too many people in this country are overweight. I said: Let me change this from talking about health care to talking about food. Let's put it in a food context. What if we lived in a country where we paid twice as much for food as every other nation—twice as much. What if we lived in a country where the food was not as good—in fact, it was so bad it was unhealthy for us. What if we lived in a country where 40 million people went to bed every night hungry. What if we lived in a country where tens of thousands of people died every year because of starvation. What if we lived in a country where our goods and services—the products we are selling in marketplaces in the world—cost way more money, our cars cost $15,000 or $20,000 more than cars they build in Japan because of the cost of food in our country. What if the rest of us paid more money for our food—maybe a thousand more for our food per year—to provide food for other people who didn't have anything to eat. That is pretty much the situation we are in in this country, but not with respect to food, with respect to health care.

We can do better than this. The legislation we passed, that is before the Congress—before the Senate and the House—if we pass it, will not be perfect, but it is sure going to be better than our living in a nation where we pay twice as much for health care as any other advanced nation, where they get better results and they cover just about everybody and we don't. They can't be that smart and we can't be that dumb. Hopefully, not just with this legislation but with what may flow from it, we will improve on it in years to come, and we will show just how smart we have become.

I yield back.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. May I ask the Senator from Alabama a question. How much time does he intend to use?

Mr. SESSIONS. Mr. President, I think 7 minutes.

Mr. SCHUMER. Mr. President, I make a unanimous consent that immediately after the Senator from Alabama speaks, I be recognized for 5 minutes.

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

The Senator from Alabama.

HEALTH CARE

Mr. SESSIONS. Mr. President, I was pleased to listen to the remarks by my good friend and most respected Member of the Senate, Senator CARPER, about his analysis of the health care reform bill that is before us. I would say I disagree on a number of areas.

First, I disagree that we do not have the best medical care in the world. Yes, we have people who are overweight. We have a higher homicide rate. We have other problems that affect health. But if you are treated, you get the best health care all over. Even in rural areas of Alabama you get well-trained physicians and nurses who can give you first-rate care. I reject that. But I do agree we pay too much. I hoped that would have been a basis for our bipartisan agreement as to how we can execute some changes that would help bring down the cost and create a more effective health care system. I certainly think we should go in that direction.

I do think it is important that the American people believe the process is legitimate. The President said—I suppose in his interview yesterday; I saw it this morning—basically: I don't care what the process is. Just do it, House. You can deem a piece of legislation that is not a part of the bill, and just make it law by deeming it without actually putting it up for a vote or amendment or a process. That is historic. They say it has been done before.

I am hearing from my constituents: I do not care what you have been doing before. We expect you guys to honestly bring up legislation, honestly vote on it, and not sneak it through in the dead of night without people having a chance to read it, without fully knowing what it means.

That is a legitimate request and demand from the American people that I am hearing. I think it is true all over the country. Even in Massachusetts, Senator BROWN said: This bill is no good, and I am running against it. If you elect me as the Senator from Massachusetts, I am going to vote no. He was elected by a big margin in a stunning development. The American people are unhappy about this.

What I wanted to take a minute to talk about, and this is very important, the Speaker today, just a few hours ago, reiterated that this legislation would create a surplus. If it is going to ensure 30 million more Americans, if it is going to close the doughnut hole and is going to do all these things, how can that be? The American people are dubious at best about that claim. But they say the CBO says so.

With all due respect to my colleague from Delaware, that is not what CBO said. They have misrepresented the CBO's statement in one of the more dramatic flimflameries in history, I submit. I wrote the CBO. Right before I voted on December 24 I got a letter back that explained the details of how it could appear to be one thing when it is really another. I want to point that out right now.

This was a subsequent letter from them on January 22 of this year when asked about how to analyze the cost of this bill. I am quoting from a letter to me, JEFF SESSIONS, from the Congressional Budget Office, January 22, Doug Elmendorf, the Director—basically hired by the Democratic majority in Congress. He says:

> Thus, the act's effects on the rest of the budget—other than the cash flows from the HI trust fund, the Medicare trust fund—would amount to a net increase in the federal deficits of $226 billion over the same period.

A net increase in the deficit.

He goes on to say:

> Thus, the resources to redeem government bonds in the HI trust fund and thereby pay for Medicare benefits in some future year will have to be generated from taxes or other government income, or government borrowing in that year.

He goes on to say:

> Unified budget accounting shows that the majority of the HI [Medicare] trust fund savings under the PPACA—

That is this health care reform bill—

> would be used to pay for other spending and therefore would not enhance the ability of the government to pay for future Medicare benefits.

It goes on to say:

> Therefore, enacting the PPACA—

The health care reform bill—

> would increase debt held by government accounts more than it would decrease debt held by the public and would thus increase gross federal debt.

Here we have the Speaker of the House taking the floor again, repeating what the President and other colleagues are saying, that somehow this is creating a surplus. It is not. Let me tell you why and how they do it. Hopefully, I can take just a minute to do that.

Right before I voted in the Senate on December 21, President Obama said:

> And Medicare will be stronger and its solvency extended by nearly a decade.

Same statement, he says:

> The Congressional Budget Office now reports that this bill will reduce our deficit by $132 billion over the first decade.

That is basically the number they were using this morning; basically the number that has been referred to on the floor earlier today. This is how it is done and why that is a total misrepresentation of the ultimate significance of what we are doing. This chart does it.

What happens? With regard to the Medicare account, we are increasing Medicare taxes. That brings more money into Medicare. If this passes, everybody—upper income Medicare payers—will pay more money. So it is going to increase taxes.

Second, there has been a substantial reduction in Medicare benefits paid from this account. So, therefore, it creates a saving, right? You increase taxes into Medicare, you cut Medicare expenses, Medicare looks to be in better shape. That is true if we use the money to maintain Medicare, if we use the money paid in by seniors all over this country so when they retire they can have Medicare, and if we use that money to strengthen Medicare. But we are not using it to strengthen Medicare.

What are we doing with it? We are shipping it over to the Treasury so the Congress can spend it on a new health care bill. Obviously, we have a problem there.

How do we get money out? You heard people refer to the Medicare trust fund—and there really is one—and a Social Security trust fund—and there is one. There are bonds out there that Social Security holds in West Virginia. The surplus in Medicare is given to the Treasury. But something else is not mentioned because it is an internal debt, an IOU to Medicare, a bond back to Medicare. The U.S. Treasury owes Medicare for the money they borrowed, and Medicare is heading into default.

So what is going to happen? They are going to call the notes, they are going to call the IOUs, and take this money back.

What is going to happen to the U.S. Treasury when that happens?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. There is a unanimous consent the other Senator gets 5 minutes, and we will move at 2 o'clock to a vote, so——

Mr. SESSIONS. I am entitled to ask the Presiding Officer for it.

Mr. DORGAN. I am required to object. By a unanimous consent previously ordered, we have a 2 o'clock vote, and the Senator from New York has asked for 5 minutes.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. As a result of the conventions of accounting, it may appear this money can be spent twice, as Mr. Elmendorf said is happening. But the truth is, we cannot spend the money twice. It is increasing the debt, and there is no doubt about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I would like to start by saying how much I admire the family members of the victims of Colgan Air Flight 3407. They are an amazing group of people. They have advocated tirelessly for a year, making numerous trips to Capitol Hill, all in honor of the beloved loved ones who tragically lost their lives on a Buffalo-bound flight from Newark airport.

They have done this with intelligence, with focus, and, given their overwhelming grief—at least as far as I witnessed—no anger, which was amazing to me. I am sure when they go home at night there is a hole in their

hearts, and it would be quite human for many of them to be angry, but they have channeled all of that into an amazingly well-focused attempt that now is on the edge of success: to make our commuter flights safer.

We all remember the night over a year ago now when flight 3407 crashed in Clarence, NY, and claimed 50 lives. It is a tragic reminder that our Nation's aviation industry is not immune to tragic accidents. Last month the NTSB issued its final conclusion on the cause of the flight failure. The conclusion, though not surprising, based on the reports we have heard for almost a year now, is still heartbreaking.

The NTSB determined the probable cause of the accident was ''the captain's inappropriate response to the activation of the stick shaker, which led to an aerodynamic stall from which the plane did not recover.''

That is a heart-wrenching conclusion to hear because it means the accident was entirely avoidable.

The Senate Commerce Committee has included numerous important provisions, safety provisions, in the FAA bill. I am especially grateful to all the members of the committee, particularly the chair, Senator ROCKEFELLER, and the subcommittee chair, Senator DORGAN, for helping us obtain an amendment that I authored that will require all flight crewmembers to have more flying experience before they can be hired by an airline such as Colgan Air. The copilot can currently be hired by a regional carrier with as little as 250 flight hours. That is unacceptable.

The amendment will require the FAA to require that copilots have at least 800 hours of flying experience, and that experience will have to be performed in adverse flying conditions like those that flight 3407 met over a year ago on a cold, icy night outside of Buffalo.

Senator DORGAN, as I mentioned, was instrumental in helping to make the safety goals of flight 3407 family members a reality. I thank him and Senator ROCKEFELLER and their staffs for their hard work and leadership, not only on the crewmembers' experience but on the FAA bill as a whole. I would also like to thank all the cosponsors of the original bill for their support—Senators GILLIBRAND, LIEBERMAN, LEAHY, CASEY, COLLINS, SNOWE, KERRY, WYDEN, SCOTT BROWN, RISCH, BURRIS, and MERKLEY.

We firmly believe everyone flying a plane, both pilot and copilot, should have proper training and experience to handle adverse flying conditions.

NTSB concluded that the pilot and copilot's poor training was evident from the start of the flight when they incorrectly entered airspeeds in the aircraft's computer system. When the Q400 airspeed dipped to a dangerously low level, their reactions were of shock and confusion, not of problem solving. When the stick-pusher activated so the pilot could coax the aircraft out of a stall, he pulled back instead of pushing forward. His copilot did not recognize or correct any of his mistakes.

It is unacceptable that a passenger on a regional carrier should fly in less capable hands than a passenger on a larger commercial carrier, where hiring standards are considerably higher. That is why passage of the FAA bill is of utmost importance in the Senate. We need to bring all commercial air travel to the same level of safety.

I have said this before. It bears repeating. The families of flight 3407's victims have been almost saintly, and I do not say it lightly. They have taken this tragedy and turned it into this moment, a moment where we are on the verge of making critical reforms in airline safety that are long overdue.

If we pass this bill, we will make changes in airline safety that will impact the country for decades to come. The journey that these families have traveled has been too long and too hard to stop now.

In conclusion, I can never say enough about how humbled I am by the work of all flight 3407 family members. It is a tribute to their loved ones' lives that they continue to come to Washington to advocate for aviation safety, and I am honored to help in their cause.

Mr. FEINGOLD. Mr. President, the body will consider two amendments today that propose to limit some discretionary spending. Regrettably, both amendments contain significant flaws, and I will oppose both of them for that reason.

The amendment proposed by the Senator from Alabama, Mr. SESSIONS, and the Senator from Missouri, Mrs. MCCASKILL, propose to limit some discretionary spending over the next 5 fiscal years. However, those limits include a giant loophole, as the proposal includes a complete exemption for spending on the Iraq and Afghanistan wars. The proposal in no way requires that such funding be offset, or be subject to the usual supermajority thresholds that the Senate imposes on spending beyond that for which the body budgets. Under the amendment, spending on those wars is completely unrestrained, and would be added right onto the government's budget deficits.

This is not a small matter. To date, spending for those wars has totaled roughly $1 trillion and not one cent has been paid for. The cost of those wars has been added directly to our budget deficits, swelling our already mountainous public debt, and increasing the burden we are leaving our children and grandchildren to bear. The question of whether these wars are in the best interest of our national security is, of course, a primary concern. Having made the decision to pursue that course, though, we should not just shove the cost off on future generations. But that is just what this amendment would do.

The amendment proposed by the Senator from Arkansas, Mr. PRYOR, and the Senator from Nevada, Mr. REID, also limits discretionary spending, but it, too, carves out a loophole for the spending on these wars. While it doesn't provide the unlimited exception included in the Sessions-McCaskill proposal, it still permits another $150 billion to be spent on the Iraq and Afghanistan wars over the next 3 years without having to be offset.

Beyond the matter of pushing the cost of these wars on to our children and grandchildren, the war-spending exceptions included in these two amendments invite continued budget gaming that has been a byproduct of the supplemental spending requests submitted on behalf of war spending. Those supplemental bills have been used as a way to boost defense spending unrelated to the wars, circumventing the budget caps Congress has set as part of annual budget resolutions. Both of these amendments risk inducing more of the same.

I support establishing discretionary spending limits in law, and have done so in the past. But we should do so in a way that does not provide a massive escape hatch for hundreds of billions in discretionary spending.

Mr. INOUYE. Mr. President, the Senator from Arkansas has made a good-faith effort to address many of flaws in the Sessions amendment.

First, this amendment would require savings from discretionary spending, mandatory taxes and revenues.

Second, it wisely eliminates the requirement for a two-thirds majority to increase spending, leaving in place the supermajority 60-vote requirement already included in the budget act.

And, it reduces the amount of discretionary savings from the Obama request by more than half—to $77 billion over 3 years.

While it is a far better alternative to the Sessions amendment, I must still oppose it.

The matter for determining how much deficit reduction the country needs over the next three years should be left up to either the Budget Committee or the Deficit Reduction Commission. It should not be determined by an amendment on the Senate floor.

In addition, the burden of taking half the total cut from discretionary spending is too great when the real deficit problem has been caused by runaway mandatory spending and tax cuts for the rich.

The 3-year cuts of $77 billion in discretionary spending would still be crippling to the Obama budget plan.

The Senate should debate this matter on the budget resolution which the Senate is expected to consider next month, instead of on the FAA Reauthorization Act that is before us today.

I very much appreciate the Senator's efforts to achieve a more balanced amendment, but I regrettably must still oppose the amendment.

Mr. President, the amendment from the Senator from Alabama seeks to constrain discretionary spending at the levels agreed to in last year's budget resolution. He says his intent is to cap spending for the next 3 years. Now we all understand that discretionary

spending is likely to be frozen this year as the President has proposed, but this proposal goes way beyond what the President has recommended.

The President has proposed a modified spending freeze which caps nonsecurity related spending.

The President allows growth in homeland security; this amendment does not assume growth.

The President has requested more than $732 billion in his budget for National Defense for fiscal year 2011 including the cost of war. This amendment only allocates $614 billion.

Specifically, this amendment only allows $50 billion for the cost of overseas deployments. As such it fails to fully cover the cost of the wars in Afghanistan and Iraq as estimated by DOD for fiscal year 2011 by $109 billion.

While the proponents of this amendment note that it waives the $50 billion war allowance if we are at war, why does the amendment not support the full request? Some could interpret the provision to mean if we want to support our men and women deployed overseas we would need to get 60 votes. Does the Senate really want national defense to be hostage to a 60-vote threshold?

This is not the same as President Obama's plan. Over the 3 years in the Sessions amendment, the caps he would put into place are $141 billion below President Obama's 3-year plan—$50 billion below Defense, not including the cost of war, and $91 billion below nondefense spending.

If we adopt the Sessions caps we will have to gut the President's agenda for discretionary spending—education, green jobs, and homeland security.

The critical flaw in this amendment is it fails to do anything serious about deficits. It fails to address the two principal reasons why our fiscal house is out of balance.

It is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment fails to respond to either of those two problems. In short, this amendment is shooting at the wrong target.

Moreover, this amendment also wants to raise the threshold on discretionary spending increases to 67-vote approval allowing one-third of the Senate to dictate to the majority.

We already have a threshold of 60 votes required to increase discretionary spending above the budget resolution. I for one cannot believe the Senate wants to let a mere one third of the Senate dictate to the other two thirds whether there is a bona fide need for increased spending.

This is the wrong direction for this institution. Mandatory spending has increased substantially the last few years. Tax cuts for the rich have constrained revenues, but neither tax cuts nor mandatory spending increases would be subject to 67 votes.

The Senator from Alabama says this approach worked to help balance the budget in the 1990s. Well, that is only partially correct and it is critical that my colleagues understand the difference.

In the 1990s our budget summits produced an agreement to cap discretionary spending, but they also decreased mandatory spending and they increased revenues at the same time.

It was only by getting an agreement on all three areas of the budget at the same time that we were able to achieve a balanced budget.

Now let's be clear, many of our colleagues on the other side of the aisle are happy to put a cap on discretionary spending, but they don't want to put policies in place to make sure we have enough revenues to reduce the deficit.

Any honest budget analyst can tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, and nondefense and still not balance the budget.

Moreover, if we cut discretionary spending without reaching an agreement on mandatory spending and taxes we will find it very hard to get those who do not want to address revenues to compromise.

I want to remind my colleagues that the administration has just announced that it will create a Deficit Reduction Commission to help us get our financial house in order. It will look at both revenue and spending and find the right balance to restore fiscal discipline.

They will make their recommendations to the Congress and the majority leader has committed that the recommendations of that Commission will be brought to the Senate for a vote.

Rather than rushing to address only one small portion of the issue, the Senate should await the judgment of the Deficit Reduction Commission which will cover all aspects of the problem.

As chairman of the Appropriations Committee, I agree that everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

The Senate has already rejected this flawed plan twice in the last 2 months. This amendment hasn't gotten any better in the intervening period. It still is shooting at the wrong target. It still fails to address the real causes of our deficits and national debt. It is far less that the President has requested. I urge my colleagues once again to vote no.

AMENDMENT NO. 3453

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to the Sessions-McCaskill amendment No. 3453.

Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. McCASKILL. Mr. President, there are those in this body who will say vote for the side-by-side because it does more.

It does not. It is cover. It is very weak; 50 votes to waive. Everybody would love to go after mandatory spending. We do not have the will to go after discretionary spending. It is a joke if anybody thinks this body is ready to take on mandatory spending.

This is a very baby step to control growth by 1 percent beginning next year for 3 years. When you look at what State governments are doing and local governments are doing and what America's households are doing, and we cannot control growth of 1 percent for 3 years? We are cutting nothing. We are cutting nothing. Everyone in the country is cutting but here, where we print money.

This is a reasonable approach. If we cannot take this baby step, then we have got to admit to the American people we do not get what they are going through; we are completely out of touch.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senate has already rejected this flawed plan twice in the last 2 months, and this amendment has not gotten any better in the intervening time.

If we adopt the Sessions caps, we will have to gut the President's agenda for discretionary spending, including education, jobs, and homeland security. This amendment still fails to address the real causes of our deficit and national debt. It is far less than the President has requested. I urge my colleagues to once again vote no.

I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. All time has expired.

Mr. SESSIONS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr.

BYRD), the Senator from North Dakota (Mr. CONRAD), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 40, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—56

Alexander	DeMint	McCaskill
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bond	Gregg	Risch
Brown (MA)	Hagan	Roberts
Brownback	Hatch	Sessions
Bunning	Hutchison	Shaheen
Burr	Inhofe	Shelby
Cantwell	Isakson	Snowe
Carper	Johanns	Thune
Chambliss	Klobuchar	Udall (CO)
Coburn	Kyl	Vitter
Cochran	LeMieux	Voinovich
Collins	Lieberman	Warner
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker
Crapo	McCain	

NAYS—40

Akaka	Gillibrand	Murray
Baucus	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cardin	Kohl	Specter
Casey	Landrieu	Stabenow
Dodd	Lautenberg	Tester
Dorgan	Leahy	Udall (NM)
Durbin	Levin	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NOT VOTING—4

Bennett	Conrad
Byrd	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained. The amendment falls.

AMENDMENT NO. 3548

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to the Pryor amendment No. 3548.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask my colleagues to look at my amendment. It reduces discretionary spending caps by $77 billion relative to President Obama's budget in 2011, 2012, and 2013. It also requires the fiscal commission to find an additional $77 billion to reduce the deficit. It moves the vote from 67 back to 60, as it is under our normal Senate rules. It also increases the chances of a bipartisan agreement on deficit reduction. We need that around here. We need a bipartisan agreement on deficit reduction. This reduction could potentially add $13 billion more in deficit reduction than what the Sessions-McCaskill amendment does.

As much as I respect and appreciate all the work Senators SESSIONS and MCCASKILL did, I certainly would appreciate people voting for the Pryor amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we were within one vote of bipartisan legislation to help constrain the growth in spending and allow for growth but not quite as much. But Senator PRYOR's amendment is absolutely the wrong thing. It is a budget-busting amendment. It allows the Congress or the appropriating committees to spend $62 billion more than the present budget allows. It busts the budget. Second, it instructs the deficit commission to propose tax increases and entitlement cuts to fund increases in discretionary spending. That is not what the commission is supposed to be about. It is to try to get our entitlements back on sound footing, not to create money to spend on a new program.

I urge colleagues to vote no. It is not the right thing to do.

I make a budget point of order that the pending amendment contains matters within the jurisdiction of the Committee on the Budget. Therefore, I raise a point of order against the amendment under section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 70, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—27

Akaka	Dodd	Kohl
Baucus	Dorgan	Landrieu
Bayh	Durbin	Lincoln
Begich	Feinstein	Menendez
Bennet	Hagan	Merkley
Boxer	Harkin	Pryor
Brown (OH)	Johnson	Specter
Carper	Kaufman	Tester
Casey	Kerry	Wyden

NAYS—70

Alexander	Gillibrand	Nelson (NE)
Barrasso	Graham	Nelson (FL)
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Brown (MA)	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Burris	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Klobuchar	Shelby
Chambliss	Kyl	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Thune
Collins	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lugar	Voinovich
Crapo	McCain	Warner
DeMint	McCaskill	Webb
Ensign	McConnell	Whitehouse
Enzi	Mikulski	Wicker
Feingold	Murkowski	
Franken	Murray	

NOT VOTING—3

Bennett	Byrd	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 27, the nays are 70. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained. The amendment falls.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments on my leader time.

Without objection, it is so ordered.

HEALTH CARE

Mr. MCCONNELL. Mr. President, Democratic leaders in the House say they are giddy because of CBO's latest estimate of their $1 trillion health care spending bill. That is what you call trying to get out in front of the news. Because if you look at the details, if you look under the hood, you will see this latest bill is even more painful than the Senate bill that Democrats over in the House are afraid to take a vote on.

Democratic leaders are bragging about this bill's impact on the deficit. They say it reduces the deficit by $130 billion over 10 years. The more important question is: How do they get there? They get there with even higher taxes and even deeper Medicare cuts than the first Senate bill. Let me say that again. This second bill that is coming along has even deeper Medicare cuts and even higher taxes than the first Senate bill that over in the House they don't seem to want to have a recorded vote on.

Let's start with the Medicare cuts. The Senate bill Speaker PELOSI said Democrats are so afraid to take a vote on originally cut Medicare by $465 billion. That is the original Senate-passed bill that passed on Christmas Eve. The latest bill increases those cuts by $60 billion more.

How about taxes? The Senate bill the Democrats over in the House are so afraid to take a vote on raises taxes by $494 billion—$494 billion. The second bill coming along increases taxes by at least $150 billion on top—on top—of the $494 billion original tax increase.

So if you were worried about raising taxes in the middle of a recession, this bill raises taxes even more. If you were worried about cutting Medicare for seniors, this bill cuts it even more.

So here is how Washington works. Democrats want to spend trillions of dollars on this bill in order to save $130 billion 1 week after voting to add nearly that much to the deficit in a single vote. If Democrats are giddy about this CBO score, then they must get a kick out of higher taxes and Medicare cuts because that is what this bill will mean—even higher taxes and deeper Medicare cuts than the original Senate bill.

If wavering Democrats needed any more evidence that this bill is actually worse than the Senate bill, they got it from the chairman of the Budget Committee just this afternoon. If our Democratic friends in the House were counting on the Senate to fix the original Senate bill they don't want to vote for because it is so bad, I wouldn't count on the Senate. The Budget Committee chairman over here is already warning that if that reconciliation bill comes over to the Senate, it will have to go back to the House once again for changes. So don't count on us to fix this bill for you, I would say to my Democratic friends in the House. Don't count on us.

Republicans have been saying for nearly a year now that this bill is unsalvageable. The latest CBO score proves our point.

I would suggest the President not scrap his trip to Indonesia. He should scrap this bill and start over on a bill that Americans can embrace and that lawmakers from both parties will actually be proud to vote for.

Taking a bill that House Democrats are too embarrassed to vote for, adding more than $150 billion in new taxes and slashing $60 billion more from our seniors' Medicare and keeping sweetheart deals may make some Washington Democrats giddy, but that is not reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, the regular order is amendment No. 3475?

The PRESIDING OFFICER. That is the regular order.

The Senator has the right to call the regular order.

AMENDMENT NO. 3549 TO AMENDMENT NO. 3475

(Purpose: To reduce the deficit by establishing discretionary spending caps for nonsecurity spending)

Mr. INHOFE. Mr. President, I call up a second-degree amendment No. 3459 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 3549 to amendment No. 3475.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Wednesday, March 17, 2010.)

Mr. INHOFE. Mr. President, this is a fairly simple bill. I have spoken on the floor several times about this bill. As I made very clear before, and there is no sense debating it now, I have been opposed to some of the moratoria we have been talking about on earmarks because, No. 1, they don't save any more if you kill an earmark and, No. 2, it is something I have serious problems with in terms of our oath of office. We raise our hands, as the Senator from North Dakota knows, and swear to uphold the Constitution of the United States of America. We don't say we are disenfranchising ourselves from article I, section 9 of the Constitution, which is very clearly the responsibility of the legislative branch to pass or to introduce authorization bills and appropriations bills.

This bill—I do have quite a few cosponsors on this—is a proposal that would freeze discretionary spending at the 2008 level. Here is the reason I am doing this. President Obama and some of the Democrats had proposed that they would freeze the nonsecurity discretionary spending at 2010 levels. The problem I have with that is, this is after it has already been increased by 20 percent, so it is kind of a big deal. You increase it by 20 percent and then you freeze it. What I am doing is taking the same interpretation or the same definition of the nonsecurity—this would exempt Defense, Homeland Security, State, Veterans' Administration, and national security functions of Energy, so it is the same language that is in the Obama proposal, but I am taking it back to 2008. This would have the effect over a period of time, over a 10-year budget cycle, of reducing the amount by about—just under $1 trillion, $900-some billion.

So I wish to have this considered. I would inquire of the Chair if I am now in the queue or what is the status of this at this time?

The PRESIDING OFFICER. It is now a pending amendment.

Mr. INHOFE. All right. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, that is the pending amendment. We have other amendments that have been filed, properly filed, and we are hoping to have additional votes this afternoon.

What we hope to do is complete this bill this afternoon. We have a number of issues that I think are being resolved in meetings off the floor. It is now 3 o'clock, and I know the majority leader would very much like to complete this bill. This is the fifth day we have been on the floor trying to pass an FAA reauthorization bill that should have been passed 11 times previously but was extended 11 successive times. This deals with commercial aviation safety, airport improvement, infrastructure improvement, a passengers' bill of rights, so many very important things. Some have said: Well, this will not get done this year either. But after 5 days on the floor of the Senate, I remain with some hope that we can get this done if we could get a bit of cooperation from our colleagues who have amendments to come over and offer them and we will have votes on them and the Senate will make decisions and we will have a final vote on this bill.

This bill should not be controversial. It is bipartisan. It came out of the Commerce Committee with support from Republicans and Democrats, so we ought not have controversy on the floor of the Senate about when we will get this bill completed.

I know one of the issues that remains unresolved at this point are amendments dealing with what are called the slot rules at National Airport and the perimeter rule, kind of a complicated set of rules with respect to how many slots are allowed for takeoffs and landings at National Airport per hour and also how far those airplanes can fly because there have been some limitations with respect to the perimeter. There are fewer nonstop flights from Washington National. Most of the nonstop flights, particularly coast to coast, happen from Dulles Airport in this region.

There are amendments on the slots and the perimeter rule with respect to National Airport. I hope we can get this resolved. We decided not to address that issue in the Commerce Committee because it is very controversial and it is an open issue when we go to conference with the House because the House does address it.

The best approach, in my judgment, would be for those who wish to offer amendments on the slot and perimeter rules to withhold those amendments here, and we will reach an agreement when we go to conference on how we can create the Senate position in terms of what we want to do on these issues. It is an open issue and, undoubtedly, we can resolve it in conference. If we have eight amendments on slot rules and perimeter rules and debate them for a few more days, this bill may very well be a casualty of time.

After 5 days, I think the majority leader feels—appropriately—and I feel and I know Senator HUTCHISON and others feel as well that we want to get this bill done today. If people have amendments, come down and offer them and debate them. If they do have amendments they want to offer, I hope some epiphany will occur to suggest to them they do not need to come down and offer them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, while we are waiting for colleagues to come and offer amendments to the underlying bill, let me speak in morning business for as much time as I may consume.

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

Mr. DORGAN. I will relinquish the floor if colleagues come and wish to offer amendments to the FAA bill. That is what I prefer happen at the moment.

TRAVEL TO CUBA

Mr. President, I wish to visit in morning business about legislation that Senator MIKE ENZI from Wyoming and I have worked on now for some long while. It has 38 cosponsors, 38 Senators cosponsoring, Republicans and Democrats. It deals with the question of travel to Cuba.

As you know, what we have at the moment and have had since 1962 is a prohibition on the American people's ability to travel to the country of Cuba. Cuba rests about 90 miles off our shore. We have, obviously, had massive disagreements with the Castro regime for many years. In order to punish the Castro regime, we have restricted the rights of the American people to travel.

We can travel unimpeded to many other countries. We can travel to Communist China. We can travel to Vietnam, a Communist country. We can travel to North Korea, if you can get a visa to get in. No restrictions there. The American people just cannot travel to Cuba.

Let me describe the absurdity of this which leads Senator ENZI and me to offer this legislation. We have not offered it on the underlying bill today, but we will offer it on an authorization bill in the near future. With 38 cosponsors, we feel this bill would pass the Senate with some ease.

Let me point out that the New York Philharmonic Orchestra is the oldest symphony orchestra in America, founded in 1842. The New York Philharmonic Orchestra is one of our most renowned cultural ambassadors around the world. In 1959, the New York Philharmonic played in the Soviet Union in Moscow. Last year, the New York Philharmonic has also played music in Communist Vietnam. In 2008, the New York Philharmonic played music in North Korea. By the way, if anyone has a chance to go to YouTube and/or the Internet and look at the reaction of the North Koreans to the New York Philharmonic playing music in Pyongyang, it is extraordinary—quite a cultural experience for our country to send this philharmonic orchestra to those countries.

The only place they were not able to play was Havana, Cuba, in October 2009. Plans for those concerts had to be canceled. Think of that: the New York Philharmonic was able to go and play music in Moscow at the height of the Cold War, in North Korea, in Vietnam, but it wasn't able to play in Havana, Cuba.

Why? Well, we have had now, through 10 Presidencies, an embargo in place. An embargo has been in place that not only embargoes the movement of goods to Cuba but also punishes the American people by saying: You can't travel to Cuba. That is what Senator ENZI and I and 37 other Senators wish to say is inappropriate, and we want to lift those travel restrictions.

I understand the Castro government has restricted the freedoms of the Cuban people. I understand this country has no use for the Castro government. I have no use for the Castro government. I want the Cuban people to be free. I think the most likely approach to freedom for the Cuban people is to allow them to hear other voices, other than just the Castro government. Opening up Cuba to travel by Americans, it seems to me, will provide those other voices.

Mr. President, this chart shows we have under the current U.S. policy, criminal penalties for violating sanctions of travel to Cuba: 10 years in prison, $1 million in corporate fines, and $250,000 for individuals.

Well, let me show a few people who have run afoul of the law against traveling to Cuba. This is Joni Scott. Joni Scott went to Cuba. She went to Cuba with a church group to distribute free bibles in the rural areas—free bibles, distributing free bibles to Cuba. She got back to our country and, guess what. Our country sent her a letter because she was honest and said she had been in Cuba distributing bibles. She got a letter saying: We are fining you $10,000.

So we fine an American citizen $10,000 for going to Cuba to distribute free bibles? That is unbelievable.

But it is not just Joni Scott. Here is another Joan. This is Joan Slote. I have met both these women, by the way. Joan Slote was in her mid seventies when she went to Cuba. She was a Senior Olympian. She is a bicyclist, and she joined a Canadian cycle group to go ride a bicycle in Cuba. She came back and found out that her government was going to levy a $10,000 fine. Then, by the way, they decided to try to attach her Social Security payments because she hadn't responded. She hadn't responded because she had gone to her son's side, who was suffering from brain cancer, and she didn't get the mail. So this woman, for cycling in Cuba, was told she should pay her government $10,000 in fines.

This is Sergeant Lazo—SGT Carlos Lazo. We actually had a vote about Carlos Lazo on the floor of the Senate on an amendment I offered one day. He fled from Cuba on a raft, joined the U.S. Army and went to Iraq to fight for our country. He won a Bronze Star Medal fighting for America in Iraq. He came back to this country and discovered one of his children—he has young children who, by the way, were still living in Cuba—one of his children was sick. Sergeant Lazo wanted to go to Cuba to visit his sick child. Having won a Bronze Star Medal on the battlefield in Iraq, he was told by his government: You have no right to see your sick child in Cuba. Unbelievable.

So that is what we have, this restriction on travel to Cuba. Senator ENZI and I believe it is past the time, long past the time to eliminate it; to stop punishing the American people by restricting their right to travel.

The last chart I have is a photograph of an airplane that flies around distributing television signals into the country of Cuba. We have spent $¼ billion in our country sending television signals that the Cuban people can't receive because they are routinely blocked by the Cuban Government. We send television signals to the Cuban people to tell them how wonderful freedom is, when they know that by listening to Miami radio stations. We have spent $¼ billion doing it, and I have tried to eliminate that expenditure time and time again and have been unsuccessful.

Talk about government waste. Government waste even has cosponsorship in the United States on this issue.

The point is very simple. Senator ENZI and I, and many other Republicans and Democrats in the Senate, believe we ought to stop punishing the American people for the actions of the Cuban government.

Many years ago, we also had a complete embargo on all shipments and goods to Cuba, which included food, which I felt was immoral. So I and then-Senator Ashcroft sponsored a resolution that passed the Congress and became law that opened up just a bit in the embargo to say: You can sell food into the Cuban marketplace and ship medicine into the Cuban marketplace. You can do that, but it has to be paid for in cash, and you can't run the cash through an American bank. So running these transactions through European banks for cash, our farmers now have sold a substantial amount of commodities in the Cuban marketplace, just as the Canadian farmers have always done, and just as the European farmers have always done.

So just that little bit of change in the embargo, opening up opportunities to sell food and medicine into the Cuban marketplace, was a significant step. But I think this embargo has been an unbelievable failure, through 10 Presidencies, and I think it is time for us to decide the best way to promote freedom in Cuba—and I think 39 of us believe this in the Senate, having cosponsored the legislation, and many more would vote for it—is to stop punishing the American people, to stop restricting travel.

The Castro government will have a very difficult time if an onslaught of Americans go to travel in Cuba, and

Cubans hear other voices other than the Castro government. Again, we have tried to address this issue of travel for a long while. I would hope most who are engaged in this would hang their heads with some shame that we are spending our time tracking down someone who is under suspicion of taking a vacation to Cuba so we can levy a $10,000 fine.

What an absurd contradiction for a country that measures its health and freedom. What an absurd contradiction.

We have something down at the Treasury Department called OFAC Office of Foreign Assets Control. OFAC has the main mission of shutting down the flow of money to terrorist organizations. That is what they are supposed to be doing. The fact is, they have a Miami office, and for a good part of the last decade they spent 60 percent of their money trying to track American citizens who were suspected of vacationing in Cuba. Again, are we daft? Have we lost all sense? That doesn't make any sense to me at all.

We had a couple of colleagues from the Senate in the newspaper the other day encouraging people not to go. There is a trip to Cuba described in the paper—I believe they have a license to go—but some colleagues were encouraging people not to go. Well, with respect to China, for example, a Communist country, we have always said that constructive engagement through trade and travel is what will lead to greater human rights in China. That has always been the belief of this country. It is the way we deal with China, the way we deal with Vietnam, it is the way we would deal with North Korea if they would allow Americans in because we don't restrict the American right to travel to North Korea or Vietnam or China—only to Cuba.

Some of us believe it is an archaic, absurd contradiction for our country to continue doing this. I hope, perhaps, in the name of Sergeant Lazo or, perhaps, Joni Scott, or any number of others—and I didn't mention the young man from the State of Washington whose father died. His father had previously been a minister at a church in Cuba. This young man, when his father died and was cremated, took his ashes to Cuba to have the ashes placed on the grounds of the church his father served in in Cuba. He did that. That was his father's last wish.

When he came back to this country, he was tracked by his government and levied a fine. That is not what this government ought to be doing. So if the Congress can and will pass the amendment Senator ENZI and I have constructed, which has wide support in the Senate, I think we will have done something that is important.

Having said all that, I expect there will be things written tomorrow by those who watched these proceedings to say that this amendment is somehow sympathetic to the Cuban government. It is not. That is an absurd proposition. It is not sympathetic to anything except sympathetic to freedom for the American people. Let's stop punishing the American people for others' transgressions.

The fact is, the American people ought to have the right to travel where they wish, where they choose—and they generally do, with this exception. But what is happening now is that the Office of Foreign Asset Control—which is supposed to be tracking Osama bin Laden and other known terrorists and tracking their finances to try to shut down the financing of terrorism—is diverting its attention to see if they can't nab a couple of Americans who went to take a vacation in Cuba.

This country is better than that, and we can do better than that by passing the legislation I and Senator ENZI have authored.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FINANCIAL MARKET REFORM

Mr. DODD. Mr. President, I wish to take a couple of minutes, if I can, this afternoon. I realize we are getting toward the close of the end of the week, and Members will be heading off to their respective districts and States for the weekend. We will be coming back on Monday or Tuesday.

I want to take a couple of minutes, because next week we will be having a markup in the Senate Banking Committee of the financial regulatory reform effort that we have been involved in now for about 2 years.

It was 2 years ago this past weekend that the collapse of Bear Stearns occurred in 2008. Not that that was the beginning of the problems; that was merely the evidence of how deep the problems were. Of course, the events that unfolded in 2008 only confirmed what was happening in March was the beginning of a near total collapse of the financial system in this country.

During those last 2 years, we have had countless hearings and meetings, gathering information from all sorts of sources both here as well as around the country to determine what best steps we could take to see to it that the country would never again face that kind of near collapse of our financial system; to see to it that the tools would be there, so that when the next emergency arose, as it surely will to one degree or another, that the next generation would have the tools necessary to avoid the economic system sort of spinning out of control, as it did over these last 2 years; and, thirdly, to make sure that in our efforts to plug the gaps that created the problems in the first instance, and the tools necessary to deal with future ones, we were not going to strangle the financial system of our Nation so that we could not create jobs, have credit flow, capital move, so that our Nation could again prosper economically.

The interrelationship between our financial system and economic growth is inseparable. Without a strong and dependable, secure, safe financial system, the idea of economic growth in our country is, of course, a fiction. So we have a deep and serious challenge, as we have had over these past 2 years, to reform a system that has not been reformed since the 1930s. There have been various new regulators who have been added, additional restrictions imposed at one time or another, but not the kind of comprehensive view that I think the country expects in light of the events that have unfolded over the last couple of years.

As chairman of the committee over the last 36 months, since I became chairman in January of 2007, we have tried to respond to this issue, first in 2007, by focusing on the root cause of the problem. That was, of course, in the mortgage lending market, where mortgages were going out the door from lending institutions that the borrowers did not understand, and could never afford, and the lenders knew that at the time. As a result, we began to see the collapse of our economy when those mortgages were then securitized and sold to investors only to discover that, of course, these mortgages were worth a lot less than the rating agencies claimed they were. That was not a minor problem. We have now had 7 million people in this country who have had their homes in foreclosure. Many of them, if not most of them, will lose their homes as a result of what happened.

The unemployment rate has cost 8½ million people their jobs in this country, and in certain parts of the Nation unemployment rates hover around 17 percent, on average a little less than 10 percent.

There are good signs that are occurring that indicate our economy may be recovering at certain levels. But tell that to the person who lost their job today, lost their retirement income, lost their homes, lost that sense of self-worth and value that you can never put a pricetag on but is essential for our Nation's sense of optimism and strength in these difficult days.

For all of those reasons, we have tried to craft a bill here that deals with those goals of plugging the loopholes, the gaps, providing the tools for the future, and creating a system that will allow our economy to grow and prosper once again.

There are four major areas of the bill I have talked about. One is for once and all end the notion that any financial entity never can become so complicated, so interconnected, so big, that it has an implicit guarantee that the taxpayers of this country are going to bail it out when it begins to fail, or fails.

The $700 billion paycheck the American people wrote in order to stabilize our financial institutions in the fall of 2008 should never, ever happen again. The bill I have crafted, along with my colleagues, Democrats and Republicans, we believe achieves that goal. I owe a special thanks, a very special thanks to two of our colleagues, a Democrat and a Republican, who have worked over many weeks to try to do exactly what I have described doing for you, and that is to shut down the possibility that the American taxpayer will ever again be asked to write that kind of a check. So my thanks to MARK WARNER of Virginia, a new Member of this body, one who, in his previous life, before being the Governor of Virginia, worked in the financial services arena of our country and knows it well. His partner in this was another member of the Banking Committee, BOB CORKER of Tennessee, another new Member of this Chamber. He served as the mayor of Chattanooga, TN, a very successful businessman in his own right, who also understands these issues as well, if not better, than most Members who serve here, with all due respect.

The two of them have worked along with the Treasury Department and others. They have listened to an awful lot of people in crafting this title I and title II of our bill dealing with systemic risk and with ''too big to fail.''

In November I offered a proposal, what I called a ''discussion draft,'' for our consideration. Since that time we have modified that bill substantially as a result of the input and suggestions of Senators WARNER and CORKER—and others, I might add; not exclusively but they have been the leaders on this issue.

Earlier we had an independent agency with rule writing authority to address systemic risk. In our new version we created a Treasury-led council with the ability to make recommendations and rule writing. Senator SHELBY of Alabama, the ranking Republican and former chairman of the Banking Committee, made those suggestions. That is different from what existed in November. It is a stronger provision; it makes more sense.

Working with Senator CORKER and Senator WARNER, we have included his and Senator WARNER's ideas with respect to the power of the council to act as an early warning signal, and the establishment of a new Office of Financial Research at the Treasury Department to standardize, collect, and analyze financial data, to inform the work of the council. They were very worthwhile suggestions.

We have also taken Senator CORKER's and Senator WARNER's ideas on ending, as I said, ''too big to fail.'' We have a process in place for placing failing financial companies in receivership and liquidating them, unless they can go into bankruptcy. At Senator SHELBY's request, we have this mechanism available for any failing financial firm, not just those who were previously subject to heightened regulation.

The Fed's emergency lending authority has also been changed. At Senator SHELBY's request, we have significantly cut back on the Fed's use of its emergency lending authority, the so-called 13(3) section under the Fed rules.

No longer can the Federal Reserve Bank bail out a company such as AIG, which is what they did. Instead, the Fed must create broad programs subject to rulemaking and approval by the Treasury. Only then can the Fed lend against good collateral.

We have made a host of other changes, including in the area of credit rating agencies, audits of the Federal Reserve, Federal governance changes, securitization, credentialed supervision to protect the dual banking system, and on and on, of modifications to the November discussion draft that I offered last Monday as this new proposal.

The last thing I would do is claim perfection. I am trying to put together a bill that reflects the various ideas of our colleagues, necessary to garner the necessary support in order to move from the committee to the floor of this Chamber for further consideration. That is not easy. What I have tried to do is to maintain these principles of eliminating ''too big to fail,'' setting up that systemic risk radar operation, so we have far more early warnings of the kinds of looming problems that could threaten our economy and threaten the financial system of this Nation and others.

This bill does that in a very strong way. Again, I thank my colleagues, both Democrats and Republicans, for their contributions that are now reflected in the bill that I proposed on Monday, and it will be the subject of our markup of that bill beginning on Monday, late Monday afternoon, early Monday evening.

We made other changes as well. In November, I offered a proposal to create a free-standing consumer protection agency. I thought it made sense to do so. But there were suggestions that have come from my colleagues here, both Democrats and Republicans, to place that agency, renting space, nothing more than that, at the Federal Reserve.

There is a good reason for doing that, in my view, in terms of the budgetary authority and how we fund the operations. But I insisted that we have four major principles associated with consumer protection. I would remind my colleagues, never, ever before have we had a focused operation in this Nation that was dedicated to protecting the users of financial services.

We have all read about Toyota and the problems with its braking system. I am not here to characterize the legitimacy or the accuracy of those complaints. But what is not in doubt is that there is an agency of government today which exists which allows a consumer of a bad product, such as an automobile, or an appliance, or food they eat, to be able to register that complaint and get redress, so that other consumers would not be adversely affected by a bad product, a consumer product, something you buy, something you use, something you eat, something you drive, something you manipulate.

What we have never had in this country is a counterpart to that kind of protection when it comes to the mortgage you buy, the credit card you engage in, the loan you make, the check you deposit, the insurance policy you buy, or the stock you purchase.

This country deserves, in the 21st century, to be able to say to consumers of financial products, there is a place where we can offer some protection for those who might abuse you in the process, as happened in this most recent crisis.

But we try to do it in a responsible way, because we recognize there can be a conflict. I am not confident this happens as frequently as some might suggest, but if there is a conflict between the safety and soundness rules of a financial institution and the consumer protection of those who are the purchasers or users of financial services, we have now changed the proposal I offered on Monday.

This new proposal has our consumer protection agency renting space, if you will, at the Federal Reserve, but it is independent in its rulemaking, it is independent in its examination and its ability to have an enforcement of those financial institutions that have assets, particularly on examination enforcement above $10 billion, which means it will go after the largest institutions and the marketers of these financial products. But those principles of having a presidentially appointed director, confirmed by the Senate, having an independent source of funding, are now all reflected in this bill with the changes we have made.

There are other changes as well. For the first time, large financial companies will be subject to Federal examination enforcement as well. This means that for the first time, community banks will see their nonbank competitors examined and regulated on a level playing field as well. Small banks have a legitimate complaint, that they have been subject to regulation, but the nonbanks are not, and that is unfair.

Nonbanks also dispense financial products, and the users or the purchasers of those products ought to have the same degree of protection. Our bill that we presented on Monday does that.

There will be no assessments on small banks or large banks or nonbanks. The Federal Reserve will pay the freight of this agency. Concerns have been raised that somehow consumer protection will create safety and soundness. I already suggested to you, we have a mechanism here that I think will ease or eliminate any concerns people have about any potential conflict that could possibly occur.

The point I wanted to make in these two areas, one on ''too big to fail,'' systemic risk councils, looking at the consumer protection area, I have been listening carefully to my colleagues, all 22 Democrats and Republicans on the committee. We had over 50 hearings alone, I believe is the number, this past year on the subject matter.

Since November, it has been 4 months that have gone by with ideas that have been brought to the table, and they are reflected in this bill that I offered for consideration on Monday. Beginning on Monday of next week, we will begin the process of doing what we do here in this institution of the Senate, we will begin the so-called markup of a bill, where we sit around, all 23 of us, and try to narrow the differences that may exist as we try to come forth with a product for the full consideration of the Senate.

I am looking forward to the amendments that will be filed by noon tomorrow. It will give us the weekend to analyze those amendments, many of which I hope we will be able to accept to improve this bill; in others there may be differences that we cannot resolve in the markup of the committee.

But I have assured my good friend from Alabama, the ranking Republican on the committee, Senator SHELBY, that I am determined to get a bill, to do it in an orderly fashion, to have the markup of this subject matter which is so important to all Americans be done in a civil fashion, so we listen and respect each other as we craft these ideas to try and make a difference and see to it that we never again see our country face the kind of near brink of utter disaster that we came close to accomplishing as a result of the gaps that have existed in our financial regulatory system.

I thank my colleagues for indulging me these few minutes to kind of share with you some of the changes that have occurred since November in the draft we have offered. There are many more I have not gone into in these few minutes that are reflected in the proposal.

But it is a balanced bill, one that is designed to be fair and clear, one that will give us better lines of authority reflecting the changes that have occurred in our country over many years, allowing for a greater, I think, sense of confidence that certain things will be done.

One of the changes we made, my good friend from Alabama made the suggestion and I have included it in the bill. Up to now, the New York Fed, which is a very important regional Federal bank—the Chair of that bank has always been chosen by the very banks the New York Fed regulates. Under our proposal, the head of that New York Fed will be chosen by the President and confirmed by the Senate. That is a major change. I know it may not seem like much to others, but imagine the inherent potential contradiction that the very people you are charged with regulating decide who the regulator is going to be. This bill changes that, along with many other suggestions. Again, that one came from my friend from Alabama. I thank him for it, along with many other ideas reflected in the bill.

I know we have our differences. We have not resolved all of them, but that is why we are here—to resolve differences and come forward. I am confident we can do that and that we will end up in the next number of weeks with a financial reform package that will enjoy broad-based support in the Senate. We will work with our colleagues in the other body and offer to the President for his signature the first major comprehensive reform of financial services institutions since the Great Depression. The task is a huge one. It is daunting in many ways. The bill is almost 1,400 pages long. It is a reflection of weeks and months of work. It is not something crafted over the last weekend and thrown together. It is a reflection of hours and hours of consultation among Democrats and Republicans, stakeholders, advisers, and other people who bring a great deal of wealth and knowledge to this debate.

I felt the time had come to lay down a product and ask my colleagues to react to it, to ask those knowledgeable about the issue to examine it and then for us to get about the business we are sent here to do; that is, to change laws where they need changing, to strengthen regulators where they need strengthening, to create oversight and regulation where it is missing so that we can have a renewed confidence in our economic system. That was my goal at the outset. It is my goal with the presentation of the bill. It is my confidence that my colleagues will embrace this as well when we have a chance to cast final votes in this body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, I ask unanimous consent that the time until 4:15 p.m. be equally divided and controlled in the usual form and that at 4:15 p.m., the Senate proceed to vote in relation to the following amendments in the order listed; that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form; that the second vote in the sequence be a 10-minute vote and no intervening amendments be in order: Inhofe amendment No. 3549; McCain amendment No. 3475.

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

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. We will be voting at 4:15 on two amendments. Following that, we have 17 amendments en bloc that have been agreed to by both sides. We can't get them here and have them voted on because of objection, but by and large, they have been agreed on by both sides. Following that, the issue of the slot rules and perimeter—if we can find a way to resolve that, we should be able to finish the bill this afternoon. If not, if there are some who insist they intend to offer amendments, that will be problematic and we probably will not be able to finish this bill. This bill is about aviation safety, modernization, a passenger bill of rights. I hope that we will be able to have some cooperation by Senators—this is the fifth day we have been on the floor with this bill—to get this done today. I hope that will be the case.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3549

Mr. INHOFE. Madam President, in 5 minutes we will be voting on an amendment I have. I have explained the amendment several times. I first introduced it as S. 3095, the Honest Expenditure and Limitation Program Act of 2010. Let me say what it is. We will be voting, if this goes down, on the McCain amendment and another amendment like we voted on before. There is an honest difference of opinion.

What I thought would be appropriate is, since we will be voting, very likely, on another earmark amendment and since I don't think anyone is going to question the fact that defeating an earmark doesn't save a nickel, if we have an alternative that really does mean something, this would be our chance to vote on it.

What I would like to do is briefly explain what the amendment is that we will be voting on in a few minutes.

Some time ago, President Obama came out with his program where he said, during the State of the Union: I plan to freeze nondefense discretionary spending at 2010 levels. A lot of people applauded, believing that to be some type of a gesture that was a conservative gesture that would reduce spending when, in fact, it didn't because he was talking about the 2010 levels—that is after 1 year—and it has been increased by 20 percent. What he was saying is we are going to raise the nondefense discretionary spending by 20 percent and then freeze it. Rather than raise it by 20 percent and freeze it, the fiscally responsible thing to do is to go ahead and freeze it at the previous level.

Quite often, we have heard President Obama say what he inherited from the previous administration. I always hasten to say that, yes, there were some

deficits during the Bush administration. But the deficit in the first year of the Obama administration—about $1.5 trillion—is more than the last 5 years collectively of President George W. Bush. It is important for people to understand that.

We have an unsustainable debt. You are looking at someone who has 20 kids and grandkids. It is the next generation that is going to face it. We can't continue to do this. Yes, it is a nice gesture. A lot of people think you can eliminate earmarks and eliminate funding. That has nothing to do with it. You don't save a nickel. But you do with this. If we pass this amendment, we would be able to effectively reduce the expenditures over a 10-year budget cycle of just under $1 trillion.

What we are trying to do is have a freeze on discretionary spending at 2008 levels for all nonsecurity appropriations, worded the same way President Obama's effort was worded. The only difference is that we use the 2008 spending level. We have a lot of cosponsors. I hope people will seriously consider this. If they really want to reduce spending, this is their chance to do so.

I understand we have a vote that is coming at 15 after the hour; is that correct?

Mr. INOUYE. Madam President, in the name of reducing our national debt, this amendment offered by the Senator from Oklahoma seeks to freeze discretionary spending at fiscal year 2008 levels for the next 10 years.

While I understand and support the need to restrain discretionary spending as a part of the solution to our debt problem, this draconian approach is most certainly not the way to accomplish that task.

As I have said before, it is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment, as have several offered from the other side of the aisle, fails to respond to either of those two problems. For this reason alone, my colleagues should not support it.

We need a comprehensive solution to the national debt, one that addresses spending, mandatory programs, and revenues. Any honest budget analyst can tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, and non-defense and still not balance the budget.

Again, I remind my colleagues if we cut discretionary spending without reaching an agreement on mandatory spending and taxes we will find it very hard to get those who do not want to address revenues to compromise.

For exactly that reason, the administration has just announced that it will create a Deficit Reduction Commission to help us get our financial house in order. It will look at both revenue and spending and find the right balance to restore fiscal discipline.

They will make their recommendations to the Congress and the majority leader has committed that the recommendations of that Commission will be brought to the Senate for a vote.

If we adopt the Inhofe caps we will have to effectively eliminate the President's agenda for discretionary spending—education, green jobs, and homeland security. And this amendment would keep the spending caps in place for ten years. With one amendment, we would actually be tying the hands of the next administration as well.

In my time as chairman of the Appropriations Committee, I have consistently advocated for regular order. Regular order allows all of our colleagues to participate, debate and offer amendments to the appropriations bills. It allows the budget committee to play the essential role that it does. The Inhofe amendment turns regular order on its head.

This amendment fails to do anything serious about deficits. It fails to address the two principal reasons why our fiscal house is out of balance.

As chairman of the Appropriations Committee, I agree that everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

The Senate has already rejected a less draconian version of this plan three times in the last 2 months. I urge my colleagues to vote no.

The PRESIDING OFFICER. There is 2 minutes now evenly divided on the Senator's amendment.

Mr. INHOFE. All right. Well, Madam President, I will go ahead and take my minute.

This amendment is something that would reduce expenditures, do something about the deficit. I know there are a lot of my Democratic friends and Republican friends alike who would like a chance to do this. I know there is a feel-good vote coming up on earmarks, but that does not reduce anything in terms of the expenditures.

If you vote on an earmark, and you defeat the earmark, it does not cut the amount of money, but the underlying bill will go back to some bureaucracy. It can be the Department of the Interior. It can be the Environmental Protection Agency. It can be any number of departments. Then an unelected bureaucrat will be making that decision.

It was interesting the other day when, in a three-part series, Sean Hannity had on his program 102 earmarks. When he was all through—and I read all of these Monday on the floor—the interesting thing about it, what they all had in common was not one of those earmarks was a congressional earmark. They were all bureaucratic earmarks. That is where the problem is, not the congressional earmarks. So I am going to urge my friends to support a real effort, a sincere effort, and an effective effort to reduce government spending by voting for my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I yield back the time.

I make a point that the pending amendment deals with matter within the Budget Committee's jurisdiction.

I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)3 of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for the purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker
Crapo	Lugar	

NAYS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—3

Bennett	Byrd	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

AMENDMENT NO. 3475

The PRESIDING OFFICER. There is now 2 minutes, evenly divided, before a vote with respect to the McCain amendment.

Who yields time?

The Senator from Arizona.

Mr. McCAIN. Madam President, this is a very complicated and complex, difficult amendment to understand. It would place a moratorium on all earmarks on years in which there is a deficit.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the reason I proposed the previous amendment is because it would do something about the runaway spending and the deficit we have. It would have had the effect of reducing just under $1 trillion in a 10-year period.

This doesn't work. I know everyone thinks they want to jump on the bandwagon on earmark reform, but there is not any earmark that if you kill it, it saves one nickel. To me, it is deceptive to the public. For those people on this side of the aisle, I would only say that if you want to give President Obama that much more money to deal with, this is your opportunity to do it, because if you kill an earmark, it goes back into the bureaucracy and that is where he will have the choice.

The other night when we had the 102 earmarks that the ''Sean Hannity Show'' talked about, not one was a congressional earmark. So I don't think the votes are going to change but, nonetheless, nothing will be saved by this.

I yield back the remainder of my time.

Mr. VOINOVICH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3475.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Viriginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 70, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—26

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Brownback	Enzi	McCain
Burr	Feingold	McCaskill
Chambliss	Graham	Risch
Coburn	Grassley	Sessions
Corker	Hatch	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

NAYS—70

Akaka	Gillibrand	Nelson (NE)
Alexander	Gregg	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hutchison	Reid
Bingaman	Inhofe	Roberts
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown (MA)	Kaufman	Shaheen
Brown (OH)	Kerry	Shelby
Bunning	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lugar	Webb
Dodd	McConnell	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NOT VOTING—4

Bennett	Murray
Byrd	Rockefeller

The amendment (No. 3475) was rejected.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for 20 minutes.

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

SUNSHINE WEEK

Mr. GRASSLEY. Madam President, there is finally some sunshine on the Capitol dome today, and it is a welcome change from all the snow we have had this winter, so it is appropriate that this is Sunshine Week. But that is not a reference to the weather. Sunshine Week is a nonpartisan, open-government initiative led by the American Society of News Editors.

It is a good time, then, to talk about congressional oversight and the need for Congress to keep a watchful eye on the executive branch. That is what oversight is all about—checks and balances in government.

I would like to refer to the President's inaugural address and use it as a benchmark for measuring sunshine in government. President Obama promised in the inaugural address to bring more sunshine to the Federal Government, and I want to quote him.

> Those of us who manage the public's dollar will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.

So let's just see how what has taken place in the last 15 months measures against this very good standard the President set in the inaugural address. I couldn't agree more with the President on what he said. The government should do its business in the light of day. Unfortunately, in my work, I have noticed no improvement in the openness of the Federal Government.

One vital step the President could have taken to ensure greater transparency would have been to order agencies to be more forthcoming in responding to requests from Congress—not just from this Senator but from any Senator. He could have instructed them to review and revise some of the secretive policies that have developed over the years. These policies are not required by law and simply serve to frustrate the ability of Congress to gather information we need in order to act as a check on the power and responsibilities of the executive branch. However, the President has apparently not taken that step because the agencies have been as aggressive as ever in withholding information from Congress.

Throughout my career here in the Senate, I have actively conducted oversight of the executive branch, regardless of who controls Congress or the White House. So that means, for me, as a Republican, I feel I have been just as aggressive, or more so, with a Republican President as with a Democratic President because it is our constitutional duty as legislators to do this.

These issues are typically about basic good government and accountability. They are not about party politics, and they surely aren't about ideology. The resistance is often fierce—resistance from the bureaucracy, that is—protecting itself in what the bureaucracy does best. It loves to protect itself from scrutiny, and it works overtime to keep embarrassing facts from Congress and, in turn, from public scrutiny.

When the agencies I am reviewing get defensive and refuse to respond to my requests, you know what. It makes me simply wonder what they are trying to hide. They act as if documents in government files belong to them. These unelected officials seem to think they alone have the right to decide who gets access to that information—collected, by the way, at taxpayers' expense. Well, I have news for them. These documents in the government files belong to the people, and the elected representatives of the people have a right to see them. That right is essential to carry out our oversight functions under the Constitution.

I had hoped President Obama's commitment to a more open government would mean major changes that would enable more effective congressional oversight. As he said in his inaugural address, those who manage public dollars ought to be held to account and do business in the light of day. But actions always speak louder than words. Given my experience in trying to pry information out of the executive branch, I am disappointed to report that the principles the President articulated so well are not being put into practice.

The administration seems to act as if government officials ought to be held

to account and do business in the light of the day except when they do not want to. There are too many exceptions to count, and I am just going to list a few. Let's contrast the President's words with the agencies' actions. The President's words say that government should do business in the light of day. The agencies' actions say except when it comes to improper payment of Medicare.

As a part of my oversight function of Medicare, Congress reviews annual reports that the administration is required to produce. One of these reports is on improper Medicare payments. That was due last November. Congress is still waiting to see the numbers for improper payments made to specific types of health care providers and for specific services. Improper payment rates vary widely among different types of providers and, of course, services. So this information would help us to determine where to focus our efforts. We have not received such breakdowns of improper payments since the year 2007. We need these numbers to evaluate how the Federal Government is addressing fraud, waste, and abuse and to inform our discussions on legislation about health care financing.

Let's go to another example because I want to repeat the President's words: Government should do business in the light of day. Their actions say: Except when it comes to potential Medicaid fraud. Overutilization of health services and health care fraud play a significant role in the rising cost of our health care system.

I wrote to the Department of Health and Human Services and the Centers for Medicare and Medicaid Services 3 months ago about what they are doing about overutilization of health care services. I specifically asked about a Medicaid prescriber in south Florida who—now hear this—who wrote over 96,000 prescriptions for mental health drugs, nearly twice the number written by the second highest prescriber. It was just a simple question about one Medicare prescriber, and I am still waiting for a response.

On another example—his words would say government should do business in the light of day. The actions of the administration say except when it comes to protecting the privacy of an al-Qaida terrorist.

Listen to this. In preparation for a hearing on Christmas Day bombing attempts, my Republican colleagues and I on the Judiciary Committee requested a copy of something very simple, a copy of the bomber's visa application. We wanted to learn more about why he was given permission to enter the United States in the first place, and why his visa wasn't revoked after his father warned the U.S. officials that he might be planning something.

The State Department first tried to withhold the document on grounds that it might be evidence in a criminal proceeding. But after the Justice Department said that was not an issue, you know what. The State Department comes along and tries to not cooperate. The State Department changed its position and claimed that a provision in the immigration law required them to protect the al-Qaida terrorist's privacy by withholding documents about how he was given permission to enter the country.

After going through all that, all I can say is—transparency, on a little simple visa application, and it cannot be given to us?

On another example, the President says: Government should do business in the light of day. Their actions say: Except when it comes to information about how Treasury officials allowed AIG executives to make off with millions of taxpayer dollars. Since last December, I have exchanged a series of letters with Treasury Secretary Geithner and his staff. I have some detailed questions about exactly which executives received which kind of payments under which contracts, and then why the Treasury Department did not do more to stop those payments. I even addressed the issue directly with Secretary Geithner at a Finance Committee hearing. He promised that I would get the information I was seeking. Yet Treasury Department lawyers are still withholding the documents on the grounds that they have to protect the privacy of AIG executives.

Is government doing its business in the light of day? No. They are still refusing to answer questions about why Treasury regulators allowed AIG to make large severance payments, even though the statute provided the authority to stop those payments.

On another example, and to repeat the President's words: Government should do business in the light of day. What do the actions show? Except when it comes to allegations of misconduct in the Department of Justice.

When Attorney General Eric Holder and I met during his confirmation process, I provided him with a binder that thick full of unanswered letters that I had written regarding the FBI and Justice Department oversight issues in the Bush administration. I was trying to give the Attorney General an opportunity to clear the deck so somehow it was not mixed up with the new administration. I had promises of renewed efforts to accommodate my information requests. The Department has not altered its policies of withholding documents relating to personnel matters and any other matter that might be the subject of internal reviews in the Justice Department.

For years I have been seeking internal Justice Department e-mails related to the FBI's use of so-called exigent letters, together with telephone records of Americans, without a subpoena, and even when there is no legitimate emergency. At first the excuse was that the Congress had to wait for the inspector general to finish a review, but that review is complete at long last. Yet the documents that were supposed to be provided are still being withheld.

Congress is not the only one from whom the executive branch is withholding information. I asked the Government Accountability Office in September about its difficulties in obtaining access to records and other information from the Federal agencies over the last year. As an investigative arm of Congress, the Government Accountability Office investigates how the Federal Government spends taxpayers' dollars, and in order to do that work the GAO requires access to agency documents.

So what has been the record of the Government Accountability Office? They have told me that it generally receives good cooperation, but it has and continues to have access issues at certain agencies such as the Department of Homeland Security. According to the Government Accountability Office, Homeland Security has ''posed continual access challenges for GAO since the department began operations in 2003.''

The Government Accountability Office also indicated that access to information at the Justice Department and the FBI is also particularly problematic. Despite a bipartisan request—get this—a bipartisan request from both the House and Senate Judiciary Committees to audit the FBI's human capital management of its counterterrorism division, the Government Accountability Office has been stonewalled by the Justice Department with new and unprecedented claims that the FBI's intelligence-related functions are off-limits for GAO review.

Understand this: This is the top Republican, top Democrat on the House Judiciary Committee and counterparts on the Senate Judiciary Committee. So it is bipartisan and it is bicameral. Even the Government Accountability Office has trouble getting the information.

The public has also been stonewalled when making requests for records under the Freedom of Information Act. When he first took office, the President back-issued a memo on the Freedom of Information Act to the heads of executive agencies. Listen as I quote. Who is not going to agree with this? The President is doing what a President who campaigned on openness and transparency in government and accountability should be doing. He is doing what he said he was going to do in the campaign. But having it come out the other end of the pipeline, it doesn't seem to work that way.

> The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because of errors and failures that might be revealed, or because of speculative or abstract fears.

Then he goes on to instruct the executive agencies to:

> . . . adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in the Freedom of

Information Act, and to usher in a new era of open government.

I compliment the President of the United States. Such a good statement, and just what government ought to be standing for because the public's business ought to be public.

The President may have issued a pledge of openness and transparent government, but this week we had the National Security Archive release findings of its Freedom of Information Act audit and found that the administration ''has not conquered the challenge of communicating and enforcing that message throughout the Executive Branch.''

Particularly, the organization found that requests as old as 18 years still exist in the freedom of information system. Somebody made a request 18 years ago, and it has not been granted? Probably the guy who asked for it, or whoever asked for it, is dead and buried now. Why can't something like that be done? It does not meet the commonsense test that we are interested in bringing to Washington—Washington, an island surrounded by reality. And only in the unreal world could there be a freedom of information request 18 years old that has not yet been granted.

This organization also found that five agencies appear to be releasing less and withholding more information, even since this President's Executive order has been in place. How can people thumb their noses at the President of the United States if they are working under his direction? The White House has said it is committed to more open and transparent government. In his memo to the heads of the executive agencies, the President said ''openness will strengthen our democracy and promote efficiency and effectiveness in government,'' and that ''transparency promotes accountability.''

Again—extreme compliment to the President of the United States for setting a standard. That is absolutely in the spirit of representative government. But somehow the message has clearly not gotten through.

It comes back to us and our constitutional responsibilities of checks and balances. It is our job in Congress to ensure that agencies are more transparent and responsive to the people we represent. Congress is not doing its job if we do not hold agencies accountable and ensure that executive policies reflect the interests of our constituents. In other words, the public's business ought to be public.

I will continue doing what I can to hold feet to the fire. It would be helpful if the President would use his authority to require agencies to change their actions to be consistent with his words.

I do not get a chance to compliment this President very much, but he surely has set the standard here that we ought to have in our Government. It just proves, if he really wants it to happen, even if you are President of the United States, it is difficult to get people down in the bowels of the bureaucracy to carry out what you want.

You wonder why people in this country are cynical. That is one reason. But the President can do it. He ought to call all these birds in that are frustrating his principles and look them in the eye and tell them: Either do what I want or get out of government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE

Mr. LEMIEUX. Madam President, I have come to the floor to again talk about the health care bill that is being worked on over in the House that will potentially be voted on—we are hearing this weekend—and to talk about the myths around this bill, what is being told to the American people and what the facts are, so the American people can know what this Congress is trying to get them into. In this past week, I came to the floor and spoke about 10 myths about this health care bill. I do not wish to go through in detail all those myths today, but we have some new information about a couple of them that I wished to focus on and go over the list of those myths.

Myth 1 was: You get to keep your health insurance if you like what you have. The President has been saying this all around the country. We know that is not true because, according to the Congressional Budget Office, between 9 and 17 million people are going to lose their health insurance from their employer when their employer is going to drop that insurance and make their employees go into the new public system. So you are not going to get to keep it.

We know folks on Medicare Advantage are not necessarily going to get to keep their Medicare Advantage because we are going to cut Medicare Advantage by $120 billion. To the more than 1 million people in Florida who have Medicare Advantage, Medicare Part C, which offers them wellness benefits, hearing benefits, eyesight benefits, programs they like, we know over time they are not going to get to keep that in the way they have it now.

We also know health insurance premiums are not going to go down. That is myth No. 2. The very reason why this country wanted health care reform, the No.1 reason: to lower the cost of health insurance. We know health insurance has gone up more than 130 percent in the last 10 years. Yet this bill does little or nothing to lower the cost of health insurance for the 159 million Americans who have health insurance.

Some may see their rates go down 3 percent—that is the best it gets—while those in the individual market may see their rates go up 10 to 12 percent in the next 10 years. We are supposed to be about the business of health care reform, and we are not going to lower the cost of health insurance.

We talked about whether this would just lower the overall cost of health care itself. That was the third myth we discussed. But we know that Federal outlays for health care are going to increase by more than $200 billion in the next 10 years.

This idea that this health care plan is going to reduce the deficit, that is just funny math. We know this bill has 6 years of spending, 6 years of benefits, if you will, and 10 years of taxes. Only in Washington could someone try to say you were going to spend $1 trillion and save $100 billion.

We know it does not even take into account the fact that we have to give doctors more money in the Medicare system. The Democrats put that in a separate bill, so we do not score that $300 billion cost because, if you did, there would be no deficit reduction. We also know emergency rooms are not going to be less burdened. If we look at the example of Massachusetts that instituted health care reform, they are seeing just as many people crowd their emergency rooms because the folks there tell them it is more convenient than to wait in line to see their doctor.

See, when you push more people into the system and do not provide adequate funding for more health care providers, you do not change and make the system more user friendly, so the folks still show up at the emergency room.

Another myth we busted is that this plan takes on the insurance companies, when, in fact, it is going to put millions of more people into an insurance program. That is why the insurance companies like it.

We also busted the myth that this health care reform is going to improve the doctor-patient relationship. It is not. There is still going to be a third-party payer. We still fundamentally miss the opportunity of getting you, the patient, back involved in the consumer decision.

If we would have taken a page from what we proposed on our side of the aisle and given you a tax credit to let you go in the market and buy insurance yourself, we know that would have driven costs down because you would have been a consumer.

Right now, my wife and I are about to have our fourth child any day now. I remember getting those bills from the hospital on our previous boys when they were born. Similar to most folks, you do not read it, you just look at the bottom and see what you owe. You do not look at all the line-by-line items. You would have to hire someone to help make sense of all that. We have to put consumers back in the health care game. We have to know what we are buying and what we are paying for because we know as consumers we will make a good decision.

We do it in the car insurance market and guess what. The companies that

compete nationally, unlike health care companies that compete only within certain States, they are advertising to us on TV: ''So easy a caveman can do it.'' ''Do you have 15 minutes? You can save 15 percent on your car insurance.''

We know all these slogans because the market is working. The market does not work in health care, and this legislation does nothing to fix it.

We know that eventually under this program, the taxes will go up not down because every government program we put together, certainly entitlement programs, always cost more than we think. They always cost our children and our grandchildren more as we have this ever-increasing national debt, now $12 trillion, a debt our kids are going to have to pay and our grandchildren, a debt that could make this country not the same place of opportunity that we all have experienced and we all enjoy.

But I wished to specifically talk about a couple of the myths that there has been some recent information about. One thing I talked about earlier this week is this idea about premiums. The President of the United States, this week when he was campaigning, said that health care overall, lower premiums will be achieved by this legislation and that those premiums will go down double digits.

The fact is, that is not true. As we talked about before, the fact is, the best it is—and I put this chart from the Congressional Budget Office into the CONGRESSIONAL RECORD earlier this week—the best it is, is 3 percent down.

I ask unanimous consent that this article from the Associated Press called: ''Fact Check: Premiums would rise under Obama plan,'' by Mr. Ricardo Alonso-Zaldivar, be printed in the RECORD.

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

FACT CHECK: PREMIUMS WOULD RISE UNDER OBAMA PLAN

(By Ricardo Alonso-Zaldivar)

WASHINGTON.—Buyers, beware: President Barack Obama says his health care overhaul will lower premiums by double digits, but check the fine print.

Premiums are likely to keep going up even if the health care bill passes, experts say. If cost controls work as advertised, annual increases would level off with time. But don't look for a rollback. Instead, the main reason premiums would be more affordable is that new government tax credits would help cover the cost for millions of people.

Listening to Obama pitch his plan, you might not realize that's how it works.

Visiting a Cleveland suburb this week, the president described how individuals and small businesses will be able to buy coverage in a new kind of health insurance marketplace, gaining the same strength in numbers that federal employees have.

''You'll be able to buy in, or a small business will be able to buy into this pool,'' Obama said. ''And that will lower rates, it's estimated, by up to 14 to 20 percent over what you're currently getting. That's money out of pocket.''

And that's not all.

Obama asked his audience for a show of hands from people with employer-provided coverage, what most Americans have.

''Your employer, it's estimated, would see premiums fall by as much as 3,000 percent,'' said the president, ''which means they could give you a raise.'

A White House press spokesman later said the president misspoke; he had meant to say annual premiums would drop by $3,000.

It could be a long wait.

''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.''

The statistics Obama based his claims on come from two sources. In both cases, the caveats got left out.

A report for the Business Roundtable, an association of big company CEOs, was the source for the claim that employers could save $3,000 per worker on health care costs, the White House said.

Issued in November, the report looked generally at proposals that Democrats were considering to curb health care costs, concluding they had the potential to significantly reduce future increases.

But the analysis didn't consider specific legislation, much less the final language being tweaked this week. It's unclear to what degree the bill that the House is expected to vote on within days would reduce costs for employers.

An analysis by the Congressional Budget Office of earlier Senate legislation suggested savings could be fairly modest.

It found that large employers would see premium savings of at most 3 percent compared with what their costs would have been without the legislation. That would be more like a few hundred dollars instead of several thousand.

The claim that people buying coverage individually would save 14 percent to 20 percent comes from the same budget office report, prepared in November for Sen. Evan Bayh, D–Ind. But the presidential sound bite fails to convey the full picture.

The budget office concluded that premiums for people buying their own coverage would go up by an average of 10 percent to 13 percent, compared with the levels they'd reach without the legislation. That's mainly because policies in the individual insurance market would provide more comprehensive benefits than they do today.

For most households, those added costs would be more than offset by the tax credits provided under the bill, and they would pay significantly less than they have to now.

The premium reduction of 14 percent to 20 percent that Obama cites would apply only to a portion of the people buying coverage on their own—those who decide they want to keep the skimpier kinds of policies available today.

Their costs would go down because more young people would be joining the risk pool and because insurance company overhead costs would be lower in the more efficient system Obama wants to create.

The president usually alludes to that distinction in his health care stump speech, saying the savings would accrue to those people who continue to buy ''comparable'' coverage to what they have today.

But many of his listeners may not pick up on it.

''People are likely to not buy the same low-value policies they are buying now,'' said health economist Len Nichols of George Mason University. ''If they did buy the same value plans . . . the premium would be lower than it is now. This makes the White House statement true. But is it possibly misleading for some people? Sure.''

Mr. LEMIEUX. This article goes through specifically these points. The President of the United States campaigned this week saying that:

> You'll be able to buy in, or a small business will be able to buy into this pool. And that will lower rates, it's estimated by up to 14 to 20 percent over what you're currently getting. That's money out of pocket.

Then he says:

> Your employer, it's estimated, would see premiums fall by as much as 3,000 percent, which means they could give you a raise.

They later corrected the record to mean $3,000, your premiums could fall $3,000. Well, with all due respect, there is no evidence of this in an analysis of this bill. That is what the Associated Press says in their fact check.

In fact, for those in the individual marketplace—and this is not the Senator from Florida speaking, this is the Congressional Budget Office—increases of up to 10 to 13 percent; for everybody else, either stays the same, goes up a little or maybe goes down 3 percent, and that is if they got it right.

So it is important to bust this myth. Your insurance is not going down under this plan. If you thought we were going to enact health care reform and you were going to have a lower cost of health insurance, you, unfortunately, similar to many millions of Americans, were given the wrong impression because this bill does nothing of the sort.

Let me talk a minute also, if I may, about what this is going to mean and what sort of the future of health care is. The system does not work now for the point I made a moment ago, which is that we as consumers are not involved in the equation. I can't think of anything else in our life where we have so little knowledge of what we are buying, and we have so little knowledge of what the cost is.

Do we know what the cost of these procedures are that we undertake? If we have to get an MRI or a CAT scan or a stent put in our heart, do we know what the market price for that is? We do not. The reason why is because the system has become so complex with a third-party payer. What that means is either your insurance company pays or your government pays through Medicare, Medicaid or the VA, and we as consumers do not pay.

Because of that, we have broken what we know works in the marketplace. You want to control costs, you have to put the consumer back in the driver's seat. That is why our proposal on this side of the aisle to give consumers who cannot afford health insurance now a tax credit to let them go in the marketplace and to shop around and get involved in their health care decisions, we know that would lower costs. This plan is not going to lower costs. In fact, it is going to raise costs.

But let me tell you where we are going with this new government plan. I am an optimist about this country, so I hate to talk about something that is pessimistic. But it is my responsibility to tell you facts. We have three major

health care programs in this country: Veterans, Medicare, and Medicaid.

Medicare is health care for seniors. Medicaid is health care for the poor. I wish to talk about the latter two. Those systems are not working, and they are increasingly not working for more and more Americans. The reason why is, they are not properly funded. There is no way to control costs. So what are we finding? We are finding that doctors are not taking Medicare and Medicaid anymore. If you want to know what the future of Medicare is, which is health care for seniors, take a look at Medicaid, which is in worse shape than Medicare.

We know both these programs are huge entitlement programs that, under their current form, we cannot afford. We know there is going to be this huge debt that our children are going to have to pay. It may not be our children, it may be here in the next few years because we have not properly funded these programs and we have not controlled costs.

I ask unanimous consent that this article be printed in the RECORD. It is from the March 17, 2010, Seattle Times, an article by Janet Tu, which is entitled: ''Walgreens: no new Medicaid patients as of April 16.''

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

[From the Seattle Times, Mar. 17, 2010]

WALGREENS: NO NEW MEDICAID PATIENTS AS OF APRIL 16

(By Janet I. Tu)

Effective April 16, Walgreens drugstores across the state won't take any new Medicaid patients, saying that filling their prescriptions is a money-losing proposition—the latest development in an ongoing dispute over Medicaid reimbursement.

The company, which operates 121 stores in the state, will continue filling Medicaid prescriptions for current patients.

In a news release, Walgreens said its decision to not take new Medicaid patients stemmed from a ''continued reduction in reimbursement'' under the state's Medicaid program, which reimburses it at less than the break-even point for 95 percent of brand-name medications dispensed to Medicaid patents.

Walgreens follows Bartell Drugs, which stopped taking new Medicaid patients last month at all 57 of its stores in Washington, though it still fills Medicaid prescriptions for existing customers at all but 15 of those stores.

Doug Porter, the state's director of Medicaid, said Medicaid recipients should be able to readily find another pharmacy because ''we have many more pharmacy providers in our network than we need'' for the state's 1 million Medicaid clients.

He said those who can't can contact the state's Medical Assistance Customer Service Center at 1–800–562–3022 for help in locating one.

Along with Walgreens and Bartell, the Ritzville Drug Company in Adams County announced in November that it would stop participating in Medicaid.

Fred Meyer and Safeway said their pharmacies would continue to serve existing Medicaid patients and to take new ones, though both expressed concern that the reimbursement rate is too low for pharmacies to make a profit.

The amount private insurers and Medicaid pay pharmacies for prescriptions isn't the actual cost of those drugs but rather is based on what's called the drug's estimated average wholesale price. But that figure is more like the sticker price on a car than its actual wholesale cost.

Washington was reimbursing pharmacies 86 percent of a drug's average wholesale price until July, when it began paying them just 84 percent. While pharmacies weren't happy about the reimbursement reduction, the Department of Social and Health Services said that move was expected to save the state about $10 million.

Then in September came another blow. The average wholesale price is calculated by a private company, which was accused in a Massachusetts lawsuit of fraudulently inflating its figures. The company did not admit wrongdoing but agreed in a court settlement to ratchet its figures down by about 4 percent.

That agreement took effect in September—and prompted a lawsuit by a group of pharmacies and trade associations that said Washington state didn't follow federal law in setting its reimbursement rate, and that that rate is too low. The lawsuit is pending.

''Washington state Medicaid is now reimbursing pharmacies less than their cost of participation,'' said Jeff Rochon, CEO of the Washington State Pharmacy Association.

Pharmacies that continue to fill Medicaid prescriptions at the current state reimbursement rate are ''at risk of putting themselves out of business altogether,'' he said.

Mr. LEMIEUX. So here we are. Walgreens, a major pharmacy in Seattle, is not going to take Medicaid anymore. Why are they not going to take Medicaid? They are not going to take Medicaid because the Federal Government is not reimbursing enough for them to make any money.

Medicaid is a Federal-State match. But more and more we are seeing the health care providers will not take Medicaid. We know that in major metropolitan areas, if you are a new Medicaid patient and you are looking for a specialist, that 50 percent of the doctors will not see you.

There is another article here that came out this week in the New York Times, March 15, 2010. It is an article by Kevin Sack: ''With Medicaid Cuts, Doctors and Patients Drop Out.''

It is a story from Flint, MI. It talks about a lady by the name of Carol Vliet, about her cancer. She has tumors metastasizing to her brain, her liver, her kidneys, and her heart.

The President of the United States and my colleague on the other side of the aisle like to give individual examples about people who are suffering without health insurance. Here is a lady who has Medicaid, a government-run program. The only solace she has is she has found a doctor she likes, Dr. Sahouri.

He has given her a regimen of chemotherapy and radiation for the past 2 years that is giving her some relief, but she was devastated when she found out from Dr. Sahouri a couple months ago that he could no longer see her because, like a growing number of doctors, he had stopped taking patients with Medicaid.

It is not just Medicaid; it is also now Medicare. We know that if you are trying to get into Medicare, only about 78 percent of providers are taking Medicare. Here we are, we are about to create a huge new government entitlement program to put 31 million more Americans into a health care system funded by the government. In the programs we have now, doctors and health care providers are dropping the patients. These programs are broken. Yet we are going to create a new one. We are going to create a new one by taking money out of Medicare, a program where the health care providers are increasingly more and more not seeing patients. We are going to take more than $500 billion out of Medicare. In fact, we have found out, from this new bill that came from the House today, that the number has gone up, that it is now more than $500 billion that is going to be taken out of Medicare. We are going to take money out of a program already having problems to start a new one. It makes no sense.

This is why the American people are extremely upset with this health care proposal. There isn't a Senator who doesn't want health care reform. There isn't a Member of Congress today who doesn't want to provide more access and lower the cost of health care insurance for those who have it. But this plan does not do that, and it creates a huge new entitlement program by robbing Peter to pay Paul. We are going to jeopardize health care for seniors and turn Medicare into Medicaid, a program where pharmacies and doctors are dropping patients.

I am new to the Senate. My experience is in State government and business. There are men and women of good will in this body. I believe if we could get together and work in a good faith fashion, we could figure out how to do this in a step-by-step approach, to lower cost and increase access without breaking the bank and putting a huge burden on the children in a world where we already have a $12 trillion debt. But the people of this Chamber and the one down the hall have to get about the business of doing the people's work and remember they are the boss and that we work for them. The time for partisanship is over. The time for getting things done and being problem solvers is here. I am one Senator—and I know there are many—who is willing to work with anyone on the other side on any important issues facing the country who is willing to work with me.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. BURRIS. Madam President, in Washington there is a great deal of talk about what health care reform will mean for various segments of the population. In particular, many of us spend a lot of time talking about 47 million Americans who do not currently have health insurance and how they stand to benefit from our reform bill. This debate has centered on these folks, especially the 31 million people who will gain access to coverage under our proposal. In my opinion, this alone should be reason enough to pass health care reform. Expanding access to coverage will improve relative health outcomes and save money across the board. It will shift our focus from sick care to preventive care and will reduce wait time in emergency rooms. This will have a profound effect on the lives of millions, and it speaks to the profound need for comprehensive health care reform. But that is only a part of the story.

Many of my friends in this Chamber and many people across the country recognize the need to expand health coverage. But they are also worried about the effects that health reform will have on their insurance. Middle-class Americans hear all this talk about helping people with no insurance at all and they say: That is great, but I need help too. My premiums are going up, and benefits are disappearing. I am worried that I don't have stable coverage, or that I won't have access to care when I need it. How will reform help me?

I think it is time to take a deeper look at these folks. It is time to provide some answers to their questions. It is time to explain how our proposal would affect their lives. I wish to talk about what our reform bill will mean for the middle class and especially the minority community that have felt the worst effect of our economic crisis.

As I address this Chamber today, there are 88 million people who lack stable health coverage. That is almost a third of the total population who live in fear that their coverage would vanish at any time. Unfortunately, those fears reflect a harsh reality that it is impossible for middle-class families to ignore. In Illinois alone, there are some 612,000 people who have nongroup insurance. These folks will see their premiums go up by as much as 60 percent this year. I am sure my colleagues can agree, that is outrageous.

But it doesn't have to be this way. If we pass a final health care bill and send it to President Obama, middle-class America will start to see the benefits almost immediately. Our legislation would bring unprecedented stability to the market. No one would have to fear that their insurance providers would drop their coverage. No one could be denied care because of a preexisting condition. Our bill will give the American people more power and more choices. It will bring real competition to the insurance market. It will create significant cost savings, and it will restore accountability in the insurance industry.

For the average American, this means saving hundreds or even thousands of dollars a year. It means more time with family doctors and less paperwork and redtape. It means free preventive care and discounted premiums for those who stay in shape, quit smoking, and control their weight. It means no one can be denied coverage because of a preexisting condition, and no one will be forced to pay higher premiums because they get sick. If we pass a final health care bill, 1.8 million people in Illinois will be able to get coverage for the very first time. The 612,000 people in the nongroup market will have an option to buy affordable coverage on the insurance exchange. This will reduce their premiums and improve the quality of their coverage almost overnight.

But it doesn't stop there. One million additional Illinoisans could qualify for tax credits that could make it easier to afford insurance and perhaps, most importantly, 144,000 small businesses would benefit from a tax credit designed to make coverage more affordable. This strikes at the heart of the debate we have been having in recent weeks, especially as it relates to the middle class.

My friends across the aisle are trying to stop us from passing reform. They want us to focus on job creation instead. But what they fail to realize is that these two problems go hand in hand. We can't solve one problem without addressing the other. If we make health insurance more affordable, American companies and especially small businesses will be able to hire more workers. They will be able to afford full coverage for their employees, and there will no longer be any incentives to lay off older workers or to save on premiums. This will make a profound difference in the lives of ordinary folks in my home State and across the country.

About 75 percent of Illinois businesses are small businesses. Under the current system, only 41 percent of them have been able to offer health benefits. But if we pass comprehensive reform—if we will extend a tax credit to 144,000 Illinois small businesses and millions of businesses nationwide—it will reduce the burden on working families. It will help businesses recover from the recession, and even start to expand again. It will help create jobs.

That is what our health care reform bill will mean for middle-class Americans: stability, security, better coverage; freedom to shop around and find a good price; competition in the market; renewed accountability. That is what health care reform will do for millions of ordinary folks across the country.

For minority communities, these effects will be even more pronounced. In Illinois, more than 21 percent of minorities do not have health insurance, compared with 12 percent of Whites. This places them at a greater risk for problems down the road—problems ranging from higher infant mortality to increased rates of chronic diseases in later life. Combine these risks with a higher property rate, and you have a recipe for disaster.

But our bill will help to change all of this. It will change that. Our bill will expand coverage, invest in preventive care, and help spur job creation. It will have a dramatic effect on the hard-hit communities and minority areas that need the help the most.

So on behalf of middle-class Americans and minority individuals and small businesses, on behalf of millions of ordinary folks in Illinois and across the country, I call upon my colleagues to pass this bill without further delay.

Our reform proposals will ensure that everyone is part of the solution to America's health care crisis. So let's seize this opportunity. Let's move forward together. Let's extend the benefits of health reform to the middle class. That way, America can move forward in this 21st century.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I ask unanimous consent to speak as in morning business and to be followed by Senators CASEY and KAUFMAN.

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

START FOLLOW-ON TREATY

Mr. FRANKEN. Madam President, I rise today to speak about arms control and the President's negotiations with Russia over a replacement to the Strategic Arms Reduction Treaty, or START. This new treaty will be an important enhancement to American national security, and I look forward to considering it on the Senate floor once it has been signed.

As you may recall, the original START treaty was ratified by the Senate in 1992 by a bipartisan vote of 93 to 6. It went into force in late 1994, with a predetermined life of 15 years, causing it to expire this past December.

Soon after taking office, the Obama administration began careful and diligent work to negotiate a successor treaty with Russia. As START was expiring in early December, President Obama and President Medvedev of Russia issued a joint statement making clear that our two countries would effectively abide by the expiring treaty until the new one comes into force.

I think we can all agree that the original START was a landmark achievement. It brought about historic reductions in nuclear weapons. Its verification measures and the communication between the United States and Russia that they fostered served to build confidence between the two countries at an uncertain moment. It helped our nations to move toward a post-Cold-War mentality, providing strategic stability between the world's two greatest nuclear powers.

I am confident the successor to START will be equally historic. The world has changed, and this will be a new treaty for a new world with a new set of nuclear challenges. But the bottom line for the new treaty remains the same as it was for the original START: The treaty must—and it will—advance our national security interests.

When the new treaty is signed and presented to the Senate, there will be plenty of opportunity to discuss and debate in detail the specific numerical limitations on strategic offensive arms. President Obama and President Medvedev determined these would be in the range of 500 to 1,100 for strategic delivery vehicles, and in the range of 1,500 to 1,675 for their associated warheads. Likewise, we will carefully examine the counting rules for those limitations, the monitoring and verification measures for implementing the agreement, and all its other provisions.

I look forward to discussing all these specific matters when the Senate fulfills our responsibility to offer our advice and, as appropriate, our consent. But the core reasons this treaty will make us safer are already clear.

The verifiable reduction of nuclear weapons by the United States and Russia will provide us with strategic stability and mutual confidence. In other words, it ensures transparency and predictability between the two countries that possess 95 percent of the world's nuclear weapons.

The new treaty will do this while streamlining the elaborate and, in some cases, outdated and unnecessarily burdensome verification measures from the original treaty. The new treaty will also reduce the risk of nuclear theft or loss from our countries, and we know just how important this last point is in a world where terrorist groups would give anything to obtain a nuclear weapon.

This new treaty will also allow us to lead by example in arms reduction, and this will in turn greatly aid our vital nonproliferation efforts. Indeed, while the arms reductions in the treaty will be relatively modest, entering into the treaty will be a significant step in the renewal of our arms control and nonproliferation agenda for the 21st century. It will put us on firmer ground as we confront the dangers of nuclear weapons in this new world.

I want to dwell briefly on this last point. The centerpiece of the global nonproliferation framework is aptly named the Non-Proliferation Treaty. This treaty requires that states without nuclear weapons pledge not to acquire them. But it also imposes a responsibility on nuclear states which must pursue reductions in weapons.

When we fulfill that responsibility, it strengthens the global nonproliferation framework that centers on the Non-Proliferation Treaty. It strengthens our hand in dealing with nonnuclear states, whether they are allies pursuing civilian nuclear power or adversaries with unclear nuclear intentions.

The point is not that untrustworthy adversaries will suddenly be transparent about their intentions or fulfill their obligations under the Non-Proliferation Treaty. Rather, we can negotiate with and pressure adversaries more effectively when we are meeting our own responsibilities. Likewise, we can work more effectively with our friends—and rely on them for multilateral support—when we ourselves lead by example. In other words, arms control agreements like the new START follow-on treaty are themselves powerful tools in our nonproliferation efforts.

The START follow-on treaty is only one element of President Obama's ambitious nonproliferation and arms control agenda to reduce and ultimately eliminate the threat from nuclear weapons. But until we are able to realize this end goal, it remains important to maintain an effective deterrent. This treaty will in no way—in no way—take away that deterrent.

Likewise, it is critical for us to support the administration's increased budget request for ensuring the safety and reliability of the nuclear stockpile and the complex and experts who maintain it. Such a commitment to a safe and reliable nuclear arsenal goes hand in hand with minimizing the danger from nuclear weapons through arms control and nonproliferation. We must pursue the limitation of nuclear weapons while maintaining an effective deterrent. And that is just what the START follow-on treaty will do. It will make us safer without jeopardizing our effective deterrent.

I look forward to a robust discussion and ultimately, I hope, to bipartisan consent to the resolution of ratification.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Pennsylvania is recognized.

Mr. CASEY. Thank you, Mr. President.

First of all, I thank our colleague, Senator FRANKEN, for his remarks on this issue. I am going to be speaking just for a few moments as in morning business. I ask unanimous consent to do that.

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

Mr. CASEY. Mr. President, I am grateful to be joined by Senator KAUFMAN after me.

Almost two decades after the end of the Cold War, the United States and Russia maintain more than 90 percent—90 percent—of the world's total stockpile of 23,000 nuclear weapons. Each of these weapons has the capacity to destroy a city, and a large-scale nuclear exchange could extinguish most life on this planet. As you are aware, massive numbers of nuclear weapons increase the risk of catastrophic accidents, errors, or unauthorized use.

There is a serious imperative in the United States to address this issue. The United States—and especially this administration—has rightly focused on nuclear nonproliferation as a top priority. In his Prague speech, the President of the United States, President Obama, said:

> As long as these weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies. But we will begin the work of reducing our arsenal.

So I think it is important to note that the President used a number of important words there: ''safe, secure and effective arsenal to deter any adversary.'' But he also said we have responsibilities.

The first test of that commitment is the new START agreement.

In October, Secretary of State Hillary Clinton said:

> [T]he United States is interested in a new START agreement because it will bolster our national security. We and Russia deploy far more nuclear weapons than we need or could ever potentially use without destroying our ways of life. We can reduce our stockpiles of nuclear weapons without posing any risk to our homeland, our deployed troops or our allies. Clinging to nuclear weapons in excess of our security needs does not make the United States safer. And the nuclear status quo is neither desirable nor sustainable. It gives other countries the motivation or the excuse to pursue their own nuclear options.

So said the Secretary of State.

As we know, Secretary Clinton is in Moscow now, and we all hope we will be able to make progress on the START follow-on treaty during her visit. We want to thank and commend her for the work she is doing not only as Secretary of State every day but at this time especially in Moscow.

The START follow-on treaty would reduce deployed nuclear weapons in the United States and Russia and would provide crucial verification measures that would allow a window into the Russian nuclear program. While this treaty has taken a little longer than expected to complete, I applaud the leadership of Assistant Secretary for Verification, Compliance and Implementation, Rose Gottemoeller, and her efforts to pursue a strong agreement as opposed to an immediate agreement.

A new START agreement is in our national security interests, especially in terms of maintaining verification and transparency measures. Once complete, this agreement could help to strengthen the U.S.-Russian relationship and potentially increase the possibility of Russian cooperation on an array of thorny and grave international issues, including North Korea and Iran.

The START follow-on treaty is a clear demonstration that the United States is upholding our nonproliferation obligations under the NPT. START is a necessary step in reaffirming U.S. leadership on nonproliferation issues. Without a clear commitment to our nonproliferation responsibilities through a new START agreement, it will be increasingly difficult for the United States to secure international support in addressing the urgent security threats posed by the spread of nuclear weapons.

International agreements to limit nuclear weapons draw upon a deep well of bipartisan support over the years. There is no reason—no reason at all—why this START agreement should be different. We may have our differences on elements of the treaty when it is presented before the Senate for ratification, but I hope—and I believe this will happen—we will be able to come together in common cause in recognition that these agreements are in our national security interests because they ultimately decrease the likelihood—decrease the likelihood—of accidental launch and decrease the likelihood of terrorist access to nuclear materials. There will be deliberation and there will be debate, but I am confident that at the end of the process, we will have a strong agreement that in the proud tradition of the Senate will garner bipartisan support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. KAUFMAN. Mr. President, I am truly pleased to join with my friends, Senator CASEY and Senator FRANKEN, today to underscore the importance of reducing our nuclear arms.

I have spoken in the past about the importance of signing a successor treaty to the Strategic Arms Reduction Treaty, or START, in order to maintain verification and other confidence-building measures. I have also spoken in support of the President's fiscal year 2011 spending priorities, which include a program to modernize and secure our nuclear arsenal. Today, I wish to go back to the basics when talking about arms reduction because it is easy to get lost in the details and misconceptions and forget the big picture.

First, we must remember what is at stake when it comes to our nuclear arms reduction policy. We cannot afford to lose sight of why it is so important to get a successor to START, why it must be the right successor, and why the Senate should take action on the treaty in the very near future.

This treaty was signed by the Soviet Union at a time when we still had fallout shelters to prepare for nuclear war. Almost two decades later, a nuclear attack is more likely to originate from rogue regimes or nonstate actors, but it is still critical that we not take our eye off the ball when it comes to existing nuclear stockpiles.

American and Russian nuclear weapons alone account for almost 96 percent of the world's nuclear arsenal, and stockpile reduction remains a significant challenge in easing residual tensions of the Cold War. The accumulation of nuclear serves as a reminder of the animosity that existed between our countries, much of which has now been relegated, thankfully, to the pages of history. Our nuclear stockpiles reflect the realities of the past, not the economic and security considerations of the present and the future.

START is also symbolically significant because it serves as a cornerstone of the world's nonproliferation efforts and sets tough international standards. With no arms reduction treaty between the United States and Russia, we hand cynics an opportunity around the globe a pretext for derailing nonproliferation efforts.

Now that START has expired, we need a follow-on treaty because security efforts have changed since the Cold War. This is why we must ensure that we end up with the right treaty, not just one that renews now-outdated provisions of START. It is important that a new treaty both adapts to the needs of the world today and presents a clear vision for a more secure future.

It is expected that Americans and Russians have different ideas of this vision and how we can get there. Both countries have domestic and political considerations which must also complicate matters. Throughout this process, I have been thoroughly impressed with Ambassador Rose Gottemoeller and her negotiating team, who have consistently maintained their focus and core principles.

The Obama administration wants the right treaty, not just any treaty, and future generations will likely benefit from its steadfast dedication and resolve.

Finally, we must consider the parameters of the treaty we hope to achieve. By definition, a lasting treaty cannot be drawn unilaterally, so it must be something mutually acceptable to both the United States and Russia. At the same time, there are some important red lines which must be reflected in the final treaty from the perspective of the United States:

First, it must have an intrusive verification system in order to maintain confidence and avoid catastrophic misunderstandings between the two sides.

Second, it must reduce ready-to-go strategic arsenals in a meaningful way, which means addressing upload capability.

Third, it must allow modernization of our existing nuclear capabilities to enhance national and international security.

Fourth, it must remain a strategic offensive treaty with an intentionally narrow scope. We should not include any other weapons systems, including antiballistic missile systems, under its regulatory umbrella.

The Senate should take action on a START follow-on treaty as soon as possible in order to keep Americans safe and protect global security. For anyone who has doubts, rest assured that the President and his negotiating team are working hard to finalize a treaty that first and foremost must advance U.S. security interests.

I look forward to working with my colleagues on this issue because the responsible reduction of the nuclear stockpile is one of the most important measures we can take to improve global security for future generations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING GEORGE PANICHAS

Mr. WHITEHOUSE. Mr. President, I am very honored to have the chance to join my distinguished senior Senator JACK REED on the floor of the Senate today to pay our respects to a friend of both of ours who has departed us. I will say a few words about our friend George Panichas myself and then my senior Senator will say a few words in conclusion.

It is a great honor for me to be here with Senator REED. One of the bonds we have is our friendship with the Honorable George Panichas.

On March 2, in our Ocean State, the day of George Panichas's funeral, the flags across the State were at half mast in his honor. While George's family and friends are still in mourning, we wish to take this opportunity to share some of our memories in celebration of the life of a man who was one of Rhode Island's legends.

Representative George Panichas was many things: a husband, a father, a grandfather, a veteran, a public servant, an advocate, a loyal and active member of Rhode Island's Greek community, a successful businessman and, to so many of us, a trusted friend. Although George was small in physical stature, he will always be remembered as big, big, big in personality, heart, influence, and accomplishments.

Born in the city of Pawtucket, Representative Panichas was a lifelong resident of the great State of Rhode Island and a member of our country's ''greatest generation.'' A decorated Air Force veteran of World War II, George served as a tail gunner in the U.S. Air Force, completing 50 missions over enemy-occupied Europe at a time when not many men survived 50 missions. He received the Air Medal with four oak leaf clusters, three battle stars for service in the European theater, the Presidential Unit Citation with oak leaf cluster, and a personal citation from the commanding general of the 15th Air Force.

Representative Panichas was elected to the Rhode Island General Assembly representing a district in Pawtucket in 1970. He served until he retired in 1984. He was the first Greek American to hold State office in our State. Throughout Representative Panichas's tenure, he was known for speaking up with his powerful voice and for his influence in getting the job done.

This Chamber still remembers John O. Pastore, another distinguished

Rhode Island public servant, small in stature, large in voice and influence. George Panichas was very much in his mold.

Representative Panichas was a tireless advocate for Rhode Island's veterans. Thanks to him, today we have a beautiful Rhode Island Veterans Memorial Cemetery. Thousands of people visit the cemetery every year and witness firsthand George Panichas's work. He was responsible for its expansion and many of the improvements that happened on its grounds. The brave Rhode Islanders and their families who served our country so honorably will always have a special beautiful place to be remembered, due in large part to the work of this man.

Perhaps above anything else, Representative Panichas was widely known for his dedication to his beloved Greek heritage. Many years I have attended the Pawtucket Greek Festival with him, held at the Greek Orthodox Church of the Assumption. I will always remember how he knew virtually everybody in attendance and the affection and respect the entire community showed for him.

At his funeral, I returned to the Church of the Assumption for his wake, and I heard so many stories there from his family, friends, and colleagues of his unique character, his kindness, and his bold leadership.

It is with heavy hearts that we remember one of Rhode Island's legends today. But Representative Panichas's spirit will live on through his accomplishments and through his beloved family. I extend my deepest condolences to his loving wife Angela, to his two daughters, of whom he was so proud—Denise and Joan—to his loving and beloved son George, Jr., and the apple of his eye, his grandson George III, and, of course, the rest of the Panichas family. George was truly one of a kind, and he will be missed.

George Panichas once quoted the great Greek philosopher Aristotle in saying: You will never do anything in this world without courage. It is the greatest quality of the mind next to honor.

Today we recall with respect and affection a man whose courage will long live in our hearts.

I yield the floor for my distinguished senior colleague.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I join my colleague and friend Senator WHITEHOUSE in paying tribute to an extraordinary American, an extraordinary Rhode Islander, George Panichas. Senator WHITEHOUSE, with eloquence and obviously great feeling that I share with him, recognized this extraordinary individual. He has been a friend and a mentor to both of us. He has been a force throughout his life for not only what we believe is central to America—opportunity for all, a sense of fairness and justice and decency—but he also has been intimately involved in his native land, Greece and Cyprus.

He is someone who represents the ideal of what an American should be. As a young man, he was a member of, at that time, the U.S. Army Air Corps. He flew 50 missions. He was a gunner on the aircraft. I think all of us recognize—although we did not participate in such challenging assignments—the kind of courage and mental toughness it takes to get in that aircraft and risk your life 50 times at least and to do so in an atmosphere of tension and danger. And George did it.

Like so many of his generation, when he came home, he did not boast about it. He decided, though, that his service was not going to end with his discharge from the U.S. Army Air Corps. He was going to continue to serve this Nation because he had participated with his colleagues, his contemporaries, in a noble effort. He understood the decency of America. He was part of it, and he understood the great challenges ahead—challenges to build a fair, just, and more equal society. He took it upon himself to do that in many ways.

He was a successful businessman. That was just one aspect of his contribution to the community. He was, as my colleague said, a State representative in our house of representatives. He was the first Greek American elected to the State house in Rhode Island. He was a staunch advocate for veterans. He was the leader of an effort that started many years ago in the sixties and seventies to build a State veterans cemetery in Rhode Island and to continue to maintain the highest quality at our State's veterans home. In fact, those two institutions, particularly the cemetery, are monuments to his efforts.

He undertook this great effort at a time when there was a lot of discussion about the service of veterans, but no one was standing up and doing what George was doing—cajoling and persuading and convincing and using all manner of his charming temperament and his booming voice to start to assemble the resources in Rhode Island, and then nationally, to build what I feel—and I am sure I am speaking for my colleague—is the finest State veterans cemetery in the country. It is a place of reverence. It is a place of inspiration. It is a place the families of Rhode Island veterans feel is appropriate as a resting place of those who served this Nation.

In October of 2008, in recognition of his great dedication and service, the administration building at the cemetery was named after George—a fitting tribute.

In addition to being an active patriot of his country, our country, the United States of America, he never lost sight of the need to be a powerful force in Greek-American relations. His constant efforts to assist, both in terms of business enterprises in Greece and in terms of charitable organizations in Greece, and his continued work to pull together the bonds between Greece and the United States were remarkable. He was someone who was keenly interested and very effective in advocating a wise American policy toward Greece and Cyprus and to the Ecumenical Patriarchate.

He was an extraordinary individual, and he will be missed. In all his endeavors, he had the support, the love, and derived strength from his wife Angela, who was a wonderful woman. And of course his daughters, Denise and Joan, have continued the tradition of service in making the community a better place, and his son George, Jr., has a proud name and he carries it proudly. Of course, his grandchildren are remarkable too.

I think the only way to end these few words for a great gentleman is to recall the words of another Greek—Thucydides—who said:

> The bravest of the brave are those who see both the glory and the danger and go forth to meet it.

George Panichas did that as an airman, as a citizen, as an American who used his opportunity to help others.

Mr. President, we miss this great gentleman, and we are so honored to be able to say a few words about him.

I yield the floor.

Ms. SNOWE. Mr. President, I would like to take this opportunity to express my gratitude to the majority leader for finally bringing this essential legislation to the floor after more than 3 years of extensions and delays.

This bipartisan bill is the product of years of diligence, patience, and an overriding commitment to safety. From the tremendous steps forward in implementing the critical Next Generation Air Traffic Control System to the thousands of jobs created by the funding for infrastructure improvements and innovation incentives, this legislation revolves, first and foremost, around enhancing the safety of our skies.

This bill addresses glaring gaps in safety brought to light by the heartbreaking tragedy of what should have been a routine flight for 49 people on February 12, 2009, and instead became, according to the National Transportation Safety Board, NTSB, the worst aviation accident since 2001.

The stunning cockpit voice recordings released by the NTSB during their investigation of the Continental Connection flight 3407 accident outside of Buffalo, NY, chilled Americans across the country. On behalf of the families who lost loved ones in that accident, and who courageously testified at a series of hearings called by Senators DORGAN and DEMINT on the safety of regional air carriers, Senator BOXER and I introduced the One Level of Safety Act. Incorporated into the larger FAA reauthorization bill before us, our legislation seeks to finally fulfill the decade-old promise of One Level of Safety, which the Federal Aviation Administration, FAA, regrettably viewed as little more than a slogan for the past several years. Working closely with the

devastated families left behind by the tragic crash of flight 3407, and the NTSB, we have addressed a number of glaring deficiencies in our aviation system which threatened the safety of passengers across the country.

In response to questions I and others posed before the Commerce Committee, NTSB chairwoman Debbie Hersman vowed to have the flight 3407 investigation completed within a year. To her credit, she lived up to her promise. In fact, with 1 year as chair now under her belt, she has performed admirably. And the work of the Board brought to light critical information necessary to address the gaps in our safety regime, gaps that contributed to the flight 3407 accident.

For example, one of the primary causes of the Continental Connection crash, according to the NTSB's preliminary report released in January, was the lack of rest for the pilots. One airline claims that more than a quarter of its pilots commute 1,000 miles just to get to work! And the safety implications of pilot fatigue are not a new concern. In fact, as you can see on this chart, fatigue has been at the top of the NTSB's Most Wanted list of safety improvements since the list's inception in 1990, left unaddressed now for over 20 years! Today it languishes on that same list, the NTSB noting hat it has received an ''unacceptable response'' from the FAA. Yet the NTSB has indicated that fatigue is the primary cause of over 250 accident deaths over the past 15 years.

Indeed, when the FAA last considered modernizing these fatigue rules in 1995, after receiving resistance from the airlines, the agency simply chose to shelve the proposed changes rather than address obsolete fatigue rules more than a half-century old. We cannot allow this to continue, which is why we require the FAA to develop regulations that would limit the number of hours permitted for pilots to fly in a 24 hour period, to assist in alleviating pilot fatigue problems, as well as to provide guidance to air carriers to develop, and submit to the FAA, fatigue management plans. The bill mandates the completion—within a year of enactment—of an ongoing FAA rulemaking addressing fatigue, an effort undertaken recently by Administrator Babbitt.

For too long, the FAA has been a reactionary body, acting only after a tragedy, rather than analyzing trends and data to enable the agency to foresee future accidents. So, to address this issue, Senator BOXER and I added a level of accountability to the FAA's safety programs to encourage proactive oversight. Specifically, this legislation requires unannounced, on-the-ground annual inspections of flight training schools and airlines, ensuring all safety standards included in this legislation will be enforced.

Another element of our legislation, specifically cited by the NTSB and recently added to their ''Most Wanted'' List of aviation safety threats, as you can see on this chart, addresses the ability of air carriers to view a potential pilot's entire flying history. Incredibly, this information is currently unavailable to an airline—unless they file a Freedom of Information Act request! And that is simply unacceptable. The pilot operating the Continental Connection flight 3407 at the time of the accident had previously failed five flight tests, or ''checks''. But the air carrier claimed it was unaware of these failures, because the pilot did not disclose them on his application. To reverse this unfathomable rule once and for all, this bill gives airlines access to a pilot's complete history to ensure they are hiring qualified, well-trained, and talented pilots.

Another measure, which I am particularly pleased to have included in the Reauthorization is the landmark Passenger Bill of Rights legislation on which Senator BOXER and I worked so diligently as far back as the spring of 2007. The fact is Congress has waited far too long to move on this essential safety measure. New York State, one of many states frustrated by the delays in improving passenger safety here in Washington, sought to impose its own passenger rights standard, but the U.S. Court of Appeals for the Second Circuit struck down their effort, placing the onus squarely on Congress. Specifically, the Circuit's decision stated that only the Federal Government may implement a national standard for passenger safety, and I commend the Commerce Committee for responding by including the Passengers' Bill of Rights.

We all have heard the horror stories, many detailed before the several hearings held in the Senate Commerce Committee on this topic—people trapped on aircraft for nearly 12 hours, left in the dark by the airlines, uncertain when or if they would ever be permitted to deplane; overflowing restrooms; diabetics unable to access their insulin and at risk of going into shock. This was the case in Austin, TX, just prior to New Year's Eve in 2006, when an aircraft remained on the tarmac for nearly 9 hours, with no communication from the airline and passengers ready to revolt. Such incredible stories were on the verge of becoming commonplace during the explosive growth of air travel during the mid-2000s. In fact, just last year there were 904 flights that remained unmoving on the tarmac for 3 hours or more.

More than 10 years since the first attempt to put in place protections for passengers, they can now be assured that they no longer will become prisoners in the event of a lengthy delay, nor will their safety be compromised to meet an airline's bottom line. Guaranteeing basic necessities like food, water, and functioning restrooms for passengers left on a grounded aircraft for hours at a time, while providing them a choice to safely deplane after remaining stranded on the tarmac for more than 3 hours, is a tremendous leap forward for the millions of passengers who travel our skies every year. And I say it is about time.

Moreover, a key component of this bill ends the often ''cozy'' relationship between airlines and their FAA maintenance inspectors that threatens to undermine aircraft safety. Senator KLOBUCHAR and I originally developed this legislation to prevent FAA inspectors from turning a blind eye to safety violations at various airlines. First brought to light by a report issued by Department of Transportation inspector general Calvin Scovel in 2008, those failings were confirmed just last month, when a follow-up report issued by the IG's office revealed that despite the previous report, the ''. . . FAA had failed to take appropriate action . . .'' to address airlines ''. . . longstanding failure to comply with required maintenance inspection procedures . . .''

In recent years, the FAA experienced a culture shift away from a safety-first mentality. In fact, the charter of the FAA was amended in 2003 to include the promotion of air carriers in their mission statement. How is it that a government agency can simultaneously promote and regulate an entire industry? This bill struck the dueling nature of such a mission statement, reducing the significance of advocating for the airlines and returning safety to its rightfully preeminent position at the agency. At the same time, we put into place a Whistleblower's Office to protect individuals who reveal violations within the FAA from retribution.

Why is this necessary? Too often in recent years, Congress has heard from courageous whistleblowers like Doug Peters, who had his job and family threatened in 2008 for reporting numerous safety violations at Southwest, the same violations detailed in the 2008 inspector general's report. Rather than being rewarded for their dedication, these individuals were either summarily removed from their jobs or strategically relocated to place them ''out of the way.'' Thanks to this legislation, they will have advocates and legal recourse within the Department at the Whistleblowers Office.

The reauthorization also slams shut the revolving door between inspectors and airlines. The inspector general's 2008 and 2010 reports concluded that inspectors responsible for requiring compliance with federal standards by an individual air carrier were transitioning between the FAA and those particular airlines and back again, establishing relationships that led to the undermining of safety requirements issued by the FAA. Our bill requires an inspector must experience a ''cooling-off'' period of 2 full years before he or she can gain employment with the air carrier they once inspected.

At the same time, an additional, critical issue for both Maine and the Nation is rural aviation. As a tool for economic development, access to commercial aviation is absolutely essential. To that end, Senator BINGAMAN and I were

pleased to see the inclusion of the Rural Aviation Improvement Act, which overhauls the Essential Air Service, EAS, and small community air service grant programs, to continue the commitment Congress made to small communities when we deregulated the aviation industry in 1978—ensuring those communities hurt by deregulation, particularly less populated areas, would continue to receive commercial air service.

The fact is, since deregulation, communities across the country have experienced a decline in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether. Our bill raises funding for the program from $127 to $175 million annually, consistent with the President's budget request for the program.

A handful of ''bad actors'' have jeopardized commercial aviation for entire regions, most of them rural, by submitting low-ball contracts to the Department of Transportation to ensure they receive the EAS subsidy, and once they have, reneging on their commitment to the extent and quality of their service. Our bill will not only establish a system of minimum requirements for all EAS contracts to protect municipalities that rely on the program for commercial service, but it will also extend those contracts to 4 years from the current 2. This gives a heightened degree of certainty, so that rather than having communities negotiating new contracts or receiving service from entirely new carriers every 18 months, those municipalities participating in the program can plan for infrastructure improvements or other means to expand service. Actively encouraging communities to get involved in the process, and build relationships with the carriers who serve them, can only bolster the quality of the program.

The reauthorization provides states and communities the ability to take a more active role in the level of service they receive by allowing them a ''buy-in'' option. This would allow states or local communities to leverage the EAS subsidy to develop incentives that would attract additional flights from an existing carrier, or bring in new carriers who offer a larger array of destinations.

In short, I believe this an outstanding, bipartisan bill that has required long hours—over 3 years—and considerable effort to complete. I would like to take this opportunity to thank the committee for adding so many of these improvements to the underlying legislation, commend the Commerce and Finance Committees for their relentless work, and urge all my colleagues to support this critical legislation.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in support of an amendment that I introduced yesterday that addresses the issue of toxins entering the ventilation systems on commercial aircraft.

This amendment is designed to ensure the FAA has the necessary information to protect the American public from exposure to harmful contaminants while flying.

Specifically, here is what the amendment would do:

First, it would require FAA to complete a study of cabin air quality within 1 year; second, the amendment would provide FAA with the authority to mandate that airlines allow air quality monitoring on their aircraft for the purposes of the study; and third, the amendment would authorize FAA to mandate installation of sensors and air filters if the study demonstrates that these steps would provide a public health benefit.

This amendment is necessary because the air in the passenger cabin is a mixture of recirculated cabin air and fresh air that is compressed in the airplane engines.

Sometimes the air you breathe on an airplane gets contaminated with engine oils or hydraulic fluids that are heated to very high temperatures, often appearing as a smelly haze or smoke.

That haze or smoke that enters the cabin air is a toxic soup and can contain carbon monoxide gas as well as chemicals that can damage your nervous system called tricresylphosphates, TCPs.

Exposure to TCPs can initially cause stomach ache and muscle weakness, followed by delayed memory loss, tremors, confusion, and many other symptoms.

Exposure to this and other air toxics in cabin air is a serious matter.

In 2004, the FAA concluded that the problem was so ''unsafe'' that it needed to do thorough inspections of certain aircraft.

In a Federal Register notice, FAA called for ''repetitive detailed inspections of the inside of each air conditioning . . . duct,'' which FAA stated was ''necessary to prevent impairment of the operational skills and abilities of the flight crew caused by the inhalation of agents released from oil or oil breakdown products, which could result in reduced controllability of the airplane.''

Let me take moment to explain how these broad findings impact people who happen to be exposed to toxic air in aircraft cabins.

Terry Williams is a mother of two and a former flight attendant, who knows firsthand the dangers associated with exposure to toxic fumes while onboard an airplane.

As Terry was working on April 11, 2007, she noticed a ''misty haze type of smoke'' on the plane as it taxied toward its gate. Since then, she has experienced chronic migraines and twitching.

Terry made repeated visits to the emergency room before a neurologist told her she had been the victim of toxic exposure.

Terry is not alone.

Although several flight attendants and passengers have related similar stories to the FAA of smelling chemicals and then experiencing serious illnesses, the FAA has never conducted a large-scale study to measure the frequency or severity of such toxic fume events in aircraft.

Moreover, there appears to be no FAA standard for identifying or preventing the presence of toxic fumes in aircraft cabins.

This FAA reauthorization bill pending before the Senate addresses this very important public health and safety issue.

Specifically, section 613 of the Commerce Committee's bill would require that the Federal Aviation Administration implement a research program to identify appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit air supplied to the passenger cabin and flight deck of all pressurized aircraft.

This is a very good and important provision. FAA should absolutely study what equipment most effectively fixes this air quality problem.

But my amendment would go further than the establishment of a ''research program.''

It lays out a clear framework for protecting the public from what could be a serious risk.

First, it requires that FAA study the nature of this risk by thoroughly and comprehensively monitoring the frequency of exposure on aircraft, so that we understand whether toxic exposure is a common occurrence.

Second, the FAA must assemble records of passenger illness complaints to determine the specific health risks associated with harmful contaminants in airplane ventilation systems.

By gathering this information, I am confident that FAA will develop a clear picture of the level of health risk posed by toxins in cabin air, and the ways to protect the American traveling public and the hardworking men and women who make air travel possible.

Finally, this amendment would empower the FAA to require the installation of toxic air monitors and air filters that the Commerce Committee legislation's study would identify.

Such installation would only be required if the FAA's study shows that such a step is necessary to protect public health, but FAA would clearly have a mandate to take this step.

In March 2009, the president of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE, which in 2007 developed voluntary model standards to protect aircraft cabin air quality, called on FAA to ''investigate and determine the requirements for bleed air contaminant monitoring and solutions to prevent bleed air contamination.''

I will ask to have a copy of this full letter printed in the RECORD.

But I also want to read ASHRAE's conclusion, which states:

Although no systematic fleet-wide or industry-wide audits have been conducted, the UK Committee on Toxicity recently calculated the incidence of oil/hydraulic fluid events as 1 percent of flights based on pilots reports and 0.05 percent of flights based on engineering investigations. . . .

Still, no aviation regulator requires either bleed air monitoring or bleed air treatment.

To this end, the ASHRAE committee that developed (the model air quality standard) is writing to ask you . . . to investigate the technical implications and flight safety benefits of addressing bleed air contamination, and to determine the requirements for bleed air contaminant detection systems and solutions to prevent bleed air contamination.

I agree with the ASHRAE recommendation that we need to study this problem and take steps to protect public health and safety.

I offered this amendment in order to implement ASHRAE's very sound recommendations, and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent to have printed in the RECORD the March 6, 2009, letter to which I referred.

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

AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.,
Atlanta, GA, March 6, 2009.

Re Request to investigate and determine requirements for bleed air contaminant monitoring and solutions to prevent bleed air contamination.

LYNNE A. OSMUS,
Acting Administrator, Federal Aviation Administration, Washington, DC.

PATRICK GOUDOU,
Executive Director, European Aviation Safety Agency, Koeln, Germany.

DEAR MS. OSMUS AND MR. GOUDOU: In 2007, ASHRAE published ''Air quality within commercial aircraft'' (ASHRAE, 2007; copy attached), developed by Standard Project Committee 161. The standard addresses a wide range of air quality issues including ventilation, temperature, and contaminants from a variety of sources. In light of the committee's flight safety concerns and the references cited below, the committee requests that, this year, you investigate and determine the requirements for bleed air contaminant monitoring and solutions to prevent bleed air contamination, including maintenance/operating/design control measures and bleed air cleaning equipment.

As background, ASHRAE is an engineering association that, among other things, develops and publishes voluntary indoor air quality standards that are often adopted by regulatory authorities. This aircraft air quality standard was developed over a ten-year period. It was a significant undertaking that was ultimately approved for publication unanimously by a committee of members that represent the full spectrum of aviation interests and expertise: namely, aircraft and component manufacturers, airlines, crewmembers, passengers, and a general interest group, appointed according to administrative rules that ASHRAE issued in 2000 to ensure that all interest groups were represented and would be heard. Pre-publication, the standard was also released for two 45-day comment periods during which the general public and other interested parties had the opportunity to weigh in.

Section 7.2 of the standard requires the installation of ''one or more sensors intended to identify a substance or substances indicative of air supply system contamination with partly or fully pyrolyzed engine oil or hydraulic fluid'' with flight deck indication when such fumes are present to enable the pilot(s) to respond appropriately and rapidly. Also on the subject of air supply monitoring, Section 8.2 of the standard notes the utility of making portable, reliable, easy-to-use air monitoring devices available in the cabin and flight deck. Finally, Section 8.2 states that air cleaning technologies intended to reduce bleed air contaminants may be considered.

Many other publications support this request. For example, the Air Accidents Investigation Branch (AAIB) of the UK Department for Transport echoed the call for bleed air monitoring, noting ''adverse physiological effects in one or both pilots, in some cases severe'' (AAIB, 2007). These smoke/fume events had been reported on commercial flights, so the AAIB recommended that the EASA and the FAA ''consider requiring, for all large aeroplanes operating for the purposes of commercial air transport, a system to enable the flight crew to identify rapidly the source of smoke by providing a flight deck warning of smoke or oil mist in the air delivered from each air conditioning unit.'' The installation of sensors which would identify contaminated air events would further help to address the concerns raised by the FAA and others of the underreporting of such events (FAA, 2006(a); FAA, 2006(b); Michaelis, 2003). It has been estimated that less than 4% of oil fume incidents are reported as required (Michaelis, 2007). Sensors would help mitigate the reported high failure rate of crews to use emergency oxygen, despite clear industry guidelines to use oxygen when the air is (or is suspected to be) contaminated.

Similarly, controlling bleed air contamination is supported by many recent publications that have cited either pilot incapacitation or impairment caused by exposure to oil fumes (AAIB, 2007; ATSB, 2007; SAAIB, 2006; CAA, 2002; CAA, 2000). Oil fume events have been reported fleet-wide across a wide range of aircraft types (Murawski, 2008). For example, on the BAe146 aircraft, the FAA itself requires particular inspections and cleaning to ''prevent impairment of the operational skills and abilities of the flightcrew caused by the inhalation of agents released from oil or oil breakdown products, which could result in reduced controllability of the airplane,'' describing oil contamination as an ''unsafe condition'' and requiring that corrective actions be completed prior to further flight (FAA, 2004).

Although no systematic fleet-wide or industry-wide audits have been conducted, the UK Committee on Toxicity recently calculated the incidence of oil/hydraulic fluid events as 1% of flights based on pilots reports and 0.05% of flights based on engineering investigations (with the caveat that the incidence may vary with airframe, engine type, and servicing) (COT, 2007).

Still, no aviation regulator requires either bleed air monitoring or bleed, air treatment. To this end, the ASHRAE committee that developed Standard 161–2007 is writing to ask you to establish a joint independent committee (perhaps with other regulatory authorities) this year to investigate the technical implications and flight safety benefits of addressing bleed air contamination, and to determine the requirements for bleed air contaminant detection systems and solutions to prevent bleed air contamination, as described. The committee thanks you for your commitment to aviation safety and encourages you to direct any questions, correspondence, or requests for references to the committee Chairman, Dr. Byron Jones.

Sincerely,

WILLIAM HARRISON,
President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, Senator REID has asked I announce to Senators that there will be no further votes this evening and there will be no votes tomorrow. We expect the next vote to be Monday at 5:30 p.m. We do expect finally that we are near an agreement by which we would be able to finish this FAA reauthorization bill with a final vote Monday evening. That is our expectation.

I indicated I would describe the circumstances. We are hopeful, as I indicated earlier, that we would be able to reach conclusion on this bill. We were hopeful in doing it tonight. That was not possible. But we expect to have final passage on the FAA reauthorization bill on Monday at 5:30. But let me describe the discussions we have had more recently with Senator KYL and Senator WARNER and many other colleagues—Senator HUTCHISON.

There remains very little to be done on this bill. We have 17 amendments that have been agreed to on both sides that would be offered en bloc. We were not able to offer those until we were able to resolve another issue or at least begin discussion of another issue. And then there was an issue dealing with slots and perimeter rules for Reagan National Airport. It has been controversial in the past—for many, many years—and some colleagues on both sides of the aisle have offered amendments dealing with slots and the perimeter rule. So it has caused a lot of discussion for some long while. We have people on both sides of these issues, for and against increasing slots and expanding the number of flights beyond the perimeter at Reagan National.

What we have discussed more recently is that an amendment would be offered by the minority. They would perhaps modify an amendment that is now filed, and they would offer an amendment on the slots—I guess slots and the perimeter rule—and have that debated.

One of the things we discussed is that we understand, going into conference with the House, that the House has provisions to increase slots at Reagan National. So that will be an issue in conference. The question is, What is the Senate's position going into conference? It can be determined by a vote on the floor of the Senate—yes or no—or it can be determined in good faith by discussions with all of us who understand there will be modifications, some kinds of modifications on slots and the perimeter rule. What will they be? Those conversations, it seems to me, can also become, between now and Monday, a part of the discussion and good-faith negotiation on how to approach a conference that reaches the

interests and needs of the broadest group of Senators.

So that is what we have done. We expect to have a new amendment filed that will modify one previously filed and have a debate about that. My hope is that we would not have a vote on that and instead reach some common understanding that we would work together on the slot and the perimeter issue in a way that can satisfy the broad interests here in the Senate and take that position into conference in a very assertive way and hope the Senate provision would prevail in conference.

Mr. President, that is my understanding of where we are, and with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate what the Senator from North Dakota has stated. I am also working in this group to try to finish this FAA reauthorization bill. There is so much in this bill that will let airports throughout our country have the stability and the airport trust funds to go forward. There are many safety issues that have resulted from the Colgan accident that we are trying to correct, and other information. This is a very good, very bipartisan bill.

There are approximately 17 amendments we will be able to clear with the consent of everyone who has been interested in these, after we dispose of the perimeter issue. We are going to have the reformed amendment filed on the perimeter issue, and it will be available for a vote on Monday, where we hope we will either be able to vote or get some sort of colloquy that is an understanding. After everyone is satisfied with that, we will then clear the other amendments and hope to go to final passage on Monday. I believe that is the goal, and I think it is very reachable.

The perimeter rule at National Airport is a rule that was put in place for many reasons. For one thing, there are noise issues, there are traffic issues, and there are air traffic issues because National is a very close-in airport.

Then, of course, there is also the Dulles Airport issue. The way it has evolved is that Dulles Airport is the long-haul airport into our Nation's Capital and National is used by people who come into our Capital because it is convenient. We don't want to jeopardize the Dulles Airport service in any way, but the people who live farther out west in our country have been discriminated against, clearly, in not having access to National Airport because there is a perimeter rule, with only 12 flights that go beyond that perimeter.

So we have tried for a long time to settle this in an equitable way that does extend the perimeter but not to the detriment of either National or Dulles Airport. Senator WARNER of Virginia has been a very strong advocate of the protection of National Airport as well as Dulles Airport, as he should be, and I will let him speak for himself. But he has been a very strong advocate, which we all appreciate, and I think the western Senators have also been very strong in their efforts for a long time—for many years.

I have been on the aviation subcommittee and am now ranking member of the Commerce Committee, and I will tell you that we have tried to deal with this perimeter issue to accommodate the needs of western constituents, western citizens who want to be able to come into National Airport and have the choice to come into National Airport. So I believe we are working very constructively in this, and I support the agreements that have been made for us to go forward as described.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I want to agree with my colleagues, the ranking member, the Senator from Texas, the Senator from North Dakota, and the Senator from Arizona, on the very good work that has been done on this FAA reauthorization bill and the importance of this bill, not only in terms of at least starting us down the path of NextGen and starting to recognize the safety issues that are addressed.

As a member of the committee, I wish to compliment the bipartisan approach that has been taken on this important piece of legislation. I, like my colleagues and I think most Americans, want to see us move forward on this important piece of legislation.

I also appreciate the ranking member's comments about the long and challenging journey this has been, about the slots and the perimeter rule battles between National and Dulles. I appreciate her comments in terms of my role as a Virginia Senator to make sure the unique nature of National and Dulles is protected. She made the comment that Senator WARNER has been a fighter for this. In this case, I am simply filling the shoes of my esteemed predecessor, Senator John Warner, who I know for 20 years probably has had this battle, and my colleagues have gone through some of the twists and turns.

I want to make two or three comments and not take long today because I will have more to say on Monday.

One is that while National and Dulles serve our Nation's Capital, they also are the local airports for people in Virginia, DC, and Maryland, and there have been a number of issues of a unique nature with National Airport in terms of sound concerns and in terms of traffic concerns and safety concerns regarding the inability to extend any runway. I would also say with regard to Dulles that those of us who have lived in this area for decades have seen Dulles grow from being somewhat of either a foresight or a white elephant, depending on your perspective, over the last 30 years to being an international hub and an airport that has enormous potential and opportunity and has, candidly, benefited from the maintenance of the perimeter rule—an airport this government has invested in heavily.

I also have to recognize that technology has changed in terms of the nature of jets in and out of National. Technology improvements have allowed for much quieter aircraft coming in and out of National, which has mitigated some of the concerns of the neighbors around the airport. We have also seen Dulles make enormous strides not only as a long-haul airport but as a gateway airport, in many ways, for international flights.

Senator DORGAN made mention of the fact that the House has already acted in terms of changing the status quo. So the status quo, at least from the House perspective, is going to change.

What I look forward to, hopefully, after our colloquy and conversation, is a debate on Monday. I appreciate the fact that my colleagues will offer their amendment, and if we get to a vote, we will get to a vote. If we can resolve this through a conversation, I hope we can resolve it through a conversation. But I will have that opportunity to lay out some of the challenges that these airports serve to the traveling public, and particularly to my constituents, but also recognizing that the status quo of the last 20-odd years is going to change and we want to work in a way so that change can be dealt with in a way that accommodates the needs of the local community; that maintains National's incredibly important role; that doesn't cannibalize the great progress that has been made at Dulles; and that also recognizes the traveling needs of those Americans who live outside the perimeter, in a way that strikes that appropriate balance.

I appreciate the support I have received from Chairman ROCKEFELLER and Chairman DORGAN and a number of my colleagues. I also particularly appreciate as well the good-faith efforts Senator HUTCHISON and Senator KYL have made in not only raising this discussion but raising it in a way that we can perhaps resolve it so that those folks who will be on the conference committee can represent a view of the Senate that reaches that kind of accommodation, and most importantly that we can go ahead and pass this very important piece of FAA reauthorization legislation Monday afternoon.

So I look forward to that conversation, I look forward to that debate, and my hope is that we can get to a final vote on passage of the bill on Monday and the good work that so many of our colleagues have done can actually be put into action.

With that, I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me echo the comments of all my colleagues who have spoken to the issue. I think the comments Senator WARNER just made summarize the issue very well and I

will not repeat all those things. The translation of all this for our colleagues is—although I am not making the announcement—that I presume there will be no further formal action in the Senate tonight or tomorrow but that we will be laying down a modification of the amendment that was filed that would include modifications to the perimeter rule and perhaps other matters.

We will have an opportunity to discuss that tomorrow, and there will be some opportunity to discuss that Monday, for those who perhaps have already left. In particular, I know some of my colleagues will not return until around 4:30 in the afternoon. I am not going to propound a unanimous-consent request, but I hope, in consultation with the two leaders, we could work out an arrangement whereby at least some of the time on Monday can be reserved for a debate on the amendment that will be filed by, presumably, Senator HUTCHISON, myself, Senator ENSIGN and others and that part of that time will also be in the 4:30 to 5:30 timeframe. That is the time the leader has ordinarily set for the first vote, returning on Monday, and presumably there will be a unanimous-consent agreement with the leaders that will reflect the precise understanding of what vote or votes will occur on Monday night and when, but presumably it would fall within that timeframe that is customary.

Just to conclude by saying I hope that as a result of the conversations we have had and will continue to have Monday and tomorrow, that we can lay the foundation for the establishment of a Senate position in the conference committee that would reflect a consensus and perhaps some compromise that would satisfy the interests of all. We are never going to outdo the fierceness with which both Senator WARNERS—Senator JOHN WARNER, who preceded, and now-Senator MARK WARNER—fight for their constituents and for the interests of two national airports—in a sense representing us all. We certainly appreciate the single-mindedness with which now-Senator MARK WARNER has pursued those interests but also his recognition that obviously times change, there are some needs for other parts of the country, and that through comity and conversation perhaps things can be worked out without having any detriment to anybody. That is obviously the goal we would seek to accomplish.

In any event, we will have an amendment on the floor that can discuss this. Perhaps we will vote on it. In any event, the object will be to vote on final passage of the bill on Monday evening.

Mr. DORGAN. Mr. President, we do not yet have a script with respect to an unanimous consent on the Monday 5:30 vote, but all of us are understanding we want to conclude this legislation Monday, beginning with the 5:30 vote. I think that is a good result.

As Senator HUTCHISON indicated, this is a big bill with many important parts—safety, modernization, so many issues. I am frustrated, as is everybody, in the pace of the Senate. This is the fifth full day on this bill, but Monday at 5:30 we understand we will finally resolve this issue, and it will be good for this country. We will have done some good things passing this bill and getting to a conference with the House.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

TAX EXTENDERS ACT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Joint Committee on Taxation document entitled ''Estimated Revenue Effects of the Revenue Provisions contained in the 'American Workers, State and Business Relief Act of 2010,' as passed by the Senate on March 10, 2010'' be printed in the RECORD.

In addition, please let the RECORD reflect that the document entitled ''Technical Explanation of the Revenue Provisions Contained in the 'American Workers, State and Business Relief Act of 2010,' as passed by the Senate on March 10, 2010'' can be found on the Joint Committee on Taxation Web site at http://jct.gov/publications.html?func=startdown&id=3664. This document is a contemporary explanation of the legislation that reflects the intentions of the Senate and its understanding of the legislative text.

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

JOINT COMMITTEE ON TAXATION
March 10, 2010
JCX-9-10

ESTIMATED REVENUE EFFECTS OF THE REVENUE PROVISIONS CONTAINED IN THE "AMERICAN WORKERS, STATE AND BUSINESS RELIEF ACT OF 2010," AS PASSED BY THE SENATE ON MARCH 10, 2010

Fiscal Years 2010 - 2020

[Millions of Dollars]

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
I. Extension of Expiring Provisions														
A. Energy														
1. Alternative motor vehicle credit for heavy hybrids (sunset 12/31/10)	ppa 12/31/09	-3	-3	-1	-1	[1]	[2]	[2]	—	—	—	—	-8	-8
2. Incentives for biodiesel and renewable diesel:														
a. Biodiesel (sunset 12/31/10)	fsoua 12/31/09	-726	-268	—	—	—	—	—	—	—	—	—	-994	-994
b. Renewable diesel (sunset 12/31/10)	fsoua 12/31/09	-10	-4	—	—	—	—	—	—	—	—	—	-14	-14
3. Credit for electricity produced at open-loop biomass facilities placed-in-service before 10/22/04 (sunset 12/31/10)	epasa 12/31/09	-54	-36	-7	-4	-3	-1	—	—	—	—	—	-105	-105
4. Extend placed-in-service date for refined coal and steel industry fuel (sunset 12/31/10 for facilities placed-in-service after 12/31/09)	fpisa 12/31/09	-3	-6	-6	-6	-6	-6	-6	-6	-6	-7	-5	-33	-63
5. Period of incurring qualified expenditures for purposes of credit for production of low sulfur diesel fuel for small refiners in compliance with Environmental Protection Agency sulfur regulations for small refiners (sunset 12/31/10)	[3]	-11	-7	-1	-1	[1]	[2]	[2]	[2]	[2]	[2]	[2]	-20	-20
6. Placed in service date for eligibility for tax credit for the production of coke or coke gas (sunset 12/31/10)	fpisa 12/31/09	-3	-5	-5	-5	-3	—	—	—	—	—	—	-21	-21
7. Credit for construction of energy efficient new homes (sunset 12/31/10)	ppisa 12/31/09	-23	-17	-6	-6	-5	-4	-4	-1	—	—	—	-61	-66
8. Incentives for alternative fuel and alternative fuel mixtures (excluding liquified hydrogen) (sunset 12/31/10)	fsoua 12/31/09	-148	-48	—	—	—	—	—	—	—	—	—	-196	-196
9. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities (sunset 12/31/10)	ta 12/31/09	-221	-88	49	49	49	49	49	49	17	—	—	-113	—

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Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
10. Extension of suspension of 100 percent-of-net-income limitation on percentage depletion for oil and natural gas from marginal properties (sunset 12/31/10)	tyba 12/31/09	-67	-36	---	---	---	---	---	---	---	---	---	-103	-103
11. Grants for energy efficient appliances in lieu of credit [4]	api 2009 & 2010	-68	-2	---	---	---	---	---	---	---	---	---	-69	-69
12. Modify the requirements for exterior windows, doors, and skylights to be eligible for the credit for nonbusiness energy property (sunset 12/31/10)	ppisa DOE	---	-145	---	---	---	---	---	---	---	---	---	-145	-145
13. Extend and modify section 45 credit for steel industry fuel (sunset 12/31/10)	DOE & fpa 10/1/08	-13	-15	-16	---	---	---	---	---	---	---	---	-44	-44
B. Individual Tax Relief														
1. Deduction for certain expenses of elementary and secondary school teachers (sunset 12/31/10)	tyba 12/31/09	-43	-172	---	---	---	---	---	---	---	---	---	-215	-215
2. Additional standard deduction for State and local real property taxes (sunset 12/31/10)	tyba 12/31/09	-233	-1,318	---	---	---	---	---	---	---	---	---	-1,551	-1,551
3. Deduction of State and local general sales taxes (sunset 12/31/10)	tyba 12/31/09	-218	-1,288	-294	---	---	---	---	---	---	---	---	-1,800	-1,800
4. Contributions of capital gain real property made for qualified conservation purposes (sunset 12/31/10)	cmi tyba 12/31/09	-23	-60	-22	-17	-14	-12	-10	-8	-8	-8	-8	-148	-190
5. Deduction for qualified tuition and related expenses (sunset 12/31/10)	tyba 12/31/09	-300	-1,201	---	---	---	---	---	---	---	---	---	-1,501	-1,501
6. Tax-free distributions from IRAs to certain public charities from age 70 1/2 or older, not to exceed $100,000 per taxpayer per year (sunset 12/31/10)	Dmi tyba 12/31/09	-175	-187	-24	-25	-26	-28	-29	-31	-33	-34	-35	-465	-627
7. Look-thru of certain regulated investment company ("RIC") stock in determining gross estate of nonresidents (sunset 12/31/10)	dda 12/31/09	*No Revenue Effect*												
8. Election for refundable low-income housing credit for 2010 [4]	DOE	-3,072	-1,232	281	435	504	521	523	523	523	523	482	-2,563	11
C. Business Tax Relief														
1. Tax credit for research and experimentation expenses (sunset 12/31/10)	apoia 12/31/09	-2,195	-1,522	-483	-425	-374	-329	-291	-274	-265	-256	-236	-5,328	-6,650
2. Indian employment tax credit (sunset 12/31/10)	tyba 12/31/09	-17	-23	-7	-1	---	---	---	---	---	---	---	-48	-48
3. New markets tax credit (sunset 12/31/10)	cyba 12/31/09	-15	-55	-161	-181	-204	-219	-219	-196	-145	-9	3	-834	-1,401
4. 50% tax credit for certain expenditures for maintaining railroad tracks (sunset 12/31/10)	epoid tyba 12/31/09	-66	-99	[1]	[1]	---	---	---	---	---	---	---	-165	-165
5. Extension of mine rescue team training credit (sunset 12/31/10)	tyba 12/31/09	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	-1	-1

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
6. Employer wage credit for activated military reservists (sunset 12/31/10)	pma 12/31/09	-1	-2	-1	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	-4	-4
7. 5-year recovery period for certain farming business machinery or equipment (sunset 12/31/10)	ppisa 12/31/09	-113	-228	-164	-156	-178	41	377	334	87	---	---	-798	---
8. 15-year straight line cost recovery for qualified leasehold, restaurant and retail improvements and new restaurant buildings (sunset 12/31/10)	ppisa 12/31/09	-145	-410	-528	-522	-513	-489	-475	-479	-466	-443	-380	-2,608	-4,851
9. 7-year recovery period for certain motorsports entertainment complexes (sunset 12/31/10)	ppisa 12/31/09	-11	-18	-11	-6	-3	-4	-4	1	6	6	6	-52	-38
10. Accelerated depreciation for business property on Indian reservations (sunset 12/31/10)	ppisa 12/31/09	-107	-186	-69	15	51	80	65	35	4	-7	-4	-216	-123
11. Enhanced charitable deduction for contributions of food inventory (sunset 12/31/10)	cma 12/31/09	-43	-35	---	---	---	---	---	---	---	---	---	-78	-78
12. Enhanced charitable deduction for contributions of book inventory (sunset 12/31/10)	cma 12/31/09	-17	-14	---	---	---	---	---	---	---	---	---	-31	-31
13. Enhanced charitable deduction for qualified computer contributions (sunset 12/31/10)	cmi tyba 12/31/09	-107	-88	---	---	---	---	---	---	---	---	---	-195	-195
14. Extension of election to expense advanced mine safety equipment (sunset 12/31/10)	ppisa 12/31/09	-8	-2	3	2	2	1	1	1	[2]	[2]	[2]	-4	-2
15. Special expensing rules for qualified film and television productions (sunset 12/31/10)	qfatpca 12/31/09	-54	-108	12	26	18	15	13	11	9	7	5	-91	-46
16. Expensing of Brownfields environmental remediation costs (sunset 12/31/10)	epoia 12/31/09	-201	-124	19	22	25	23	20	18	15	13	12	-236	-158
17. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico (sunset 12/31/10)	tyba 12/31/09	-84	-101	---	---	---	---	---	---	---	---	---	-185	-185
18. Modify tax treatment of certain payments under existing arrangements to controlling exempt organizations (sunset 12/31/10)	proaa 12/31/09	-17	-3	---	---	---	---	---	---	---	---	---	-20	-20
19. Exclusion of gain or loss on sale or exchange of certain Brownfield sites from unrelated business taxable income (sunset 12/31/10)	paa 12/31/09	1	1	-1	-17	-18	-3	-3	-3	-3	-3	-3	-37	-54
20. REIT timber provisions including mineral royalties treated as qualified REIT income of timber REITs; treatment of REIT timber gain; and prohibited transactions safe harbor rules (sunset 12/31/10)	tyea 5/22/09	*Estimate Included in Item I.C.25.*												
21. Treatment of certain dividends of regulated investment companies (sunset 12/31/10)	[5]	-12	-72	---	---	---	---	---	---	---	---	---	-84	-84
22. Extend the treatment of RICs as "qualified investment entities" under section 897 (FIRPTA) (sunset 12/31/10)	1/1/10	-5	-5	---	---	---	---	---	---	---	---	---	-10	-10

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Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
23. Exception under Subpart F for active financing income (sunset 12/31/10)	tyba 12/31/09	-945	-2,978	---	---	---	---	---	---	---	---	---	-3,923	-3,923
24. Look-thru treatment of payments between related CFCs under foreign personal holding company income rules (sunset 12/31/10)	tyba 2009	-135	-439	---	---	---	---	---	---	---	---	---	-574	-574
25. Reduction in corporate rate for qualified timber gain (sunset 12/31/10)	5/23/09	-110	-36	-20	-28	-27	-27	-11	-2	-1	-1	-1	-246	-261
26. Basis adjustment to stock of S corporations making charitable contributions of property (sunset 12/31/10)	cmi tyba 12/31/09	-11	-11	-1	-2	-2	-2	-2	-2	-2	-2	-2	-29	-39
27. Empowerment zone tax incentives (sunset 12/31/10)	tyba 12/31/09	-203	-103	8	2	1	---	-2	-1	-2	-2	-2	-295	-304
28. Tax incentives for investment in the District of Columbia (sunset 12/31/10)	tyba 12/31/09	-59	-17	-3	-2	-1	-2	-4	-2	-2	-4	-4	-84	-101
29. Renewal community tax incentives (sunset 12/31/10)	tyba 12/31/09	-259	-274	-87	-46	-3	-3	-2	-1	1	---	---	-672	-675
30. Increase in limit on cover over of rum excise tax revenues (from $10.50 to $13.25 per proof gallon) to Puerto Rico and the Virgin Islands; (sunset 12/31/10) [6]	abiUSa 12/31/09	-102	-26	---	---	---	---	---	---	---	---	---	-128	-128
31. Economic development credit for American Samoa (sunset 12/31/10)	tyba 12/31/09	-6	-12	---	---	---	---	---	---	---	---	---	-18	-18
32. Election to temporarily utilize unused minimum tax credits [7]	tyba 12/31/09	-160	-3,032	167	142	120	102	87	74	63	53	45	-2,660	-2,337
33. Allow mine safety training credit and election to expense equipment against the AMT (sunset 12/31/10)	tyba 12/31/09	-1	-1	-1	-1	[1]	[1]	[1]	---	---	---	---	-6	-6
D. Temporary Disaster Relief Provisions														
1. National disaster relief														
a. Waiver of certain mortgage revenue bond requirements following Federally declared disasters (sunset 12/31/10)	doa 12/31/09	-1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-11	-21
b. Losses attributable to Federally declared disasters (sunset 12/31/10)	tyba 12/31/09	-437	-291	---	---	---	---	---	---	---	---	---	-728	-728
c. Special depreciation allowance for qualified disaster property (sunset 12/31/10)	eoao doa 12/31/09	-335	-625	-469	-183	-76	-69	-18	97	83	72	65	-1,757	-1,457
d. Net operating losses attributable to Federally declared disasters (sunset 12/31/10)	lat doa 12/31/09	-21	-380	53	57	49	37	28	21	15	12	9	-205	-120
e. Expensing of qualified disaster expenses (sunset 12/31/10)	eoao doa 12/31/09	-20	-17	1	1	1	1	1	1	---	---	---	-33	-31

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
2. New York Liberty Zone:														
a. Special depreciation allowance for nonresidential and residential real property (sunset 12/31/10)	ppisa 12/31/09	-33	-10	1	1	1	1	1	1	1	1	1	-39	-34
b. Tax-exempt bond financing (sunset 12/31/10)	bia 12/31/09	-2	-8	-12	-12	-12	-12	-12	-12	-12	-12	-12	-58	-118
3. GO Zone:														
a. Remove limitation on basis qualifying for GO Zone additional depreciation allowance	ppisa 12/31/09	-41	-68	-26	-1	1	2	3	4	4	4	4	-133	-114
b. Increase in rehabilitation credit	ppisa 12/31/09	-11	-11	[1]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	-21	-15
c. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employees inside disaster areas (sunset 8/27/10)	iha 8/27/09	-6	-1	[1]	[1]	[1]	[1]	—	—	—	—	—	-7	-7
e. Extend placed in service deadline for low income housing tax credit building in the GO Zone (sunset 12/31/12)	ppisa 12/31/10	—	-8	-29	-40	-40	-40	-40	-40	-40	-40	-40	-157	-357
f. Expand the election for the refundable low-income housing credit for 2010 and the election for the low-income housing grant election for 2009 to the GO Zone and the Midwestern disaster area and Hurricane Ike disaster areas [4] [8]	[9]	-1,131	-353	108	161	161	161	161	161	161	161	161	-893	-91
g. Extend tax-exempt bond financing in the GO Zone (sunset 12/31/11)	bia DOE	—	-7	-26	-39	-39	-39	-39	-39	-39	-39	-39	-151	-348
4. Midwestern disaster areas:														
a. Extension of special rules for use of retirement funds	[10]	-14	-9	[1]	-1	[1]	[1]	[1]	[1]	[1]	-1	-1	-25	-27
b. Extension of exclusion of certain cancellation of indebtedness income	apoia 12/31/09	-1	-1	—	—	—	—	—	—	—	—	—	-2	-2
c. Extend the special allowance for certain Kansas disaster property (sunset 12/31/10)	ppisa 12/31/09	-25	-14	-1	[2]	[2]	1	1	1	1	1	1	-39	-34
Extension of Expiring Provisions		**-12,700**	**-17,966**	**-1,782**	**-817**	**-566**	**-256**	**157**	**233**	**-36**	**-17**	**20**	**-34,088**	**-33,735**
II. Revenue Provision Contained in Unemployment Insurance, Health, and Other Provisions - Extend COBRA Subsidy Eligibility Period to to December 31, 2010 [4] [11]	**[12]**	**-4,685**	**-4,144**	**-1,140**	**-60**	**42**	**26**	**16**	**6**	**1**	**—**	**—**	**-9,962**	**-9,939**

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
III. Pension Funding Relief [4] [13]														
A. Provide Temporary Defined Benefit Plan Funding Relief for Single-Employer Plans														
1. Extended period for defined benefit plans to amortize certain shortfall amortization bases	pyba 12/31/07	110	778	1,595	1,523	858	467	238	-135	-1,006	-1,743	-1,380	5,331	1,305
2. Application of extended amortization period to plans subject to prior law funding rules	[14]	*Estimate Included in Item III.A.1.*												
3. Lookback for benefit accrual restriction	[15]	*Estimate Included in Item III.A.1.*												
4. Lookback for Credit Balance Rule for Plans Maintained by Charities	[16]	*Estimate Included in Item III.A.1.*												
B. Provide Temporary Defined Benefit Plan Funding Relief for Multiemployer Plans														
1. Adjustments to funding standard account rules; reporting clarification	[17]	9	34	56	79	99	117	134	132	99	40	-2	394	797
Total of Pension Funding Relief		**119**	**812**	**1,651**	**1,602**	**957**	**584**	**372**	**-3**	**-907**	**-1,703**	**-1,382**	**5,725**	**2,102**
IV. Offset Provisions														
A. Black Liquor														
1. Exclusion of unprocessed fuels from the cellulosic biofuel producer credit	fsoua DOE	—	5,452	6,137	5,247	2,930	1,465	419	—	—	—	—	21,231	21,650
2. Prohibition on alternative fuel credit and alternative fuel mixture credit for black liquor	fsoua 12/31/09	*Estimate Included in Item IV.A.1.*												
B. Increased Reporting Requirements for the Homebuyer Credit	generally DOE	*Negligible Revenue Effect*												
C. Codify Economic Substance Doctrine and Impose Penalties for Underpayments	teia DOE	74	347	450	512	543	556	568	582	597	613	630	2,483	5,474
D. Increase Information Return Penalties	irrtbfo/a 1/1/11	—	30	41	42	42	43	43	43	44	45	47	197	419
E. Clarify That Bad Check Penalty Applies to Electronic Checks and Other Payment Forms	ita DOE	2	4	4	4	5	5	5	5	5	5	5	24	49
F. Application of Levy to Payments to Federal Vendors Relating to Property	laa DOE	6	13	13	13	14	14	14	15	15	15	15	73	147
G. Authorize Post-Levy Due Process	lia 12/31/10	—	39	37	37	38	39	40	40	41	42	43	189	395
H. Allow Participants in Governmental 457 Plans to Treat Elective Deferrals as Roth Contributions	tyba 12/31/10	—	12	17	25	36	48	56	60	69	83	100	138	506
I. Allow Rollovers from Elective Deferral Plans to Roth Designated Accounts	DOE	1	2	2	2	3	6	10	15	21	28	37	16	127
J. Require Information Reporting for Rental Property Expense Payments	pma 12/31/10	—	[2]	227	239	251	261	275	285	299	314	325	978	2,476
K. Additional Provision - Revision To The Medicare Improvement Fund	—	*Estimate to be Provided by the Congressional Budget Office*												
Total of Offset Provisions		**83**	**5,899**	**6,928**	**6,121**	**3,862**	**2,437**	**1,430**	**1,045**	**1,091**	**1,145**	**1,202**	**25,329**	**31,243**

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
V. Satellite Television Extension	—	*Estimate to be Provided by the Congressional Budget Office*												
VI. Other Provisions - Increase in the Medicare Physician Payment Update	—	*Estimate to be Provided by the Congressional Budget Office*												
NET TOTAL		-17,183	-15,399	5,657	6,846	4,295	2,791	1,975	1,281	149	-575	-160	-12,996	-10,329

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:

abiUSa = articles brought into the United States after
api = appliances produced in
apoia = amounts paid or incurred after
bia = bonds issued after
cma = contributions made after
cmi = contributions made in
cyba = calendar years beginning after
dda = decedents dying after
Dmi - distributions made in
doa = disasters occurring after
DOE = date of enactment
eoao = expenditures on account of
epasa = electricity produced and sold after
epoia = expenses paid or incurred after
epoid = expenses paid or incurred during
fpa = fuel produced after
fpisa = facilities placed in service after
fsoua = fuel sold or used after
iha = individuals hired after
irrtbfo/a = information returns required to be filed on or after
ita = instruments tendered after
laa = levies approved after
lia = levies issued after
lat = losses attributable to
paa = penalties assessed after
pma = payments made after
ppa = property purchased after
ppisa = property placed in service after
pyba = plan years beginning after
qfatpca = qualified film and television productions commencing after
teia = transactions entered into after
tyba = taxable years beginning after
tyea = taxable years ending after

[1] Loss of less than $500,000.
[2] Gain of less than $500,000.
[3] Effective as if included in section 339 of the American Jobs Creation Act of 2004.
[4] Estimate includes the following outlay effects:

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
Grants for energy efficient appliances	68	2	—	—	—	—	—	—	—	—	—	69	69
Election for refundable low-income housing credit for 2010	3,112	1,334	—	—	—	—	—	—	—	—	—	4,446	4,446
COBRA	358	291	591	89	—	—	—	—	—	—	—	1,328	1,328
Expansion of LIHC credit for 2010 and LIHC grant for 2009	1,131	374	—	—	—	—	—	—	—	—	—	1,505	1,505
Single and multi-employer pension funding provisions	—	—	-75	-125	-200	-275	-125	-100	-25	100	150	-675	-675

[5] Effective for dividends with respect to taxable years of regulated investment companies beginning after December 31, 2009.
[6] Estimate provided by the Congressional Budget Office.
[7] Provision does not apply for taxable years beginning after December 31, 2010.
[8] Estimate includes interaction with item to extend placed in service deadline for low income housing tax credit building in the GO Zone.
[9] The provision related to the refundable low-income housing credit is effective on the date of enactment. The provision related to the low-income housing grant election is effective as if enacted in the American Recovery and Reinvestment Tax Act of 2009.

[Footnotes for JCX-9-10 appear on the following page]

Footnotes for JCX-9-10:

[10] Effective as if included in the Heartland Disaster Tax Relief Act of 2008.
[11] Estimate has been updated to reflect enactment of H.R. 4691. Estimate includes interactions with unemployment insurance. Estimates for the rest of this title will be provided by the Congressional Budget Office.
[12] Generally effective as if included in the American Recovery and Reinvestment Act of 2009.
[13] Estimates do not include outlay effects that are provided by the Congressional Budget Office as part of Footnote 4.
[14] Effective as if included in the Pension Protection Act of 2006 (with special rules for eligible charity plans).
[15] Effective for plan years beginning on or after October 1, 2008 (with special rules for plans with a valuation date other than the first day of the plan year).
[16] Generally effective for plan years beginning after August 31, 2009; for plans with a valuation date other than the first day of the plan year, effective for plan years beginning after December 31, 2008.
[17] Generally effective as of the first day of the first plan year beginning after August 31, 2008, with restrictions on certain plan amendments increasing benefits effective as of date of enactment.

HIRE ACT

Mr. LEVIN. Mr. President, today President Obama signed into law the Hiring Incentives to Restore Employment Act, H.R. 2847, which will help put Americans back to work. More must be done on to help fight the unacceptably high unemployment rate, and I hope we can soon address other factors holding back our recovery, and particularly that we make it easier for businesses to obtain the funds they need to survive and grow.

While we work in Congress to get people back to work, I also want to take a moment to focus on another benefit of today's new law.

The HIRE Act is a significant victory for law-abiding U.S. taxpayers, and a significant blow against those who dodge their responsibilities. The Permanent Subcommittee on Investigations, which I chair, has spent years investigating offshore tax abuses which together cost the federal treasury an estimated $100 billion in lost tax revenues annually. In addition to its provisions designed to help foster economic growth, the HIRE Act contains foreign account tax compliance provisions that represent a major new and positive development in the efforts to stop offshore banks from using secrecy laws to help U.S. taxpayers evade their taxes.

These offshore tax compliance provisions are the culmination of over a year's worth of study, debate, and drafting efforts to protect America's honest taxpayers. The drafting effort involved a host of Members of Congress from both the Senate Finance Committee and the House Ways and Means Committee, and the work drew upon multiple bills, including the Stop Tax Haven Abuse Act, S. 506, which I introduced with Senators MCCASKILL, NELSON, WHITEHOUSE, SHAHEEN, and SANDERS, and which Congressman LLOYD DOGGETT introduced in the House with 67 cosponsors. I would like to commend Senator BAUCUS and Congressman RANGEL, in particular, for leading this drafting effort, and for involving us in producing a strong bill that President Obama is signing into law today.

This is a big bill, and its offshore tax provisions are complex. I want to provide some explanation of how this legislation is intended to work, both to guide the development of implementing regulations and to inform the courts of our legislative intent.

Section 501, ''Reporting on Certain Foreign Accounts,'' gives foreign financial institutions a choice. If those financial institutions hold U.S. investments of any variety—from U.S. treasuries to U.S. stocks and bonds to debt and equity interests in U.S. businesses—they must either pay a 30 percent withholding tax on their investment earnings, or disclose any and all accounts held by U.S. persons. The legislative intent behind this choice is to force foreign financial institutions to disclose their U.S. accountholders or pay a steep penalty for nondisclosure. The 30 percent will be withheld by a withholding agent in the United States before the funds are permitted to exit the U.S. financial system.

The reason for this strong approach was seen dramatically in hearings before the Permanent Subcommittee on Investigations. A July 2008 hearing, for example, showed how two foreign banks, UBS AG of Switzerland and LGT Bank of Liechtenstein, used a variety of secrecy tricks to help U.S. clients open foreign bank accounts and hide millions of dollars in assets from U.S. tax authorities. One 2004 UBS document indicated that 52,000 U.S. clients had Swiss accounts that had not been disclosed to the IRS. UBS estimated that those hidden accounts contained a total of about $18 billion in cash, securities, and other assets. In order to defer a criminal prosecution against the bank by the U.S. Department of Justice, UBS admitted that it had participated in a scheme to defraud the United States of tax revenues, paid a $750 million fine, and agreed to stop opening accounts that are not disclosed to the IRS. UBS also agreed to reveal the names of a limited number of U.S. accountholders, although the bulk of the 52,000 still may escape U.S. tax enforcement actions due to Swiss secrecy laws that continue to conceal their identities.

In order to avoid the 30 percent withholding tax, this new law will require each foreign financial institution to enter into an agreement with the Secretary of the Treasury to obtain and verify information which will make it possible for them to determine which of their accounts belong to U.S. account holders, report key information about those U.S. account holders, and comply with any request by the Treasury Secretary related to those U.S. accounts. The bill is written to end wide spread abuses. There are several issues that must be addressed in implementing this provision.

For instance, it is clearly intended that the definition of foreign ''financial institution'' be applied broadly, to include banks, securities firms, money services businesses, money exchange houses, hedge funds, private equity funds, commodity traders, derivative dealers, and any other type of financial firm that holds, invests, or trades assets on behalf of itself or another person.

The definition of ''account'' will cover not only traditional savings, checking, and securities accounts, but also debt and equity interests in hedge funds, private equity funds, and other types of investment firms.

The definition of ''U.S. person'' will apply to U.S. citizens, U.S. residents, and all types of U.S. businesses.

The purpose of the provision is to have foreign financial institutions look past the nominal owners of their accounts to identify the true beneficial owners. That means accounts which are held in the name of a foreign legal representative, agent, or trustee on behalf of a U.S. person, or in the name of a foreign entity, such as an offshore corporation, partnership, or trust, for the benefit of a U.S. person, must be disclosed to U.S. authorities.

Foreign financial institutions are to make use of all customer identification information about each account to determine whether the beneficial owners of the account are U.S. persons—including using all information gathered as a result of antimoney laundering and anticorruption requirements or efforts. So no foreign bank will be able to automatically determine that all foreign offshore shell corporations are foreign accountholders; they will have to look deeper to identify that corporation's beneficial owners and, if any beneficial owner is a U.S. person, to report that person's identity to the United States.

This approach is intended to remedy past IRS regulations which have allowed banks to treat all foreign corporations as foreign accountholders, no matter who the beneficial owner is. Our purpose here is to impose on foreign financial institutions the duty to identify the beneficial owners of each corporation and report any U.S. beneficial owners to the IRS.

Treasury, in implementing this statute, should develop a standard agreement for foreign financial institutions that lays out these requirements with respect to accounts, U.S. persons, and nominee accountholders. That standard agreement must also be constructed in such a way that foreign financial institutions will provide account information in a standardized electronic format that will enable efficient analysis of the data. Treasury should consult with the IRS and the Justice Department's Tax Division to determine how the collected information should be structured to provide timely and usable data in tax enforcement efforts.

The Treasury will need to construct a withholding regime that will efficiently withhold the 30 percent tax on all U.S. investment earnings held by a noncooperative foreign financial institution. This statute will not be effective unless the 30 percent tax is withheld promptly, reliably, and in a comprehensive way. In devising this withholding regime, it is our purpose to apply the term ''withholdable payment'' broadly to cover all types of payments from sources in the United States, including interest payments, dividends, rents, wages, stock gains, and derivative payments originating in the United States.

Finally, we expect that the Treasury, when exercising authority under the bill to grant exceptions or waivers or deem foreign financial institutions to be in compliance with the law, will exercise that authority narrowly and in a fashion that is consistent with the purposes of the statute and will promote disclosure of foreign accounts with U.S. account holders.

Sections 511 through 521 of the HIRE Act establish stronger disclosure requirements for U.S. taxpayers with foreign financial assets. Section 511 will require full disclosure of assets held outside of the United States, in order to end years of abuses involving the concealment of offshore assets, including disclosure, for example, of interests in foreign accounts, securities, complex financial instruments, debt or equity interests in foreign hedge funds, private equity funds, or other investment vehicles, and derivative contracts and trading arrangements. A new requirement in Section 521 for annual reports filed by shareholders of passive foreign investment companies will provide additional important disclosures of assets held outside of the United States. Tough penalties and a longer statute of limitations will add to the effectiveness of these new disclosure requirements.

Sections 531 through 535 tighten U.S. tax rules for foreign trusts and address a variety of abuses identified in my Permanent Subcommittee in Investigations 2006 hearings exposing how U.S. taxpayers use foreign trusts to evade their U.S. tax obligations. Section 531 ends shenanigans involving U.S. persons who are not officially beneficiaries of a foreign trust, but could be named a beneficiary by the trustee, or who write ''Letters of Intent'' instructing the trustee how to use or distribute trust assets. Section 532 creates a ''Presumption that Foreign Trust Has United States Beneficiary'' if a U.S. person directly or indirectly transfers property to that foreign trust. The presumption is rebuttable, but the onus is placed on the proper party, the person who has access to the information about the foreign trust, to rebut the presumption. Section 533 will stop abuses in which U.S. persons instruct foreign trusts to purchase and lend them property on an uncompensated basis, including jewelry, artwork, and even luxury homes. Section 534 requires U.S. grantors as well as trustees to ensure that trust transactions are properly reported to the IRS. These provisions will help put an end to foreign trust tax abuses that significantly undermine the U.S. Government's ability to collect taxes owed by foreign trusts with U.S. beneficiaries.

Still another section of the bill makes important changes to curb offshore tax abuses involving nonpayment of U.S. taxes on U.S. stock dividends. Section 541 is a direct result of a yearlong inquiry by my Permanent Subcommittee on Investigations into this problem. In September 2008, the subcommittee held a hearing and released a report detailing how offshore entities routinely dodge taxes on U.S. stock dividends—S. Hrg. 110–778. As discussed at the hearing, over the last ten years, dividend tax abuse has cost the U.S. treasury and honest taxpayers billions of dollars in lost revenue. The report made four recommendations:

First, end offshore dividend tax abuse. Congress should end offshore dividend tax abuse by enacting legislation to make it clear that non-U.S. persons cannot avoid U.S. dividend taxes by using a swap or stock loan to disguise dividend payments. Section 541 is designed to address this problem by eliminating the different tax rules for U.S. stock dividends, dividend equivalent payments, and substitute dividend payments, and making them all equally taxable as dividends.

Second, take enforcement action. The IRS should complete its review of dividend-related transactions and take civil enforcement action against taxpayers and U.S. financial institutions that knowingly participated in abusive transactions aimed at dodging U.S. taxes on stock dividends. The IRS has recently designated ending dividend tax dodging as a Tier I enforcement issue, and section 541 will provide the IRS with new tools in that enforcement effort. Section 541 requires exactly that.

Third, strengthen regulation on equity swaps. To stop misuse of equity swap transactions to dodge U.S. dividend taxes, the IRS should issue a new regulation to make dividend equivalent payments under equity swap transactions taxable to the same extent as U.S. stock dividends.

Fourth, strengthen stock loan regulation. To stop misuse of stock loan transactions to dodge U.S. dividend taxes, we recommended that the IRS immediately meet its 1997 commitment to issue a new regulation on the tax treatment of substitute dividend payments between foreign parties to make clear that inserting an offshore entity into a stock loan transaction does not eliminate U.S. tax withholding obligations. After waiting over 18 months for Treasury and the IRS to act, section 541 now provides them with a clear legislative mandate to issue stronger regulation of swaps and stock loans.

Section 541 makes a number of key changes in the law. First, section 541 calls for ''dividend equivalents'' to be treated as a U.S. sourced dividend and therefore subject to withholding tax beginning 180 days from enactment. ''Dividend equivalent'' is defined to include ''any substitute dividend made pursuant to a securities lending or a sale-repurchase agreement that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States.'' Once this becomes effective, all payments made based on, or by reference to, a dividend from a U.S. source under a securities lending or sale-repurchase transaction will be treated as a dividend from a U.S. source.

Treating dividend equivalents as U.S. sourced income sets an important precedent. Before this provision was enacted into law, the source of a dividend equivalent payment—often carried out through a swap arrangement—was determined according to who received the payment. But it makes no sense and turns the English language on its head to say the recipient of a payment is the ''source'' of that payment. The source of a payment will to be determined according to the person who initiated the payment, not according to its recipient, and section 541 makes that clear.

''Dividend equivalent'' is also defined to include ''any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States.''

''Specified notional principal contract'' is defined differently depending upon whether the payment is made before or after 2 years from the Act's enactment. For the first year-and-a-half after the act's effective date, payments made pursuant to notional principal contracts that are made based on, or by reference to, a dividend from a U.S. source are treated as a dividend from a U.S. source if they meet any of the criteria specified in newly enacted 26 U.S.C. 871(l)(3)(A)(i)–(iv) or ''such contract identified by the Secretary.'' The four specific criteria define the worst of the abusive notional principal contracts that the subcommittee uncovered.

However, as established in the subcommittee report and hearing on this matter, many financial institutions have moved away from the blatantly abusive practices that are addressed in subsections (3)(A)(i)–(iv) and now use more subtle methods of ensuring a riskless transfer between holding U.S. securities and engaging in notional principal contracts. It is the legislative intent of the authors of this provision that the Secretary will use the authority granted in (3)(A)(v) to identify and extend coverage of this statue to stop the more subtle abusive practices as well, and I encourage Treasury to act quickly to do so.

Two years from the date of enactment, any payment made pursuant to a notional principal contract that is based on, or by reference to, a dividend from a U.S. source is treated as a dividend from a U.S. source, ''unless the Secretary determines that such a contract is of a type which does not have the potential for tax avoidance.'' Again, it is the intent of this language that the Secretary uses this exception authority very sparingly, that only narrow types of contracts be excepted, and that such exceptions be fashioned only after conducting a thorough analysis to ensure that the contracts under consideration cannot be exploited for tax avoidance. As the language states, an exception is available only after the Secretary determines that the type of contract is not being used for tax avoidance, and does not have the potential for tax avoidance. That is intentionally a very high standard.

In addition to substitute dividends and payments made pursuant to notional principal contracts, ''dividend equivalent'' is also defined to include

''any other payment determined by the Secretary to be substantially similar'' to substitute dividends and payments made pursuant to notional principal contracts. Treasury is intended to utilize this explicit legislative directive to aggressively enforce dividend tax collection on substantially similar payments and transactions. For example, as explained in the Joint Committee on Taxation's ''Technical Explanation of the Revenue Provisions Contained in Senate Amendment 3310, the 'Hiring Incentives to Restore Employment Act,' Under Consideration by the Senate'' (JCX–4–10), ''the Secretary may conclude that payments under certain forward contracts or other financial contracts that reference stock of U.S. corporations are dividend equivalents.'' The point of the ''substantially similar'' language is to provide Treasury and the IRS with broad authority and the flexibility needed to prevent misuse of other financial instruments or trading activities to evade U.S. dividend taxes.

Finally, section 541 contains an important provision on the ''prevention of over-withholding.'' As the language states, the Secretary may reduce the tax on dividends only ''to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain.'' The burden of proof placed on the taxpayer is intentionally high due to the numerous abuses that have occurred over the years in which taxpayers have designed elaborate chains of transactions to escape all taxation of U.S. stock dividends. This provision provides an equitable way to address the potential problem of over-withholding, while setting an intentionally high burden of proof to avoid abusive over-withholding claims.

I appreciate the attention that the Senate Finance and House Ways and Means Committees gave to the tax dodging problems identified in the Subcommittee's investigation. We also appreciate the technical guidance and cooperation provided by the Treasury Department, Internal Revenue Service, and the Joint Committee on Taxation in this Section.

I hope these remarks help shine a light on how this piece of legislation will begin to curb the $100 billion in offshore tax abuses now robbing honest taxpayers of needed government resources each year.

COMMISSIONING OF THE USS ''DEWEY''

Mr. LEAHY. Mr. President, on March 6, the USS *Dewey*—DDG 105—was commissioned at the Naval Weapons Station in Seal Beach, CA.

The *Dewey*, an *Arleigh Burke*-class ship, is the Navy's newest and most technologically advanced guided-missile destroyer. The ship's sponsor, Deborah Mullen, the wife of Chairman of the Joint Chiefs of Staff Admiral Mike Mullen, christened the ship in January of 2008 during a ceremony at Northrop Grumman Shipbuilding in Pascagoula, MS. Mrs. Mullen recently visited Vermont with Chairman Mullen as they came to a deployment ceremony for the Vermont Army Guard 86th Brigade which is now serving in Afghanistan.

The new destroyer honors Navy Admiral George Dewey and is the third U.S. Navy ship to be named after him. Admiral Dewey, who is from my hometown, Montpelier, VT, became an American hero in 1898 for leading his squadron of warships against the Spanish fleet at Manila Bay. Under his leadership, the U.S. Navy destroyed the Spanish fleet in only 2 hours without the loss of a single American vessel. Dewey was promoted to admiral of the Navy in 1903, a rank which was created for him.

The new USS *Dewey* has the ability to conduct a wide range of operations. The ship contains a multitude of offensive and defensive weapons and will be capable of fighting air, surface, and subsurface battles simultaneously. The USS *Dewey* is an example of how naval warships have the flexibility to conduct a variety of missions.

We Vermonters are proud that another ship has been named after Admiral Dewey. I wish Godspeed to the ship and its crew.

IRAN

Mr. CASEY. Mr. President, I rise today to commemorate Nowruz, the traditional Iranian New Year, which begins with the arrival of spring on the Vernal Equinox. More than 1 million Iranian Americans in the United States as well as millions of Iranians and others around the world celebrate Nowruz, which embodies the ideals of understanding and appreciation of others. Universally, the beginning of spring is associated with rebirth.

At this festive time, when Mother Nature is beginning a new cycle and families around the world are gathering to celebrate a new calendar year, I would like to appeal to the good will of the Iranian government by calling for the immediate release of Joshua Fattal, Sarah Shourd, and Shane Bauer. These three young American hikers have spent almost 8 months in confinement in Iran's Evin prison for allegedly crossing a poorly marked border. We are heartened that the Iranians recently allowed the three young Americans to call their families for the first time since their detention on July 31 last year. Still, we ask at the beginning of Persian New Year that Josh, Sarah, and Shane be released to celebrate a spring with their desperately concerned parents and other family members. Laura Fattal, mother of Josh, recently appealed to the Iranian authorities, asking for them ''to show compassion and allow our families to be reunited in joy and happiness as well.''

I would like to recognize the Senators from California and Minnesota, as well as Senator SPECTER, who have worked tirelessly to reunite Josh, Sarah, and Shane with their families. I hope that Supreme Leader Khamenei, in the spirit of Nowruz, will make the humanitarian gesture of immediately releasing Josh, Sarah, and Shane.

ADDITIONAL STATEMENTS

RECOGNIZING THE UNIVERSITY OF MONTANA GRIZZLIES

• Mr. BAUCUS. Mr. President, today I recognize the achievements of an outstanding college basketball team from my home State of Montana. High school and college sports are a way of life across Big Sky country. On cold winter nights in towns across the state from Libby to Lewistown and from Fort Benton to Fairview folks fill up gymnasiums to cheer on their favorite teams. The University of Montana Grizzlies have legions of devoted fans around Montana, and pack thousands into the Adams Center on the UM campus in Missoula for home games.

This season's edition of the Griz has thrilled fans throughout, and the team is now headed for the NCAA Tournament after a thrilling come from behind win to capture the Big Sky Conference Championship on March 10. The Grizzlies showed the heart, determination, and hustle Montana athletes are known for, in clawing their way back from a 22-point deficit to defeat Weber State University on the Wildcats' home court. Anthony Johnson turned in a performance for the ages and one that will be remembered for decades across Montana. The senior guard poured in a school and Big Sky tournament record 42 points including the winning shot. To illustrate how amazing this performance was Johnson by himself outscored Weber State 34 to 25 in the second half.

In the end it all came down to teamwork as guard Will Cherry made a stellar defensive play to stop Weber State on their last possession, and big men Derek Selvig and Brian Qvale contributed with big blocks and rebounds throughout. This was yet another illustration of how the team has pulled together all year to get big wins no matter the adversity they faced.

The Griz now move on to face the University of New Mexico Lobos in the NCAA Tournament. The Griz have had tournament success in the past, winning a first round game in 2006 despite being a heavy underdog and having a memorable run in the 1975 tournament as well. In 1975 another tremendous performance was turned in by a Grizzly as guard Eric Hays nearly led the team to an upset of defending national champion UCLA in the second round. Hays played the game of his life—he

scored 32 points to keep the Griz in the game, although they ultimately lost 67–64. Griz fans still remember Hays' amazing performance 35 years later. Eric went on to coach basketball at Hellgate High School in Missoula where he won over 350 games.

I would like to commend Wayne Tinkle, the coach of the team, athletic director Jim O'Day, and University of Montana president George Dennison for their leadership and vision in making the Grizzly athletic programs successful and teaching many dedicated student athletes life lessons as well as those on the playing fields and courts. These student athletes deserve our recognition for all the hard work they put in throughout the year.

I know that the Griz will represent the state of Montana well in the NCAA tournament and give it their all. I along with many other Griz fans across the country will be watching and cheering a famous line from the school's fight song—''Up with Montana, boys, down with the foe!''●

REMEMBERING ANTHONY BROWN

● Mr. FEINGOLD. Mr. President, today I remember Anthony Brown, a Madison activist who served in many important roles, including as director of Madison's Equal Opportunities Commission. Sadly, Anthony passed away on March 13. His passing is a terrible loss for his family and friends, and for the community he loved. Anthony was so dedicated to making Madison a better place, and a more just community for everyone.

That showed through in everything he did, including his tenure at Madison's Equal Opportunities Commission and his work at the Wisconsin Housing and Economic Development Authority. Anthony's service to the community was legendary. He served on many boards, and made contributions in countless other ways. One of those contributions was his mentoring of young people, something he felt there needed to be much more of in the community. He also pushed for more opportunities for people of color in the news media in Madison, knowing what a valuable perspective they would bring to news coverage in the city.

Again and again, Anthony stood up for justice and equality. He enriched this community with his work, and I am very grateful for all he did over so many years.

Anthony had so many wonderful qualities; he was tireless, he was persistent, and above all he was an optimist. He was always positive, even in the face of very tough challenges, including the challenges he faced with his own health. That optimism is one of the many wonderful things I will remember him for.

Today my thoughts are with Anthony's family, and with everyone lucky enough to have known him. He will be deeply missed, but his work will continue to have a positive impact on Madison and the State of Wisconsin for many years to come.●

TRIBUTE TO JIM DUPONT

● Mrs. LINCOLN. Mr. President, today I commend postal service employee Jim DuPont of Springdale, AR, who risked his life to help those in need. Hailed as a ''postal hero'' by his colleagues, Jim was on his way home from work when he came upon an accident involving a head-on collision between a truck and a car. Jim rushed to the scene to provide help to the drivers and passengers trapped in their vehicles.

Jim first pulled the truck's driver and passenger out of the cab through the rear window. He then ran back to rescue the driver of the second vehicle. The victims of the accident suffered serious injuries, but thankfully are on their way to recovery. Jim also was hurt, suffering a dislocated shoulder, burns and smoke inhalation.

Mr. President, I salute Jim's bravery and courage. In the face of danger, he put himself in harm's way to save lives. We should all aspire to achieve this level of selflessness and compassion for others.●

RECOGNIZING THE CITIZENS OF DEWITT

● Mrs. LINCOLN. Mr. President, today I recognize the spirit of hard work, volunteerism, and service that is on display each and every day in the city of DeWitt, in my home State of Arkansas. The DeWitt Chamber of Commerce recently honored six exemplary citizens who have contributed their time and expertise to help make their community a better place. They are: Ronda Bowen, Employee of the Year; Tommy Black of Tommy's Rexall, Employer of the Year; Sue Chapman, Civil Servant of the Year; Phyllis Fullerton, Educator of the Year; Bobby Hudspeth, Good Neighbor of the Year; and Gary Vansandt, Citizen of the Year.

I have felt a long kinship to DeWitt, one of our Delta communities not far from and very similar to my hometown of Helena. DeWitt always feels like home, and I am grateful for the friendships I have made there.

Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals.●

MESSAGE FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1147. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 946. An act 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.

H.R. 1387. An act 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.

H.R. 3954. An act 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.

H.R. 4825. An act 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.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1387. An act 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; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3954. An act 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; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4825. An act 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; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

(H.R. 946. An act 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.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4851. An act to provide a temporary extension of certain programs, and for other purposes.

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

S. 3143. A bill to provide that Members of Congress shall not receive a pay increase

until the annual Federal budget deficit is eliminated.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5089. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D and E Airspace; Brunswick, ME'' ((RIN2120–AA66)(Docket No. FAA–2009–0981)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5090. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lima, OH'' ((RIN2120–AA66)(Docket No. FAA–2009–0929)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5091. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Stamford, TX'' ((RIN2120–AA66)(Docket No. FAA–2009–0876)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5092. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Langdon, ND'' ((RIN2120–AA66)(Docket No. FAA–2009–0535)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5093. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Llano, TX'' ((RIN2120–AA66)(Docket No. FAA–2009–0858)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5094. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (106); Amdt. No. 3362'' (RIN2120–AA65) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5095. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (74); Amdt. No. 3363'' (RIN2120–AA65) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5096. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations'' (RIN2120–AJ54) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5097. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aircraft Noise Certification Documents for International Operations'' (RIN2120–AJ31) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5098. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (11); Amdt. No. 486'' (RIN2120–AA63) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5099. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone of Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XU22) received in the Office of the President of the Senate on March 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5100. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Free Annual File Disclosures'' (RIN3084–AA94) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5101. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Seaway Regulations and Rules: Periodic Update, Various Categories'' (RIN2135–AA30) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5102. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce'' (RIN2126–AA98) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5103. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1021)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5104. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model ATP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0130)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5105. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR—GIE Avions de Transport Regional Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0155)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5106. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–541 and –642 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0128)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5107. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–200 and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0131)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5108. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Corporation Model MD–90–30 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0783)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5109. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC–12/47E Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1158)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5110. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Propellers Models R354/4–123–F/13, R354/4–123–F/20, R375/4–123–F/21, R389/4–123–F/25, R389/4–123–F/26, and R390/4–123–F/27 Propellers'' ((RIN2120–AA64)(Docket No. FAA–2008–0545)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5111. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate Previously Held by Raytheon Aircraft Company) Models B300 and B300C Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1180)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5112. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–100 and DHC–

8–200 Series Airplanes, and Model DHC–8–301, –311, and –315 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0712)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5113. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0718)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5114. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0178)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5115. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, and DHC–8–202 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0609)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5116. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0452)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5117. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–200B, 747–300, and 747 SR Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0376)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DORGAN for the Committee on Commerce, Science, and Transportation.

*Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration.

*David T. Matsuda, of the District of Columbia, to be Administrator of the Maritime Administration.

By Mr. LEAHY for the Committee on the Judiciary.

Brian Anthony Jackson, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Elizabeth Erny Foote, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mark A. Goldsmith, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Marc T. Treadwell, of Georgia, to be United States District Judge for the Middle District of Georgia.

Josephine Staton Tucker, of California, to be United States District Judge for the Central District of California.

William N. Nettles, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

Wifredo A. Ferrer, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Ms. COLLINS):

S. 3136. A bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteers firefighters and emergency medical responders; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. MERKLEY):

S. 3137. A bill to amend the Internal Revenue Code of 1986 to provide that solar electric property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

By Mr. CARDIN:

S. 3138. A bill to promote documentary films that convey a diversity of views about life in the United States and bring insightful foreign perspectives to United States audiences; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 3139. A bill to amend title 32, United States Code, to authorize the Secretary of Defense to cover a larger share of expenses under the National Guard Youth Challenge Program in the case of a State program during its first three years of operation; to the Committee on Armed Services.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3140. A bill to grant the Secretary of Health and Human Services authority to design, construct, and operate facilities for the purpose of developing and producing biological products in order to meet critical national needs for such biological products, in response to potential bioterrorist attacks or naturally occurring pathogens; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. KERRY, Ms. CANTWELL, Ms. STABENOW, and Mr. SCHUMER):

S. 3141. A bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 3142. A bill to authorize the Secretary of Education to make grants to support fire safety education programs on college campuses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN:

S. 3143. A bill to provide that Members of Congress shall not receive a pay increase until the annual Federal budget deficit is eliminated; read the first time.

By Mrs. BOXER (for herself and Mrs. HAGAN):

S. 3144. A bill to amend the Richard B. Russell National School Lunch Act to improve the health and well-being of school children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. VITTER:

S. Res. 461. A resolution expressing the sense of the Senate that Congress should reject any proposal for the creation of a system of global taxation and regulation; to the Committee on Finance.

By Mr. BURR (for himself and Ms. LANDRIEU):

S. Res. 462. A resolution recognizing Thursday, April 22, 2010, as ''Take Our Daughters and Sons To Work Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1329

At the request of Mr. KOHL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1558

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1558, a bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1743

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2749

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2749, a bill to amend the Richard B. Russell National School Lunch Act to improve access to nutritious meals for young children in child care.

S. 2960

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2960, a bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3033

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3033, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. RES. 92

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of S. Res. 92, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill'', and for other purposes.

S. RES. 418

At the request of Mr. CASEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 418, a resolution commemorating the life of the late Cynthia DeLores Tucker.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 418, supra.

S. RES. 451

At the request of Mr. BURR, the names of the Senator from Florida (Mr. LEMIEUX), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Montana (Mr. TESTER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Res. 451, a resolution expressing support for designation of a ''Welcome Home Vietnam Veterans Day''.

AMENDMENT NO. 3477

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3477 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3140. A bill to grant the Secretary of Health and Human Services authority to design, construct, and operate facilities for the purpose of developing and producing biological products in order to meet critical national needs for such biological products, in response to potential bioterrorist attacks or naturally occurring pathogens; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Biosecurity and Vaccine Development Improvement Act, which will ensure our country has the resources necessary to protect the American people in the event of a disease outbreak or terrorist attack.

Last year, in preparation for flu season and concern about the H1N1 virus, the Department of Health and Human Services set out to acquire 120 million doses of vaccines. In August 2009, the department initially projected that these doses would be available by mid-October. However, only 11 million were obtained by that time, and the 120 million doses were not acquired until January 2010.

The current system consists of government contracts with private vaccine manufacturers to produce vaccines. While this lowers overhead costs to the Government, the Government is not able to dictate when vaccines will be produced or which vaccines will be produced. The production of the H1N1 vaccine is good example of the problems that can arise without a dedicated Government manufacturing facility for vaccines. The delay was due to several problems with the supplying companies. For example, one company based in Australia had to produce vaccines to meet the needs in Australia before exporting doses to the U.S. Another company had to produce their regular seasonal flu vaccine before switching to H1N1 vaccine production. This demonstrates the critical need to examine the current vaccine system.

The current system has limitations on the ability to produce vaccines related to bioterrorism such as smallpox, anthrax, ebola virus and botulism, leaving the U.S. without vaccines and susceptible to terrorist attacks. What we want to do is to avoid having the government come up short on something like what happened with Katrina where we are unprepared for the eventuality.

I have long been concerned with these issues. Since 2004, when I chaired the Labor, Health and Human Services and Education Appropriations Subcommittee, with the joinder of Senator HARKIN, who is now the chair, we appropriated $14.336 billion for pandemic preparedness. So you can see that we are talking about very substantial funds to meet a very substantial problem. Over the past year, I have held a number of meetings about the need for a facility, through a public/private partnership, that would afford the U.S. Government greater control over vaccine and countermeasure production and development. These meetings included Vice President BIDEN, Secretary of Health and Human Services Sebelius and Secretary of Homeland Security Janet Napolitano. On August 21, 2009, I chaired a hearing in Pittsburgh, PA, to examine the problems our current system faces and what can be done to remedy them.

This legislation would provide funding for a public/private partnership vaccine developing and manufacturing facility, determined by a competitive bidding process. A public/private facility such as this would allow the government to determine what vaccines would be produced and would use new technology being developed by General Electric to allow rapid change in the vaccines produced. This process currently requires extensive cleaning and

takes weeks, but this new technology includes disposable manufacturing equipment to change production quickly and would improve output and meet demand.

This proposed facility would develop and manufacture medical countermeasures critical to this Nation's health and security and could greatly enhance the U.S.'s vaccine-producing abilities. I encourage my colleagues to work with me to move this legislation forward promptly.

By Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. KERRY, Ms. CANTWELL, Ms. STABENOW, and Mr. SCHUMER):

S. 3141. A bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, among the many casualties of our economic downturn is the collapse of the primary form of private financing to construct affordable housing. I rise today to introduce the Low-Income Housing Tax Credit Recovery Act, which would restore investment in the Low-Income Housing Tax Credit program. In doing so, the bill will create tens of thousands of new affordable housing units and, in turn, thousands of construction jobs. I am grateful to my Finance Committee colleagues, Senators KERRY, CANTWELL, MENENDEZ, STABENOW, and SCHUMER for joining me in introducing this bill.

Many of us are familiar with the Low-Income Housing Tax Credit program's importance; indeed, I consider it the most successful affordable housing production program in our nation's history. Since its enactment in 1986, the program has spurred the creation of more than 1.7 million units of affordable housing nationwide, including nearly 20,000 units in my home State of New Mexico.

But today, the Housing Credit program is facing tremendous challenges in attracting private investment. Having incurred significant losses, many traditional investors cannot currently use these tax credits, and thus have temporarily exited the market. Moreover, Fannie Mae and Freddie Mac—which until recently provided a significant share of private investment in Housing Credit projects in New Mexico and nationwide—have pulled out entirely. Our bill will help attract new private investment to Housing Credit projects in New Mexico and across the country.

First, the bill will permit existing investors to carryback their unusable existing housing credits for up to five years. A major impediment to new investment today is that traditional Housing Credit investors have incurred business losses that prevent them from utilizing tax credits on previous investments. Consequently, these traditional investors have become disinclined to make new investments—as doing so would generate further credits they could not use for some time. But through a 5-year carryback, many of these traditional investors will be able to make use of accumulated credits. Only investors who are committed to creating additional affordable housing deserve this tax treatment. Accordingly, the bill makes the 5-year carryback election available only to the extent that carryback proceeds are entirely invested in new affordable housing credit investments.

Additionally, the bill provides that Housing Credits generated from future investments can be carried back 5 years. With its 10-year credit stream and 15-year tax compliance period, the Housing Credit program faces hurdles lining up investors, as compared to other tax credit programs with shorter investment horizons. Without shortening the compliance period, a 5-year carryback will make the Housing Credit more competitive with other tax credits, by providing greater flexibility. This will result in more stable investor demand and thus more resources for affordable housing.

Our bill is based on consensus proposals developed by a broad coalition of affordable housing organizations—including housing advocates, state housing finance agencies, developers, and investors—to restore private investment in affordable housing. That these proposals will create tens of thousands of affordable housing units and thousands of construction jobs was endorsed in studies by Harvard University's Joint Center on Housing and Ernst & Young's Tax Credit Advisory Services Center.

I am grateful for the coalition's efforts, as well as input that New Mexico stakeholders—including the New Mexico Mortgage Finance Authority, Enterprise Community Partners, and the New Mexico Coalition to End Homelessness—provided as I developed this bill.

We must act swiftly to ensure continued progress in constructing affordable housing, to meet our nation's affordable housing needs and create jobs. I look forward to working with my colleagues to see these provisions enacted into law.

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

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

S. 3141

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 ''Low Income Housing Tax Credit Recovery Act of 2010''.

SEC. 2. FIVE-YEAR CARRYBACK OF LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subsection (a) of section 39 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK OF LOW-INCOME HOUSING CREDIT.—

''(A) IN GENERAL.—In the case of an applicable low-income housing credit (within the meaning of section 38(c)(6)(C))—

''(i) this section shall be applied separately from the business credit (other than the low-income housing credit), and

''(ii) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007, and to carrybacks of credits from such taxable years.

SEC. 3. CARRYBACK OF NEW INVESTMENTS.

(a) IN GENERAL.—Section 42(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CERTAIN INVESTMENTS IN 2010 AND 2011.—

''(A) IN GENERAL.—In the case of a taxpayer who enters into an agreement described in section 38(c)(6)(D)(i)(I) (without regard to the applicable date), which satisfies the requirement of section 38(c)(6)(D)(i)(II), after December 31, 2009, and before January 1, 2012, then solely for purposes of determining the taxable year in which the low-income housing credit under this section may be taken into account for purposes of section 38, and the amount of the credit so taken into account—

''(i) the preceding paragraphs of this subsection shall not apply,

''(ii) the credit period with respect to the housing credit dollar amount to be allocated under such agreement shall be the 1 taxable year in which the taxpayer enters into such agreement,

''(iii) subsections (b) and (c)(1) shall not apply, and

''(iv) the amount of the credit under this section which is taken into account in the taxable year described in clause (ii) shall be the housing credit dollar amount to be allocated under such agreement.

''(B) REQUIREMENTS OF SECTION UNAFFECTED.—Except as provided in subparagraph (A), the provisions of this section shall apply to any building to which an agreement described in subparagraph (A) applies as if such subparagraph had not been enacted.

''(C) RECAPTURE OF EXCESS CREDIT.—If, at the end of the credit period with respect to any building (without regard to subparagraph (A)), the amount of the credit taken into account under subparagraph (A)(iv) with respect to such building exceeds the total amount of the credit which would have been allowed under this section with respect to such building during such credit period but for the application of subparagraph (A), then the amount of such excess shall be recaptured as if it were included in the credit recapture amount under subsection (j).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 4. ALLOWING LOW-INCOME HOUSING CREDITS TO OFFSET 100 PERCENT OF FEDERAL INCOME TAX LIABILITY.

(a) IN GENERAL.—Subsection (c) of section 38 is amended by adding at the end the following new paragraph:

''(6) ALLOWING LOW-INCOME HOUSING CREDIT TO OFFSET 100 PERCENT OF FEDERAL INCOME TAX LIABILITY.—

''(A) IN GENERAL.—In the case of applicable low-income housing credits—

''(i) this section shall be applied separately with respect to such credits,

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be the net income tax (as defined in paragraph (1)) reduced by the credit allowed under subsection (a) for the taxable year (other than the applicable low-income housing credits), and

''(iii) the excess credit for such taxable year shall, solely for purposes of determining the amount of such excess credit which may be carried back to a preceding taxable year, be increased by the amount of business credit carryforwards which are carried to such taxable year, to which this subparagraph applies, and which are not allowed for such taxable year by reason of the limitation under paragraph (1) (as modified by clause (ii)).

''(B) INCREASE IN LIMITATION FOR TAXABLE YEARS TO WHICH EXCESS APPLICABLE LOW-INCOME HOUSING CREDITS ARE CARRIED BACK.—

''(i) IN GENERAL.—Solely for purposes of determining the portion of any excess credit described in subparagraph (A)(iii) for which credit will be allowed under subsection (a)(3) for any preceding taxable year, except as provided in clause (ii), the limitation under paragraph (1) for such preceding taxable year shall be determined under rules similar to the rules described in subparagraph (A).

''(ii) ORDERING RULE.—If the excess credit described in subparagraph (A)(iii) includes business credit carryforwards from preceding taxable years, such excess credit shall be treated as allowed for any preceding taxable year on a first-in first-out basis.

''(C) APPLICABLE LOW-INCOME HOUSING CREDITS.—For purposes of this subpart, the term 'applicable low-income housing credits' means the credit determined under section 42—

''(i) to the extent attributable to buildings placed in service after the date of the enactment of this subparagraph, and

''(ii) in the case of any other buildings, for taxable years beginning in 2008, 2009, and 2010 (and to business credit carryforwards with respect to such buildings carried to such taxable years) to the extent provided in subparagraph (D).

''(D) PREVIOUSLY PLACED IN SERVICE BUILDINGS.—

''(i) IN GENERAL.—Subparagraph (C)(ii) shall apply to such credits for such a taxable year only—

''(I) if the taxpayer has entered into a binding commitment to invest equity not later than the applicable date, with respect to an investment in a future project (which is binding on the taxpayer and all successors in interest) which specifies the dollar amount of such investment, and

''(II) to the extent such credits do not exceed the dollar amount of such proposed investment.

''(ii) APPLICABLE DATE.—For purposes of this subparagraph, the applicable date is—

''(I) in the case of taxable years beginning in 2008 and 2009, September 15, 2010, or

''(II) in the case of a taxable year beginning in 2010, the due date (including extensions of time) for filing the taxpayer's return for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007, and to carrybacks of credits from such taxable years.

By Mrs. BOXER (for herself and Mrs. HAGAN):

S. 3144. A bill to amend the Richard B. Russell National School Lunch Act to improve the health and well-being of school children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. BOXER. Mr. President, as we prepare to reauthorize the Child Nutrition Act, it is critical that we address the need to invest in commonsense ways to improve the health and well being of our nation's most precious resource—our children.

Childhood obesity threatens the healthy future of one-third of American children. Every year we spend $150 billion to treat obesity-related conditions, and that cost is growing. Obesity rates tripled in the past 30 years, a trend that means, for the first time in our history, American children may face a shorter expected lifespan than their parents.

Right now, the U.S. Department of Agriculture, USDA, spends more than $10 billion a year on school meal programs, but only a small fraction of that funding goes to fruits and vegetables.

A recent report by the Institute of Medicine entitled School Meals: Building Blocks for Healthy Children, found that increasing the amount and variety of vegetables and fruits in schools is one of the best ways to make school meals healthier, and recommends that schools increase their offering of fruits and vegetables to help keep kids healthy.

That is why I am introducing the Healthy Food in Schools Act, which would improve school nutrition by providing more fresh fruits and vegetables in school breakfasts and lunches starting in elementary school, when children are developing healthy eating habits.

A recent study was conducted by Dr. Wendy Slusser, director of UCLA's Fit for Health Program, and Harvinder Sareen, Director of Clinical Programs at WellPoint, a health benefits company that found children's consumption of fruit and vegetables increases dramatically when produce is made available in school meals. The data also shows that increasing availability of fruits and vegetables exposes children to new foods, which can affect their eating habits for a lifetime.

The Healthy Food in Schools Act instructs USDA to put in place a plan to promote the use of salad bars in schools and provide $10 million for fiscal years 2011 and 2012 to help schools purchase salad bars and fruit and vegetable bars for their cafeterias.

The Healthy Food in Schools Act also includes $100 million for overall cafeteria infrastructure improvements. Many cafeterias around the country are looking to move away from processed food and toward kitchens that can cook healthier meals from scratch, but they lack the funds to implement such a plan.

The American Recovery and Reinvestment Act passed last year included $100 million in grants for cafeteria equipment, but the Department of Education received more than $650 million in requests for infrastructure improvements. This bill will help meet the needs of the many school districts that want to improve the meals they serve their students.

This bill also provides competitive matching grants and technical assistance for schools to improve access to local foods. The bill directs $10 million a year for 5 years toward these farm-to-school programs.

Farm-to-school programs are a proven, commonsense way to help improve the health of children while supporting local farmers and bolstering local economies. While many schools would like to incorporate fresh local food into their meals, schools often lack the startup funding and technical expertise to overcome barriers to making this change. These limited federal grants will give school districts and small- and medium-sized farms the help they need to develop new farm-to-school programs.

With more than 31 million children participating in the National School Lunch Program and more than 11 million participating in the National School Breakfast Program, good nutrition at school is more important than ever. That is why I urge my colleagues to join me in support of including this commonsense bill in the upcoming reauthorization of the Child Nutrition Act.

The Healthy Food in Schools Act will help ensure that our nation's children are not just eating, but also learning to eat healthy. The rise in the rates of children who are overweight or obese are a result of poor diets, a lack of physical activity, and insufficient nutrition education. A healthy school environment can help correct these problems and put our Nation's youth and our Nation on the path to a healthier and more sustainable future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 461—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT ANY PROPOSAL FOR THE CREATION OF A SYSTEM OF GLOBAL TAXATION AND REGULATION

Mr. VITTER submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 461

Whereas many proposals are pending in Congress—

(1) to increase taxes;

(2) to regulate businesses; and

(3) to continue runaway government spending;

Whereas taxpayer funding has already financed major, on-going bailouts of the financial sector;

Whereas the proposed cap-and-trade system would result in trillions of dollars in new taxes and job-killing regulations;

Whereas a number of nongovernmental organizations are proposing that a cap and trade regulatory system be adopted on a global scale;

Whereas the International Monetary Fund was tasked by the G-20 with preparing ''a report for our next meeting with regard to the range of options countries have adopted or

are considering as to how the financial sector could make a fair and substantial contribution toward paying for any burdens associated with government interventions to repair the banking system.'';

Whereas the options expected to be included in the International Monetary Fund report being prepared for the next meeting of the G-20 would essentially describe proposals to finance bailouts of the financial sector on a global scale;

Whereas the Climate Conference held during December 1 through December 18, 2009, in Copenhagen, Denmark considered a number of international taxation and regulatory proposals that will—

(1) punish businesses; and

(2) promote proposals not based in sound science;

Whereas new international taxation and regulatory proposals would be an affront to the sovereignty of the United States;

Whereas the best manner by which to overcome the economic downturn in the United States includes taking measures that would—

(1) lower tax rates;

(2) reduce government spending; and

(3) impose fewer onerous and unnecessary regulations on job creation; and

Whereas the worst manner by which to overcome the economic downturn in the United States includes taking measures that would—

(1) increase tax rates; and

(2) expand government intervention, including intervention on a global scale: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject any proposal for the creation of—

(1) an international system of government bailouts for the financial sector;

(2) a global cap-and-trade system or other climate regulations that would—

(A) punish businesses in the United States; and

(B) limit the competitiveness of the United States; and

(3) a global tax system that would violate the sovereignty of the United States.

SENATE RESOLUTION 462—RECOGNIZING THURSDAY, APRIL 22, 2010, AS ''TAKE OUR DAUGHTERS AND SONS TO WORK DAY''

Mr. BURR (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 462

Whereas the Take Our Daughters To Work Day program in New York City was created as a response to research that showed that by the 8th grade many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, ''Take Our Daughters and Sons To Work Foundation develops innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a non-profit organization, has grown to become one of the largest public awareness campaigns, with over 33,000,000 participants annually in over 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program was transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to our future generations;

Whereas every year mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the program has spread overseas with requests and inquiries being made from around the world on how to operate the program; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Thursday, April 22, 2010, as ''Take Our Daughters and Sons To Work Day'';

(2) recognizes the goals of introducing our daughters and sons to the workplace; and

(3) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3550. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table.

SA 3551. Mr. LEMIEUX (for himself, Mr. WICKER, Mr. SESSIONS, Mr. SHELBY, Mr. HATCH, Mr. BENNETT, and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3552. Mr. REID (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 54, recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

TEXT OF AMENDMENTS

SA 3550. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

On page 147, between lines 4 and 5, insert the following:

(g) STANDARDS.—

(1) IN GENERAL.—Within 90 days after the date on which the Comptroller General submits the report required by subsection (d) to the Congressional committees, the Secretary of Transportation and the Secretary of Health and Human Services jointly shall determine whether Federal standards for part 135 certificate holders and indirect carriers providing helicopter or fixed wing air ambulance services should be promulgated to address aviation safety or health safety matters in air ambulance operations and shall submit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on their determination.

(2) DETERMINATION FACTORS.—In making the determination required by paragraph (1), the Secretaries—

(A) shall take into account—

(i) issues identified by the Comptroller General in the report required by subsection (d); and

(ii) any other issues deemed necessary or appropriate for consideration by the Secretaries related to the provision of air ambulance services;

(B) shall consult with representatives of the air ambulance service industry and other appropriate stakeholders;

(C) shall consult with the Comptroller General, particularly with respect to areas in which data is insufficient to provide necessary information to the Congress and the Secretaries with respect to air ambulance service issues;

(D) may provide assistance to the Government Accountability Office as necessary for additional analysis to supplement the study and arrange for necessary data collection and analysis, directly or through appropriate competitively awarded contracts; and

(E) may require air ambulance service providers and users to report such data as may be necessary and appropriate to enable the Secretaries to carry out their responsibilities under this subsection.

(3) REPORT CONTENTS.—In the report required by paragraph (1), the Secretaries shall—

(A) explain in detail the rationale for the determination, including—

(i) if the Secretaries determine that such standards are unnecessary, inappropriate, or contrary to public policy, an explanation of the legal and public policy basis for that determination; or

(ii) if the Secretaries determine that such standards should be promulgated, a finding with respect to whether the standards should be promulgated by the Federal government or State governments in light of the policies implemented by the Aviation Deregulation Act of 1978 (as those policies are currently reflected in subtitle VII of title 49, United States Code) and an explanation of the legal and public policy basis for that finding; and

(B) provide a description of non-aviation related health safety matters related to air ambulance service operations that are subject to State regulation under traditional State regulatory authority.

(4) APPLICATION WITH STATE AND LOCAL LAWS.—Nothing in this subsection, or in the standards established under subsection (a), shall preclude any State or local government from licensing air ambulance service providers, or from promulgating or enforcing air ambulance service requirements, subject to applicable Federal law.

SA 3551. Mr. LEMIEUX (for himself, Mr. WICKER, Mr. SESSIONS, Mr. SHELBY, Mr. HATCH, Mr. BENNETT, and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 723. PROHIBITION ON USE OF FUNDS FOR TERMINATION OF CONSTELLATION PROGRAM OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) REAFFIRMATION OF PROHIBITION.—The National Aeronautics and Space Administration shall comply with the provisions of the first proviso under the heading ''EXPLORATION'' under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'' in the Science Appropriations Act (title III of division B of Public Law 111–117; 123 Stat. 3147), relating to a prohibition on the use of funds for the termination or elimination of any program, project, or activity of the architecture of the Constellation Program of the National Aeronautics and Space Administration.

(b) LIMITATION.—The provisions of section 1341 of title 31, United States Code (commonly referred to as the ''Anti-Deficiency Act''), may not be utilized as a basis for the termination or elimination of any contract, program, project, or activity of the Constellation Program of the National Aeronautics and Space Administration.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the Constellation Program of the National Aeronautics and Space Administration. The report shall set forth a description and assessment by the Comptroller General of the contracts, programs, projects, or activities of the Constellation Program, if any, that are contrary to law or are experiencing waste, fraud, or abuse.

(d) CURRENT SHUTTLE MANIFEST FLIGHT ASSURANCE.—The Administrator of the National Aeronautics and Space Administration shall take all actions necessary to ensure shuttle launch capability, including not terminating any contractor support that will limit or impair the launching of, at a minimum, the payloads manifested for the shuttle as of the date of the enactment of this Act.

SA 3552. Mr. REID (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 54, recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba; as follows:

Insert after the 15th whereas clause in the preamble the following:

Whereas the Department of State reports that the Government of Cuba has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988;

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, March 23, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider the nomination of Jeffrey Lane to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs) and cleared legislative agenda items.

For further information, please contact Sam Fowler or Amanda Kelly.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 18, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 18, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 18, 2010, at 10 a.m., in room 406 of the Dirksen Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 18, 2010, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 18, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 18, 2010. The Committee will meet in room SDG–50 in the Dirksen Senate Office Building beginning at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 18, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 18, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

RECOGNIZING THE LIFE OF ORLANDO ZAPATA TAMAYO

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 54.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 54) recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to; a Nelson of Florida amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motion to reconsider be laid on the table with no intervening action or debate; and any statements related to this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 54) was agreed to.

The amendment (No. 3552) was agreed to, as follows:

Insert after the 15th whereas clause in the preamble the following:

Whereas, the Department of State reports that the Government of Cuba has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988;

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 54

Whereas Orlando Zapata Tamayo (referred to in this preamble as ''Zapata''), a 42-year-old plumber and bricklayer and a member of the Alternative Republican Movement and the National Civic Resistance Committee, died on February 23, 2010, in the custody of the Government of Cuba after conducting a hunger strike for more than 80 days;

Whereas, on February 24, 2010, the Foreign Ministry of Cuba issued a rare statement on the death of Zapata, stating, ''Raul Castro laments the death of Cuban prisoner Orlando Zapata Tamayo, who died after conducting a hunger strike.'';

Whereas Reina Luisa Tamayo has asserted that her son Orlando Zapata Tamayo was tortured and denied water during his incarceration and has called ''on the world to demand the freedom of the other prisoners and brothers unfairly sentenced so that what happened to my boy, my second child, who leaves behind no physical legacy, no child or wife, does not happen again'';

Whereas Zapata began a hunger strike on December 9, 2009, to demand respect for his personal safety and to protest his inhumane treatment by the prison authorities in Cuba;

Whereas according to his supporters, Zapata was denied water during stages of his hunger strike at Kilo 8 Prison in Camagüey, was then transferred to Havana's Combinado del Este prison, and was finally admitted to the Hermanos Ameijeiras Hospital on February 23, 2010, in critical condition, where he was administered fluids intravenously and died hours later;

Whereas, on February 25, 2010, Freedom House condemned the Government of Cuba for ''the deplorable prison conditions, torture, and lack of medical attention that led to the death of political prisoner Orlando Zapata Tamayo'';

Whereas Zapata was arrested in 2003 on charges of contempt for authority, public disorder, and disobedience, and was initially sentenced to 3 years in prison;

Whereas Zapata was later convicted of additional ''acts of defiance'' while in prison and was resentenced to a total of 36 years;

Whereas in 2003, Zapata and approximately 75 other dissidents and peaceful supporters of the Varela Project were arrested during the ''Black Spring'' and were sentenced to harsh prison terms;

Whereas more than 25,000 Cubans have signed on to the Varela Project, which seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

Whereas in 2003, Amnesty International designated Zapata as a prisoner of conscience;

Whereas the Government of the United States raised the plight of Zapata during migration talks on February 19, 2010, and urged the Government of Cuba to provide all necessary medical care;

Whereas, on February 25, 2010, Secretary of State Hillary Clinton said in response to the death of Zapata, ''We send our condolences to his family and we also reiterate our strong objection to the actions of the Cuban government. This is a prisoner of conscience who was imprisoned for years for speaking his mind, for seeking democracy, for standing on the side of values that are universal, who engaged in a hunger strike.'';

Whereas following the death of Zapata, the Inter-American Commission on Human Rights reported that at least 50 dissidents were detained or forced to remain in their houses to prevent them from attending the wake and funeral for Zapata;

Whereas the Department of State's 2009 Country Report on Human Rights states that Cuba is a totalitarian state with a government that continues to deny its citizens basic human rights and continues to commit numerous serious human rights abuses;

Whereas the Department of State reports that the Government of Cuba has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988;

Whereas Human Rights Watch states, ''Cuba remains the one country in Latin America that represses virtually all forms of political dissent. The government continues to enforce political conformity using criminal prosecutions, long- and short-term detention, harassment, denial of employment, and travel restrictions.''; and

Whereas in a 2008 annual report, the Inter-American Commission on Human Rights reported that ''restrictions on political rights, on freedom of expression, and on the dissemination of ideas, the failure to hold elections, and the absence of an independent judiciary in Cuba combine to create a permanent panorama of breached basic rights for the Cuban citizenry'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the life of Orlando Zapata Tamayo, whose death on February 23, 2010, highlights the lack of democracy in Cuba and the injustice of the brutal treatment of more than 200 political prisoners by the Government of Cuba;

(2) calls for the immediate release of all political prisoners detained in Cuba;

(3) pays tribute to the courageous citizens of Cuba who are suffering abuses merely for engaging in peaceful efforts to exercise their basic human rights;

(4) supports freedom of speech and the rights of journalists and bloggers in Cuba to express their views without repression by government authorities and denounces the use of intimidation, harassment, or violence by the Government of Cuba to restrict and suppress freedom of speech, freedom of expression, freedom of assembly, and freedom of the press;

(5) desires that the people of Cuba be able to enjoy due process and the right to a fair trial; and

(6) calls on the United States to continue policies that focus on respect for the fundamental tenets of freedom, democracy, and human rights in Cuba and encourage peaceful democratic change consistent with the aspirations of the people of Cuba.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 462.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 462) recognizing Thursday, April 22, 2010, as ''Take Our Daughters and Sons to Work Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 462) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 462

Whereas, the Take Our Daughters To Work Day program in New York City was created as a response to research that showed that by the 8th grade many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas, the mission of the program, ''Take Our Daughters and Sons To Work Foundation develops innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas, the Take Our Daughters and Sons To Work Foundation, a non-profit organization, has grown to become one of the largest public awareness campaigns, with over 33,000,000 participants annually in over 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program was transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to our future generations;

Whereas, every year mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas, the fame of the program has spread overseas with requests and inquiries being made from around the world on how to operate the program; and

Whereas, Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Thursday, April 22, 2010, as ''Take Our Daughters and Sons To Work Day'';

(2) recognizes the goals of introducing our daughters and sons to the workplace; and

(3) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

MEASURES READ THE FIRST TIME—S. 3143, H.R. 4851, AND H.R. 4853

Mr. REID. I believe there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 3143) to provide that Members of Congress shall not receive a pay increase until the annual Federal budget deficit is eliminated.

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

A 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.

Mr. REID. I now ask for their second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, MARCH 19, 2010

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, March 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1586.

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

PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will resume consideration of the Federal Aviation Administration legislation. There will be no rollcall votes tomorrow. Senators should expect the next vote to begin at or about 5:30 p.m. on Monday, March 22.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Friday, March 19, 2010, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO ED PACE

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. BISHOP of Utah. Madam Speaker, I rise today to congratulate and pay tribute to a fine American, Ed Pace, on an occasion when he and his business have received the International Circle of Excellence Award for 2009.

His business, Lake City Trucks, is headquartered in Salt Lake City, Utah, and has grown from two locations to one of the largest International truck dealers in North America today. His entrepreneurial leadership has helped Lake City Trucks to expand to 11 locations across three states with 305 employees in Utah, Idaho and Oregon. Ed began his career with International Harvester in 1971 and served in several capacities before purchasing his first International dealership in 1991.

Ed has achieved recognition through many years of hard work and service to his industry and community. As an industry leader, Ed has held numerous positions of responsibility in organizations, including former chairman of the International Dealer Council and former co-chair of the International Dealer Development and Systems Board. He is active in his community, where he supports a variety of charities, including the Barth Syndrome Foundation, the Ronald McDonald House Charities of Utah and Idaho, Toys for Tots, the Christmas Tree Auction and the Food Banks of Utah and Idaho.

Through his commitment to hard work and outstanding customer service, he has built an economically vital business of which he can be justly proud. Madam Speaker, I ask you and my colleagues to join with me in congratulating Ed Pace for his record of accomplishment and for his many contributions to his community, state and nation.

TRIBUTE TO CHIEF SUSAN MANHEIMER ON BECOMING THE FIRST WOMAN PRESIDENT OF THE CALIFORNIA POLICE CHIEFS ASSOCIATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Ms. ESHOO. Madam Speaker, I rise to congratulate San Mateo, California, Police Chief Susan Manheimer on becoming the first woman President of the California Police Chiefs Association, which boasts 338 of California's top cops in its membership. The Chiefs Association was founded in 1966, and its membership represents municipal districts containing 78 percent of the state's residents.

Chief Manheimer received her Bachelor of Arts Degree in Business Management from Saint Mary's College in Moraga and a Master's Degree in Educational Leadership from San Diego State University. From 1983 to 1984, Manheimer was a broadcast journalist for KCBS radio.

Before being named the top cop in the City of San Mateo, Chief Manheimer served 16 years with the San Francisco Police Department from 1984–2000, where she did robbery decoy work, gang and violent-crime suppression. Her last assignment was as the Captain of the Tenderloin Task Force, a tough inner-city neighborhood in San Francisco. She was among the first group of female captains and lieutenants promoted in the San Francisco Police Department. She was appointed Chief of Police for the City of San Mateo in May of 2000, and became the first woman to head the San Mateo Police Department, which was also a first in San Mateo County.

Chief Manheimer continues her commitment to neighborhood policing and has implemented many innovative programs, such as the highly successful Homeless Outreach Team and the Adopt-a-School program. She has also led the way in forming creative partnerships with the community and allied agencies including the Tongan Interfaith Council for Central San Mateo County, the Juvenile Hall Assessment and Diversion Center, and the countywide Gang Task Force which she helped to found. Chief Manheimer serves on many county-wide initiatives, including the Juvenile Justice Advisory Group and the Domestic Violence Council.

Chief Manheimer previously served as the Acting President of the California Police Chiefs Association, is a Governor's appointee to the State Advisory Group for Juvenile Justice Delinquency and Crime Prevention, and is on the Board of Fight Crime Invest in Kids California, the Peninsula Conflict Resolution Center, and the University of San Francisco Law Enforcement Leadership Institute. In 2006, Chief Manheimer was recognized by Jewish Women International as a "Woman to Watch" and in 2008, she was chosen as a Women's Hall of Fame Honoree by San Mateo County which honored her as an extraordinarily dedicated woman who has left an indelible imprint on the history of San Mateo County.

Chief Manheimer resides in San Mateo County with her husband, Michael, and adult children Sarah and Jesse. She is active in the Police Activities League, the Military Mom's Association, the San Mateo Rotary, and enjoys skiing, hiking, rowing, and service to her community.

Madam Speaker, I ask the entire House of Representatives to join me in offering our warmest congratulations to Chief Susan Manheimer on becoming the first woman President of the California Police Chiefs Association and extend to her our gratitude for her visionary leadership to keep our neighborhoods safe, and her service to the community which strengthens California's justice system and our nation's as well.

STATEMENT IN SUPPORT OF H. RES. 267, RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF NOWRUZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mrs. MALONEY. Madam Speaker, I rise today in strong support of H. Res. 267, which recognizes the cultural and historical significance of Nowruz.

As an original cosponsor of H. Res. 267, I am pleased that we are using this occasion to reflect on the many contributions Iranian Americans have made to our society. I am proud of the ethnically diverse district that I represent and greatly appreciate all that Iranian Americans have added to the rich and varied culture of New York City.

Nowruz marks the traditional Iranian New Year and dates back more than 3,000 years. Nowruz, literally meaning "new day," celebrates the arrival of spring and occurs on the vernal equinox which this year will happen on Saturday, March 20th.

Through the ages Nowruz has provided the occasion for renewal and rejuvenation, displaying new resolve in settling old issues, and making new beginnings. Nowruz celebrates the core of our common humanity and our relation to Mother Nature. Although colored with vestiges of Iran's Mazdian and Zoroastrian past, Nowruz celebration is neither religious nor national in nature, nor is it an ethnic celebration. Muslim, Jewish, Zoroastrian, Baha'i, and Christian Iranians as well as many other peoples celebrate Nowruz with the same enthusiasm and sense of belonging.

Recognizing the cultural and historical significance of Nowruz and in its observance, I want to wish Iranian Americans and all those who observe this holiday a happy and prosperous new year.

I would like to thank Representative HONDA for introducing this important resolution, and I urge my colleagues to support it.

HONORING DANIEL ROSS MALLETTE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Daniel Ross Mallette, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 345, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop participating in many Scout activities. Over the many years Daniel has been involved with Scouting, he has not only earned numerous

merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Daniel Ross Mallette for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CAROLINA INTERNATIONAL TRUCKS

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. INGLIS. Madam Speaker, I rise today to congratulate Carolina International Trucks (CIT) and its President, Richard D. Ryan, on the occasion of receiving the International Circle of Excellence Award for 2009. CIT maintains a significant presence in the Fourth Congressional District with a dealer location in Greer, SC.

With 310 employees, CIT is one of the top truck dealerships in the Southeast and the entire nation. In 2003, it was named the International Dealer of the Year, an honor awarded to the dealer of International brand trucks who exhibits the highest commitment to best-in-class customer service. Including this new award recent award, CIT has now received the Circle of Excellence Award, under Richard's leadership, a total of 15 times.

The Circle of Excellence, which is awarded by the International dealer organization of Navistar, Inc., honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Through Richard's commitment to hard work and outstanding customer service, he has built a business that is contributing to economic growth during these challenging times. Madam Speaker, I ask you and my colleagues to join with me in congratulating Richard Ryan for his record of accomplishment and for his many contributions to his community, state and nation.

HONORING BILL POWERS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Ms. MATSUI. Madam Speaker, I rise in tribute to Bill Powers as he is honored with the prestigious Cariño Award from the California Alliance for Retired Americans. A tireless advocate for seniors', renters', workers' rights and health care for all, Bill is more than deserving of this acknowledgment. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask that all my colleagues join me in honoring his service and many remarkable accomplishments.

For over forty years, Bill Powers has advocated for the protection of the rights and lives of those whom policymakers far too often tend to forget. As a founding member of the California Alliance for Retired Americans (CARA) and as their lead volunteer lobbyist, Bill has helped CARA grow into a strong organization that ensures seniors and health care issues are at the forefront of policymakers' minds. As the lead volunteer advocate in Sacramento, Bill has trained and mentored dozens of CARA members who have followed him into advocacy.

The Cariño Award was created to honor individuals and organizations who have demonstrated their commitment to improving the quality of life for seniors and their families. Bill is most deserving of this honor as he has continuously gone the extra mile to improve the quality of life for seniors, families and working people. After retiring from the Western Center on Law and Poverty, Bill began volunteering with the Gray Panthers, Older Women's League, AARP, and the Congress of California Seniors before becoming a founding board member with CARA.

Prior to his work with seniors' organizations, Bill had a passion for affordable housing. Before he moved to Washington, DC, Bill helped to build the first affordable housing development in Germantown, Philadelphia. While working in our nation's capital, he advocated for increased affordable housing at a national level by working for the National Housing Law Center and the Housing Assistance Council. Today, he continues his advocacy with the California Coalition for Rural Housing.

Madam Speaker, I am honored to recognize the numerous contributions made by Bill Powers during his lifetime of service to the people of our nation. Throughout his career he has worked to further causes he believes in and has touched many people's lives. As he enters the next phase in his life, and his wife Gloria; three children Anne, Susan and Steve; and six grandchildren, gather to celebrate his inspiring commitment to justice and fairness, I ask all my colleagues to join me in thanking my friend, Bill Powers, for his public service, and to wish him success in his future endeavors.

HONORING NEW MOUNT CALVARY BAPTIST CHURCH

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to New Mount Calvary Baptist Church in Newnan, Georgia, which is celebrating its 138th year of serving the Lord in our community. In Georgia's 3rd Congressional District, few churches have witnessed the 19th, 20th and 21st centuries, but New Mount Calvary Baptist has attained that distinction. New Mount Calvary has witnessed many seminal events in our nation's history, and it has carried on from the Reconstruction Era to election of our nation's first African-American president.

A church that has kept its doors open for 138 years has blessed its families for generation after generation. The Lord calls on us to gather together as believers in his church to worship Him. The church is where we receive His Word, His blessings and His guidance. We go forth from the church to serve in our respective communities.

The members of New Mount Calvary Baptist Church are rightfully proud of how long they have actively served in their community. I asked the House to join me in congratulating this church on its long, proud record of work in Newnan and in sending best wishes for many more important milestones in the years to come.

RECOGNIZING THE DEDICATION AND LEADERSHIP OF BARBARA WEINREICH

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. GRAYSON. Madam Speaker, I rise today in honor of Women's History Month. This month, I would like to recognize a few of the phenomenal women from Central Florida who are making a distinguished contribution to my district, the great State of Florida, and to our nation as a whole. This month I would like to recognize Barbara Weinreich. Ms. Weinreich has greatly given back to our Orlando community, which has been her home for the last 49 years.

Ms. Weinreich earned both her Bachelor of Arts degree in English and a Masters of Education degree In Elementary Education from Cornell University. A teacher for 25 years at Eastbrook Elementary School, she is now retired from the Seminole County Public School System. Her service to the community supersedes teaching our children; she is also a leader and advocate for the Central Florida Jewish community and for inter-faith understanding and activism.

Currently, Ms. Weinreich serves on the Board of Directors and Chairs the Community Relations Committee, CRC, of the Jewish Federation. She is a member of the Holocaust Center's Board of Directors, Friends of the Jewish Pavilion's Board of Directors, Beit Hamidrash, and a member of the Advisory Committee for the Judaic Studies Department at the University of Central Florida.

Madam Speaker, during Women's History Month, it is my honor to recognize Barbara's dedication to public education, as well as her devotion to the Florida Jewish community. Barbara's activism with our Florida community is something I admire and respect.

HEALTH CARE REFORM

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. CHAFFETZ. Madam Speaker, the one-size-fits-all federally controlled health care plan proposed by the Democrats as ''reform'' will never address the particular needs of each state the way a successful health care system must do.

It is essential that Congress allow states the flexibility to respond to local markets, institutions, demographics, and issues. At the very least a federal plan must contain opt-out provisions for states. The current plan does not include these provisions and could seriously undermine years of hard work and progress in Utah.

Utah's Governor recently sent a letter to the members of our delegation outlining some of

his concerns with the current proposal for a federal takeover of health care. In his letter, the Governor criticized the current health care legislation as not providing Utah the flexibility to create solutions and address problems in a manner best suited to Utah's unique needs.

The Utah state legislature shares the Governor's concerns about increased federal restrictions on states' abilities to regulate health care. The legislature passed a bipartisan concurrent resolution urging Congress, should it pass health reform legislation that further restricts states, to grandfather certain state laws, regulations and practices that have proven very successful in Utah.

I stand with the Utah legislature and the Governor in urging Congress to refuse to enact any legislation that imposes further restrictions on a state's ability to regulate health care in the way that best meets the needs of its citizens.

OFFICE OF THE GOVERNOR,
Salt Lake City, Utah, March 11, 2010.

Hon. JASON CHAFFETZ,
Longworth Building,
Washington DC.

DEAR CONGRESSMAN JASON CHAFFETZ, I am writing to encourage you to resist the Obama Administration's current push to pass the White House health care reform plan as quickly as possible. As I have outlined in previous communications, the White House plan is not in the best interests of the citizens of the State of Utah.

While in Washington recently with the National Governors Association, I discovered, through discussions with my counterparts, that many are working on state-based health system reform. It quickly became clear, however, that the country's governors were not welcome to participate in the national dialog, which is an unfortunate and critical mistake. States must have the opportunity to address local needs with local solutions and to help shape the national debate.

Simply put, the White House plan does not provide Utah with the flexibility to create solutions and address problems in a manner best suited to our unique needs. A one-size-fits-all ''solution'' will never address the particular needs of each state and its citizens. States must be allowed flexibility to respond to local markets, institutions, demographics, and issues. At the very least, a federal plan must contain opt-out provisions for states like Utah, which has already come so far in reforming our own health care systems. The current plan does not contain these provisions and, as it stands today, could seriously impede three years of hard work and progress in Utah. These opt-out provisions are critical to states like Utah, which is leading the way in reform.

The White House plan is a rejection of the concept of federalism, which is so vital to our nation. It ignores the fact that the right way to go about reform is to allow the 50 states to be 50 laboratories of innovation. This is the only way to really learn what works and what doesn't, and for whom. For the past three years, Utah has been one of the leading states in developing health care reform, and the results are beginning to show great promise. We have had several successes, particularly with the Utah Health Exchange, and we continue to build on those successes.

Our friends in other states are also beginning to learn what works for them and what does not. If Washington leaders are serious about finding a good solution for the nation, shouldn't they be looking to these states for guidance?

If designed correctly, federal reform that creates flexibility and rewards innovation will provide benefits well into the future. In fact, I would like nothing more than to lend my support to a meaningful bipartisan federal health reform bill. However, there appears to be little interest from the White House to create such a bill. The process the Administration is pursuing all but guarantees that no bipartisan bill will emerge. Yet, here in Utah, all of our health system reform legislation has enjoyed broad bipartisan support. It can—and it should—be done. That message must be heard in Washington.

As Governor, I ask that you continue to work toward a bipartisan federal reform bill. One that recognizes the proper role of the states as laboratories and provides the support we need to be flexible in addressing our unique situations and demographics.

Thank you for your leadership and assistance with this very important issue.

Sincerely,

GARY R. HERBERT,
Governor.

UTAH STATE LEGISLATURE

H.C.R. 8 Enrolled

CONCURRENT RESOLUTION ON FEDERAL HEALTH CARE REFORM

LONG TITLE

General Description: This concurrent resolution of the Legislature and Governor urges Congress to refuse to pass any health care legislation that contains certain provisions, urges Congress to pass health care legislation with specific provisions, and urges Congress, should it pass health reform legislation that further restricts states, to grandfather certain state laws, regulations, and practices.

Highlighted Provisions: This resolution urges Congress to refuse to enact, and the President of the United States to refuse to sign, any legislation that imposes further restrictions on any state's ability to regulate the payment and delivery of health care, imposes additional financial burden related to health care on any state, or limits the ability of consumers and businesses to create innovative models for higher quality, lower cost health care; urges Congress to pass, and the President to sign, legislation that grants states greater flexibility under federal laws and regulations related to health care and encourages states to create health reform demonstration projects with the potential for replication elsewhere; and urges that should Congress pass, and the President sign, legislation that further restricts states in any manner, the legislation recognize states' efforts to reform health care by grandfathering any state laws, regulations, or practices intended to contain costs, improve quality, increase consumerism, or otherwise implement health system reform concepts.

Special Clauses: None.

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

Whereas, people's health affects not only their sense of well being, but their capacity to contribute to their families, to their employers, and to society at large;

Whereas, the improvement and maintenance of individual health depends to a significant extent on the widespread availability of affordable, high quality health care;

Whereas, the widespread availability of affordable, high quality health care is threatened by long-term runaway spending in a system that too often delivers suboptimal care;

Whereas, runaway spending and suboptimal care are attributable to various factors, but are perpetuated to a large extent by a third-party payer system that fails to reward individual effort to preserve and improve one's health and that fails to reward delivery of the most effective care at the lowest cost;

Whereas, for many years, Utah has been laying the foundation for genuine long-term health system reform;

Whereas, this foundation includes the creation of the Utah Health Data Authority in 1990 and the subsequent collection and publication of hospital charges by facility and adjusted for risk;

Whereas, this foundation includes the establishment in 1993 of the Utah Health Information Network, a nationally recognized statewide system for processing health insurance claims at a small fraction of the cost often charged by other claims processors;

Whereas, this foundation includes the 2005 requirement that the Utah Health Data Authority publish reports that compare health care facilities based on charges, quality, and safety;

Whereas, this foundation includes the 2007–08 development of an all-payer database that will report payments, as opposed to charges, for entire episodes of medical care, and will ultimately allow consumers to choose from among competing providers of treatments for any particular condition based on outcomes, price, and other attributes important to the consumer;

Whereas, this foundation includes the 2008–09 creation of the first statewide system in the nation for standardized electronic exchange of clinical health information across provider systems, including exchange of diagnostic test results and electronic medical record information;

Whereas, this foundation includes the 2008 creation of the Health System Reform Task Force, a legislative body that has engaged consumers, employers, doctors, hospitals, and insurers in a voluntary, cooperative effort spanning two years, and involving thousands of hours, to develop a strategic plan for health system reform;

Whereas, this foundation includes the 2009–10 creation of payment and delivery reform demonstration projects designed to align third-party payment structures with provider practices that result in the highest quality of care for both chronic and acute conditions;

Whereas, this foundation includes the 2009 creation of the nation's second-only health insurance exchange, a virtual marketplace where employees may enroll under a defined contribution arrangement, select from a range of plans broader than what an employer traditionally offers, and fund premiums with contributions from multiple sources;

Whereas, this foundation outlined above is the result of an iterative process of creation and refinement that has relied heavily on the input of all major stakeholders in the health care system and has been established largely on the basis of cooperation and consensus rather than compulsion;

Whereas, many of the perverse incentives that plague our health care system are rooted in federal Medicare and Medicaid payment policies, which exert a disproportionate influence on the privately funded portions of our health care system;

Whereas, federal proposals for health system reform recently considered by Congress emphasize enrollment expansion rather than cost containment, much like boarding additional passengers on an already sinking Titanic;

Whereas, those proposals include laudable authorizations for payment and delivery reform demonstration projects but otherwise largely lack significant cost containment provisions;

Whereas, those proposals include many provisions to improve quality of care but fall

short of the systemic changes needed to fully link outcomes and payment;

Whereas, states have consistently proven themselves laboratories of policy innovation, in spite of sometimes stifling federal regulatory restrictions;

Whereas, the best hope for health system reform lies with individual states, where an iterative process of experimentation, evaluation, and modification will minimize the unintended consequences of one-size-fits-all national policies and will produce results worth replicating; and

Whereas, states are in need of additional financial resources and flexibility to experiment rather than additional benefit mandates, Medicaid eligibility mandates, and rating restrictions, all of which will inevitably drive up health care spending and costs to states: Now, therefore, be it resolved, that the Legislature of the state of Utah, the Governor concurring therein, urge Congress to refuse to enact, and the President of the United States to refuse to sign, any legislation that imposes further restrictions on any state's ability to regulate the payment and delivery of health care, imposes additional financial burden related to health care on any state, or limits the ability of consumers and businesses to create innovative models for higher quality, lower cost health care; be it further resolved, that the Legislature and the Governor urge that Congress pass, and the President sign, legislation that grants states greater flexibility under federal laws and regulations related to health care and encourages states to create health reform demonstration projects with the potential for replication elsewhere; be it further resolved, that the Legislature and the Governor urge that should Congress pass, and the President sign, legislation that further restricts states in any manner, the legislation recognize states' efforts to reform health care by grandfathering any state laws, regulations, or practices intended to contain costs, improve quality, increase consumerism, or otherwise implement health system reform concepts. Be it further resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, and the members of Utah's Congressional delegation.

COOPER COUNTY MEMORIAL HOSPITAL HOME HEALTH AGENCY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cooper County Memorial Hospital Home Health Agency for serving their community for the past 25 years.

The CCMH Home Health Agency have been providing professional home care services to the numerous residents of Cooper County and other surrounding counties since 1985. They have provided supportive help services to the Boonville region, helping to alleviate the pain and suffering of many homebound residents. In addition, the CCMH Home Health Agency has been a friend to many of these patients and a connection to the outside world, delivering care even when the roads are treacherous and many times unsafe for travel.

Madam Speaker, I proudly ask you to join me in celebrating with the Cooper County Memorial Hospital Home Health Agency and commending them for providing care to the people of Missouri throughout the past 25 years and for the many years to come.

HONORING WILLIAM J. RYAN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. MICHAUD. Madam Speaker, I rise today to offer special recognition to William J. Ryan as he announces his retirement from TD Bank, N.A.

William arrived in Maine amidst the real estate recession of the early 1990s. In a climate similar to the economic hardships the country faces today, much of the state's banking industry was in turmoil. Peoples Heritage Bank, the forerunner of TD Bank, NA, was on the verge of being closed down by the FDIC when William was named its CEO in 1990. Not only was Peoples Heritage Bank restored to solvency, but under the stewardship of Mr. Ryan and his team, over 30 banks and insurance industries in New England were brought together under the Bank North banner.

William's capacity for turning institutions on the verge of ruin into spectacular success stories has impacted Maine greatly. The Bates Mill Complex in Lewiston, once the site of the state's largest single employer, was on schedule to be torn down before the bank intervened. Today, the bank is one of Lewiston-Auburn area's largest employers, including over a thousand TD jobs filling the mill alone. Additionally, West Falmouth has been transformed into a regional commercial and business hub since a new bank operations center was opened there. Lastly, thanks to the efforts of William Ryan, Portland now boasts the corporate headquarters of one of the fifteen biggest banks in the country.

Outside his positions as a board member and Vice Chair of TD Bank Financial Group and as CEO of TD Banknorth Inc. William serves the community in a variety of civic capacities. He is a Trustee of the Libra Foundation, a group advocating the advancement of human rights, an Emeriti Trustee of Colby College in Waterville Maine and a member of the Board of Advisors at the University of New England.

Madam Speaker, please join me in congratulating Mr. Ryan on his retirement, and thanking him for his tremendous contributions to the people of Maine.

IN RECOGNITION OF THE CITY OF LINCOLN'S 100TH ANNIVERSARY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the people of the city of Lincoln in Talladega County, who are celebrating their city's 100th anniversary this year.

Lincoln, Alabama, was named after the famous American Revolutionary War figure General Benjamin Lincoln. Lincoln, who was known as the "Defender of Charleston" for his courage in battle, rose to highest ranks of the Continental Army. He had the honor from General George Washington of accepting the British surrender at the Battle of Yorktown, which ended the War of Independence.

During the War of 1812, Andrew Jackson with a force numbering more than 2,500 men camped near Lincoln. This was one of the first steps in the further development of this region, with early settlers coming from Virginia, the Carolinas and Georgia.

In 1911, Lincoln was incorporated and chosen as the location for the Talladega County High school. The first mayor of this proud city was W.D. Henderson.

All of us across Talladega County and East Alabama are deeply proud of this important occasion for the proud citizens of Lincoln. We look forward to seeing the city continue to thrive and grow, and we congratulate local citizens and Mayor Lew Watson on their 100th anniversary.

HONORING ANNEMARIE KAUL FOR BEING AWARDED THE LIFESAVING CERTIFICATE OF MERIT FROM THE AMERICAN RED CROSS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mrs. BACHMANN. Madam Speaker, I rise today to honor AnneMarie Kaul of Woodbury, MN, for her heroic, life saving measures on February 25th, 2009. AnneMarie is being awarded the Lifesaving Certificate of Merit from the American Red Cross and it's my honor to recognize her today.

In February of 2009 a man collapsed in the lobby of a fitness center after a game of racquetball. As a direct result of her Red Cross training, AnneMarie asked the receptionist to call 911 and proceeded to check on the man. She found no vital signs and immediately began CPR and used the automated external defibrillator at the center. AnneMarie continued with CPR efforts until the ambulance arrived and a pulse could be found. If it was not for AnneMarie's swift and heroic actions, the man would have almost certainly lost his life.

"Over a year later and because of her brave actions, AnneMarie is being presented with the highest award available from the American Red Cross. It is presented to an individual or team of individuals who have saved or sustained a life using the very skills and knowledge taught to them by the American Red Cross. According to the American Red Cross, 'this action exemplifies the highest degree of concern of one human being for another who is in distress.'

Madam Speaker, AnneMarie Kaul is a perfect example of whom this award was created to recognize. Please join with me in honoring her lifesaving efforts.

COMMENDING MEHDI MORSHED FOR HIS SIGNIFICANT CONTRIBUTIONS TO THE STATE OF CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, as the Chair of the California Democratic Congressional Delegation, I rise today to recognize and commend the great work of Mehdi Morshed, who at the end of March is retiring from California High-Speed Rail Authority. For over 40 years, Mehdi has worked on transportation policy in various capacities in California and is widely considered a leading expert. I have had the pleasure of knowing and working with Mehdi for over thirty years.

Mehdi Morshed was educated at the University of Washington in Seattle as a civil engineer and he received a master's degree in transportation engineering from the University of California, Berkeley.

Since then, he has worked to make sure that Californians have safe and accessible transportation. He worked for the California Department of Transportation in various capacities, including planning, design and construction of bridges.

He then served as the lead transportation policy staffer in the California State Senate for over 20 years. During his time at the State Senate, Mehdi was responsible for developing and enacting some of California's most ground-breaking transportation laws, policies and programs, including vehicle safety and emission standards, as well as assisting with the establishment of the California High-Speed Rail Authority, the California Transportation Commission and other local and regional commissions, transportation districts and agencies.

At the end of this month, Mehdi will be retiring as the Executive Director of the California High-Speed Rail Authority, a position he has held since 1998. His dedication to high-speed rail in California has resulted in the project evolving from a planning concept to a fully developed project with an 800-mile system that will link Los Angeles and the Bay Area through Central Valley, with links to Sacramento and San Diego. Mehdi was at the helm of the Authority when State proposition 1A was passed by voters in November 2008, which is a $9 billion bond measure for the State's high-speed train system. Mehdi's ability to successfully develop California's high-speed rail system has led to California receiving $2.5 billion in Recovery Act funding.

Madam Speaker, Mehdi Morshed has played a major role in developing and implementing California's transportation policies for over 40 years. I can assure you that his leadership will be missed in California, and his transportation projects throughout the State will be a lasting reminder of his years of service to the people of California.

OLDE DOMINION AGRICULTURAL COMPLEX

HON. THOMAS S. P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. PERRIELLO. Madam Speaker, today, I want to celebrate a vision of the future that is deeply rooted in our past.

It is fitting that the vision is being realized in Pittsylvania County, Virginia, which for centuries served as an economic engine for the Commonwealth of Virginia. That economic engine was fueled by farmers.

Agriculture remains the largest industry in Pittsylvania County and the largest industry in the commonwealth. And today, we break ground on the Olde Dominion Agricultural Complex, located just outside Chatham, Virginia. What will be built on this broken ground, however, will not just be the facilities, but a future for agriculture in this region. It will be a future built on innovation and education, recreation and community connection.

The Olde Dominion Agricultural Complex will house a number of professional agricultural leadership organizations and will offer the local agricultural industry a centralized location in which to learn best practices in operations, equipment, crops, soils, animals, forestry, and renewable systems. The complex will also serve as an opportunity for local producers to enter and grow new markets. These anticipated areas of growth include aquaculture, bioenergy production, and cattle markets.

I am particularly bullish on the opportunities our farmers can seize in the area of domestic energy production. Until now, this region has been locked out of the energy market. Farmers were forced simply to be consumers of energy. We are coming to understand, however, that farmers can be producers of energy—that agricultural regions can be energy regions. Crops we grow above ground can be just as valuable as fuel buried below. In Gretna, Virginia, Piedmont BioProducts has built a refinery that turns crops into oil. And in Chatham, the Van Der Hydes are turning waste into electricity, turning a liability into an income stream that may help them survive low dairy prices.

The complex will not only serve agriculturalists, but will engage the entire local and regional community. The resources and information offered through programs will be designed to meet a variety of interests ranging from those of homeowners to backyard gardeners to children interested in attending 4–H camp. Its arena will ensure that the complex becomes a regular gathering place for the community where citizens can enjoy a vast array of shows and concerts. Whether showcasing farm equipment and livestock or entertaining with country music, the Olde Dominion Agricultural Complex will be a unique asset in Pittsylvania County. It will offer the local community endless opportunities to prosper the local economy through advances in its agriculture industry and increased tourism to the region.

Of course, the complex is not just sprouting from the earth uncultivated. It is the carefully tended fruit of the labor and vision of the Olde Dominion Agricultural Foundation. The foundation deserves great credit for making this a reality. The facility will allow the foundation to further its goal "to provide extensive educational opportunities to area agricultural producers and individuals involved in agricultural-related activities" and will help the foundation realize its vision "in establishing an environment of excellence in the integration of agricultural, economic, and social systems."

It is only fitting that this complex be built in the county that ranked first in Virginia for flue-cured tobacco sales. However, the county's agricultural contributions do not stop there. Pittsylvania County has also been ranked fifth in Virginia for both corn silage and all hay production. Cattle, beef cows, and milk cows have placed Pittsylvania County in the top six producers in the commonwealth. Equine, swine, sheep, goats, horticulture, and viticulture groups are also growing industries. Additionally, Pittsylvania County benefits from the support of the surrounding counties of Bedford, Henry, Franklin, Halifax, and Campbell, which also have a high percentage of land invested in agriculture.

The Commonwealth of Virginia and Pittsylvania County first prospered because of tobacco farming. Agriculture continues to play a vital role by contributing billions of dollars to our local economy, providing fresh and wholesome products that are part of a healthy diet, and ensuring continued protection of our open spaces. I take great pride in the farming traditions of southern Virginia and believe that our farmers, supported by the community and invested with the latest innovations, can and will take a leading role in a new economic revival. Within our community we have the entrepreneurs, the innovators, the farmers. This complex will harness each of these components to open new markets and spur economic growth. This economic revival will not only keep wealth in our community, but more importantly may help keep our children in our community.

Southern Virginia is fortunate to have the vision of the Olde Dominion Agricultural Foundation and the future promise of the Olde Dominion Agricultural Complex.

Let me close by quoting from one of Virginia's most famous farmers, Thomas Jefferson: "Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bands." The Olde Dominion Agricultural Complex will help strengthen those bands.

REINTRODUCTION OF THE "SAKS" BILL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mrs. MALONEY. Madam Speaker, every year roughly 36,500 women are violently assaulted in the workplace and yet their only remedy is workers compensation. In an effort to protect the rights of victims of workplace violence, I am reintroducing a bill to protect the civil rights of victims of gender-motivated violence. This legislation is intended to prevent employers from invoking workers compensation when employer negligence results in sexual assault and rape of an employee. This important bill will allow employees to sue their

employers in the case of a gender-motivated crime of violence rather than be subject to the exclusive remedy of workers compensation.

Workers compensation systems were designed to encourage employers to create accident-free workplaces and provide a means for employees injured during the course of employment to receive payment for medical expenses and lost wages. They were not created to shield employers from suit when their own negligence led to violence against employees. When rape occurs on the job, employers should not be able to hide behind a system designed to compensate for job-related accidents. Rape is not an accident and should not be treated as an everyday occurrence on the job. Under my bill victims of gender-motivated violence at work can hold employers liable for negligence through a federal civil rights cause of action that is not subject to state workers compensation law.

This bill will encourage employers to create a job environment free of violent sexual assault and rape, because it is tragic when rape is considered all in a day's work.

IN RECOGNITION OF THE UNIVERSITY OF ARKANSAS AT PINE BLUFF'S MEN'S BASKETBALL PROGRAM AND PLAYERS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. ROSS. Madam Speaker, I rise today to recognize the University of Arkansas at Pine Bluff's (UAPB) men's basketball coaches and players for their first ever National College Athletics Association (NCAA) Tournament win in the history of the school's program.

On March 16, 2010, the UAPB Golden Lions defeated the Winthrop Eagles 61–44 at University of Dayton Arena in the opening-round game of the 2010 NCAA Men's Basketball Tournament. The win also marks the first NCAA Tournament win for a team from the Southwestern Athletic Conference in 17 years.

As the No. 16 seed in the South Regional bracket, the UAPB Golden Lions now face Duke University, the No. 1 seed, in Jacksonville, Florida, on March 19.

University of Arkansas at Pine Bluff is an extraordinary institution of higher education and a renowned historically black university. It has a long history of successful alumni and its influence reaches across this country. This basketball team's achievement will bring some much-deserved national attention to the university, its stellar academic record, its dedicated student body, and, of course, its strong athletic program.

I have the privilege of representing UAPB in the U.S. House of Representatives and stand even prouder today on this historic win. I wish them the best of luck on their Friday game against Duke.

Today, I encourage all my colleagues to help me congratulate this deserving team and all of our young men and women in college athletics who represent our Nation's next generation of leaders, many of whom may one day walk these very halls in Congress.

GOOD IDEA FROM KANSAS BENEFITS PUBLIC SAFETY NATIONWIDE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. MORAN of Kansas. Madam Speaker, sometimes good things come from the darkest, most difficult moments. I rise today to share one such story.

In the summer of 2002, a promising young lady named Ali Kemp came home for the summer after her freshman year at Kansas State University.

Ali had a summer job at a neighborhood pool in Leawood, but one day she didn't come home. Her father, Roger Kemp, found her body in the pump room at the pool; she had been attacked and strangled.

John Walsh of America's Most Wanted, who lost his son Adam at age six to crime, tells us that "closure" is fleeting or non-existent. Mr. Walsh calls Roger Kemp one of his heroes.

Roger Kemp—like John Walsh—has honored his child's memory by working to make a positive difference in the lives of others.

First, the Ali Kemp Foundation has sponsored self-defense training for thousands of women. Some have put their training to use, fending off attacks.

Second, Roger Kemp encouraged law enforcement to try a new idea, to display "wanted" information on billboards. It worked in the Ali Kemp case, producing a tip that led to an arrest in 2004 and later a conviction.

Roger Kemp figured that this tactic could be broadly applied to help law enforcement. He was right. Now, billboards are a tool for police at all levels.

Police in Kansas say billboards are an asset to public safety. The FBI is using donated high-tech digital billboards coast to coast, even in Times Square. U.S. Marshals report dramatic results.

Lamar Advertising in Kansas has teamed up with Crime Stoppers to provide the service free of charge. Bob Fessler with the company said, "It goes back to the old days, to Western days, when they put posters up for wanted people. It's the same concept. We hope something happens quickly."

To that analysis, I would add that effective modern "wanted" billboards are also the legacy of a special man from Kansas who is doing his part to make Kansans safer.

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2009

SPEECH OF

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 2010

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today in opposition to S. 1147. While I acknowledge the importance of curbing underage smoking and respect this bill's intent to prevent funding of terrorist groups, I believe the bill threatens the government-to-government relationship with Native American tribes set out by our founders in the U.S. Constitution.

Article I, Section 8 of the Constitution gives Congress the authority to regulate commerce with Indian tribes. However, this bill would open the door to allowing States to bring felony charges against tribes and tribal businesses who participate in tribe-to-tribe transactions.

Two of the tribes I have the honor of representing, the Rosebud Sioux and Yankton Sioux, have contacted me with their concerns. They also do not object to this bill and support reducing cigarette trafficking. They simply ask that the bill be amended so that tribal sovereignty, recognized through hundreds of treaties and reaffirmed through executive orders, judicial decisions, and congressional action, not be encroached.

I urge this body to respect tribal sovereignty and it is for this reason I could not support this bill today.

HONORING THE CITY OF MIAMI DEPARTMENT OF FIRE RESCUE'S URBAN SEARCH AND RESCUE TEAM

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. MEEK of Florida. Madam Speaker, today I rise to thank and recognize the City of Miami Department of Fire Rescue's Urban Search and Rescue Team, Florida Task Force 2 ("USAR Team"), for their humanitarian efforts during the Haiti earthquake crisis. I commend them for their immediate response to those affected by the earthquake that struck Haiti on January 12, 2010.

The City of Miami Department of Fire Rescue's Urban Search and Rescue Team was deployed to Haiti after the devastating earthquake hit the island approximately 10 miles southwest of Port-au-Prince. The USAR Team conducted successful search and rescue operations while in Haiti.

The USAR Team is capable of conducting the following type of operations: conducting physical search and rescue operations in damaged/collapsed structures, flooded areas, and transportation accident scenes; providing emergency medical care at disaster sites for trapped victims; carrying out reconnaissance duties to assess damage and determine needs in order to provide feedback to all agencies involved; providing disaster communication support using state of the art satellite systems; conducting hazardous materials surveys/evaluations of affected areas; and assisting in stabilizing damaged structures, including sorting and cribbing operations.

Madam Speaker, please join me in applauding and honoring the City of Miami Department of Fire Rescue's Urban Search and Rescue Team, Florida Task Force 2 ("USAR Team") for their unyielding determination and work as first responders to victims of disasters from all hazards. The work of the USAR Team is an important part of South Florida's contribution to the recovery of Haiti. I offer my sincere gratitude for their selfless dedication to this cause.

HONORING ROBERT LARSON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. LEVIN. Madam Speaker, it is with sadness that I rise today to honor my friend Robert Larson and pay tribute to his life and legacy.

Robert Larson was a real estate executive, philanthropist, community leader, and dear friend. His keen knowledge and distinguished career positioned him as one of the industry's most respected executives. He was chairman of the Larson Realty Group, a family-owned real estate investment company; chairman of Lazard Real Estate Partners LLC, a merchant banking business; and chairman of the board of UDR, Inc., one of the country's largest real estate companies. He spent 26 years with the prestigious Taubman Company, where he was elevated to chief operating officer, chief executive officer, vice chairman of Taubman Centers, Inc., and chairman of the Taubman Realty Group during the course of his tenure.

The knowledge and insight Mr. Larson provided the Federal Government in the wake of the Savings and Loan crisis of the 1980s were integral to successfully restructuring our savings institutions and recovering from the crisis. President Bush and President Clinton appointed Mr. Larson to the Thrift Depositor Protection Oversight Board, where he served from 1990 to 1995 and was made chairman of the Board's Audit Committee. The Board was established by Congress to provide direction, oversight, and funding to the Resolution Trust Corporation.

Throughout his life, Mr. Larson's commitment to southeast Michigan was unyielding and he worked to bring new investment and opportunity to Michigan's economy. His contributions to Michigan extended far beyond the real estate industry: he served as the director and chairman of the ULI Foundation, a trustee of the Children's Hospital of Michigan, director of the Detroit Zoological Society, chairman of the Cranbrook Educational Community, chairman of the Greening of Detroit, and trustee of the Detroit Symphony Orchestra, among many other boards and causes.

Unquestionably, though, Mr. Larson's most durable impact was on his family, his colleagues, and those of us who knew him. We remember him for his profound intellect, his endless energy, and his tremendous warmth. He is survived by his beloved wife, Bonnie, their six children, and eleven grandchildren. I extend my deepest condolences to them on their loss.

HONORING DAVID THOMPSON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. David Thompson, recipient of the Harford County Land Preservationist of the Year award. Thompson is one of Harford County's strongest advocates for the preservation of farmland.

Thompson's interest in horticulture began with his family's vegetable and flower garden. In 1978, he and his wife, Marilyn, founded a local nursery, which has since grown into one of the region's most respected nursery and landscaping enterprises.

Thompson's leadership in the horticulture community is unprecedented. He is a past president of the Maryland Nursery and Landscape Association, the American Conifer Society, and the Mid-Atlantic Nursery Trade Show. Thompson recently stepped down from the Harford County Agricultural Land Preservation Advisory Board, after many years of faithful service, including terms as Chairman. During his time on the Board, Thompson worked with the County Executive and the County Council to increase the property tax credit for preserved farmland. In 2009, Thompson was named a Master Farmer by the American Agriculturist magazine, becoming only the 48th Marylander to receive this honor.

Thompson strives to promote the green industry and horticulture education in Maryland. He has been an active leader in the development of the Agriculture and Natural Resources program at North Harford High and is a member of the University of Maryland Horticulture Advisory Board.

Madam Speaker, I ask that you join with me today to honor Mr. David Thompson, Harford County Land Preservationist of the Year. His exceptional advocacy and endeavor to educate others on behalf of the horticulture community is unparalleled.

HEALTH CARE REFORM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. HASTINGS of Florida. Madam Speaker, despite the unquestionable need for health care reform, some have sought to dominate the health care reform discussion with fear mongering, misinterpretations and misinformation. They have stymied the progression of the reform process in the name of fiscal responsibility, bipartisanship, parliamentary procedure and patriotism.

These justifications are egregious. There is nothing bipartisan about continually opposing a bill that independent federal agencies have repeatedly recognized as a substantive and reasonable approach to reform. There is nothing fiscally responsible about allowing premiums, state and federal health expenditures to rise to unprecedented levels. There is nothing American about depriving men, women, and children of the guaranteed right to health care in the richest country on earth.

Today, when Americans across the country are losing their homes, jobs, health insurance and hope, we as elected officials have the opportunity and duty to deliver. We cannot afford to back down. We have come too far and have too much to lose. Extreme times require extreme measures to ensure that we pass a health care reform bill that America needs and deserves.

PERSONAL EXPLANATION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. SPACE. Madam Speaker, yesterday, I unfortunately was absent from a vote in the House.

Without question, in order to put our economy back on track, we must work aggressively to address and lower our national debt. H.R. 4825, introduced by Representatives KIRKPATRICK and PETERS, takes an important step in showing Congress' commitment to addressing the growing problem of our country's debt. By returning unused funds from our Member Representational Allowance to the U.S. Treasury, as many offices already do, we show the American people our willingness to tighten our belts, beginning with our office budgets.

I wish to voice my full support for this important legislation and regret that I was unable to cast my vote on the House floor.

RECOGNIZING NEW MOUNT MORIAH INTERNATIONAL CHURCH'S 21 YEARS OF SERVICE TO THE COMMUNITIES OF SOUTHEAST MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize the leadership and congregation of New Mount Moriah International Church for celebrating 21 years of fellowship. As a Member of Congress it is both my privilege and honor to recognize New Mount Moriah, its leader Bishop William Murphy and its congregants on this most joyous occasion.

New Mount Moriah, for the past 21 years, has been a fixture of spiritual communion in the Pontiac, Michigan community. The Church has had several homes in the Pontiac community since its formation in 1989. Since moving to its current location in 2003, New Mount Moriah has made great strides to expand its ministry across southeast Michigan, establishing satellite locations in Mount Clemens and Detroit. With these new locations New Mount Moriah has expanded its membership from the 100 founding members in 1989 to over 1,000 members across southeast Michigan today.

Over the past 20 years, New Mount Moriah has been served by Bishop William Murphy who serves with unwavering commitment and faith as Senior Pastor to its congregants. Bishop Murphy is joined in his ministry by his wife, Donna, who serves as Executive Director for New Mount Moriah's Women's Ministry program. Together they have developed countless programs which have reached beyond the walls of the Church and have touched the lives of so many in the communities the Church serves. These programs include skill-building and self-esteem training for women of all ages, helping them to develop leadership skills needed to serve their community.

For many years it has been my privilege to worship with Bishop and Donna Murphy and

the congregants of New Mount Moriah. It is with a great sense of pride I have watched as the Church has expanded its reach into our shared communities and enriched the lives of an increasing number of residents across southeast Michigan. This year I was particularly blessed to visit New Mount Moriah with the Majority Whip of the U.S. House of Representatives, JAMES CLYBURN, to commemorate the birthday of Dr. Martin Luther King, Jr. and the one-year anniversary of the inauguration of Barack Obama as President of these United States.

Madam Speaker, I ask my colleagues to join me today in recognizing New Mount Moriah International Church's 21 years of service to Pontiac and countless other communities across southeast Michigan and wish Bishop Murphy, his wife and the Church's congregants many more years of happiness, health and service to our shared communities.

HONORING THE VETERANS OF FOREIGN WARS AND THE SHE SERVES INITIATIVE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the Veterans of Foreign Wars, VFW, and the She Serves Initiative.

The mission of the VFW is to ''honor the dead by helping the living'' through veterans' service, community service, national security and a strong national defense.

For centuries, the VFW and its auxiliaries, including the She Serves Initiative, have been serving veterans by giving them a place to address their concerns and providing moral support. The She Serves Initiative works to empower, encourage, and appreciate all women who have served in the military.

Through outreach within the community, She Serves works to educate others about the sacrifices of female veterans who have served faithfully in conflict overseas. The She Serves Initiative acts as the connecting point for women of the VFW.

Madam Speaker, I ask that you join with me today to honor the VFW and the She Serves Initiative for their outstanding presence within the community. The support these two organizations provide to our Nation's veterans is essential and greatly appreciated.

TRIBUTE TO THOMAS J. CASSIDY, JR.

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. MCKEON. Madam Speaker, I rise today to pay tribute to a man who has given his life's work over in service to his country. A man who has honorably served the United States, both in uniform and out, in both the public and the private sectors, and who in my mind exemplifies duty and excellence. A man who is now taking a long deferred and well deserved retirement. Madam Speaker, Thomas J. Cassidy, Jr. has come a long way from his days growing up in the Bronx. He served in the Navy, rising to the rank of Rear Admiral. During his career, he served 34 years, seeing action in the Vietnam War as the Commander of Fighter Squadron 161 aboard the aircraft carrier USS *Coral Sea*. He later took command of Miramar Naval Air Station, as well as command of the Pacific Fleet Fighter and Airborne Early Warning Wing.

During all this time, Admiral Tom Cassidy developed a reputation as a thorough and fully dedicated Naval Officer, that Bronx upbringing never being too far below the surface. He pushed himself to the limit, gaining extensive experience flying a wide variety of American and foreign aircraft. In fact, he developed air-to-air improved fighter tactics that the U.S. Navy and U.S. Air Force fighter pilots used to dramatically improve the kill ratio over the North Vietnamese Air Force MiGs. He did this by flying the MiG 21 and 17 to exploit their weaknesses. This in turn led to a number of staff jobs from a carrier group to a stint with the Joint Chiefs of Staff.

With a reputation as a man with an eye for detail and a no nonsense approach to getting the job done, Admiral Cassidy was made the Chief of Naval Operations', CNO, liaison officer to the Chairman of the Joint Chiefs of Staff, and was Director of the Tactical Readiness Division of the CNO's staff.

Madam Speaker, a resume like this speaks volumes, and would lead you to believe that Admiral Tom Cassidy had more than done his bit for ''king and country.'' No one could dispute that Tom had served the American people well and that he had earned a place in the esteem of his countrymen. And so after a long and distinguished career, Tom retired from the Navy.

However, while Admiral Cassidy may have left the Navy, in a very real sense the Navy never left him. Devotion to duty and hard work. A commitment to excellence and a ''can-do' spirit. Love of family, God and country. Valor in the face of danger and hardship, and most of all, a firm and unswerving loyalty to his men. All these qualities that we so instantly and rightly attribute to the men and women of the Navy, and not just the Navy but all the Armed Forces, were deeply engrained in Admiral Cassidy.

It was that Navy spirit that Tom took with him into the private sector, where he accepted a position as CEO of General Atomics Aeronautical Systems, and where he has become a pioneer in the development of some of the most important and revolutionary weapons in America's arsenal for the war on terrorism.

Madam Speaker, Admiral Tom Cassidy made the Predator Unmanned Aerial Vehicle. Were it not for Tom, after September 11 the United States would not have had in its armory one of the key weapons with which we began the long hard fight to free Afghanistan, Iraq, the Swat valley and so many other parts of the Middle East and Central and South Asia.

At a time when there were grave doubts in the Armed Forces and the Department of Defense about the efficacy and necessity of UAVs like the Predator, Admiral Cassidy took a gamble. Operating by what Aviation Week magazine has rightly referred to as the ''build it and they will come'' strategy—Tom Cassidy pushed the development and building of Predators ahead of orders from the United States Government.

Consequently, Madam Speaker, when on that terrible day in September of 2001, Americans came face to face with the unrelenting hatred and resourcefulness of our radical Islamist opponents, we can thank Admiral Tom Cassidy that the United States was able to have at the ready one of the critical weapons systems with which we have been able to bring the war to our enemies and to drive them out of Iraq and Afghanistan.

It is a weapon that, Madam Speaker, continues to serve us well today. The Predator has gone through no less than three developmental iterations thanks to the hard work of Tom Cassidy. Each new evolution in the Predator has radically improved our ability to strike against the shadowy adversary that we now face.

The Predator, Madam Speaker, will soon have attained over a million cumulative flight hours. How many of the enemy has it taken out? How many lives of our service men and women have been saved by the use of the Predator? How many terrorist attacks against the United States and our allies have been averted thanks to the unique surveillance and offensive weapons capabilities of the Predator? How many people have a chance at freedom because the Predator was able to strike against those who preach a savage perversion of a religion?

There is probably no real way to count it accurately. Still, we know that lives have been saved and terrorist attacks have been averted and people who were once enslaved are now free because Predator was in America's arsenal. For that, Madam Speaker, this Congress and this country and people the world over owe Admiral Tom Cassidy a debt of gratitude of which they are scarcely aware. That is why I am privileged to be able to say these few words of thanks.

So Madam Speaker, Tom Cassidy will retire now. He will end the long days of hard work and get to spend time with the wife and family that he loves, secure in the knowledge that he has done all that could reasonably be asked of one man to protect his country from those who threaten it.

Madam Speaker, I am sure that nothing would please Tom Cassidy more than to know that his work has helped our nation face many of the most challenging threats to our security. I am convinced that the strength of character, dedication to duty and love of family and of country that are the hallmarks of Admiral Thomas J. Cassidy, Jr.'s life will long endure. I congratulate him on a job well done that has spanned both careers, the U.S. Navy and his tenure as the head of General Atomics Aeronautical Systems. On behalf of the American people I thank him, and I wish him many happy years ahead.

HONORING THE ACHIEVEMENTS OF FRED E. ALLEN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor the accomplishments of a man who has dedicated his life to service and a greater cause, Fred E. Allen of Mt. Pleasant, TX.

Mr. Allen has been an outstanding citizen and patriot throughout his life. Much of his energy has been directed through the noble organization of the Ancient Free and Accepted Masons, which has played an important role in the history of this nation since its founding. Many influential Americans have been members of the Masons, including Presidents, Members of Congress, Justices, and Governors, and their ranks have included scientists, engineers, doctors, lawyers, entertainers, clergy, entrepreneurs, businessmen, and pioneers—basically all walks of life.

In October of 2009 Mr. Allen was honored with The Grand Cross by the Supreme Council of the Southern Jurisdiction of the Scottish Rite. This is the highest individual honor that The Supreme Council bestows. It is a rare honorary degree that is bestowed on Thirty-third Degree Masons, and is awarded only for the most exceptional and extraordinary services. Mr. Allen is one of those exceptional Masons, a man who, in the words of the philosopher Jeremy Benson, sought ''the greatest good for the greatest number.''

It is a privilege to pay tribute to such an honorable and devoted citizen in the Fourth Congressional District of Texas, and I ask my colleagues to join me today in recognition of this great American, Fred Allen.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,639,779,478,641.89.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,001,353,732,348.09 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

SERGEANT CANDICE BRIESE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to Sergeant Candice Briese on the occasion of her retirement from the Los Angeles County Sheriff's Department and to recognize her contributions to the community for over three decades.

Sergeant Briese is a native of Galt, Missouri, but a lifelong resident of southern California. She has been a committed public servant with a professional career worthy of mention. Her extensive achievements and experience in law enforcement and security established her as a leader in community safety. Sergeant Briese served as a Deputy Sheriff in the Sybil Brand Institute, Lakewood Sheriff's Station, and Employee Support Services. As a Deputy Sheriff, she devoted her time and effort to ensuring safety in prisons, enforcing the law, and helping her department members through counseling and peer support.

Sergeant Briese has been a model public servant who always rises to meet challenges and never allows an obstacle to stop her in her efforts to improve the community. She served as a sergeant in the Men's Central Jail and in the notorious Twin Towers Correctional Facility. She has served with great dedication in various courts in Long Beach, Los Angeles, Inglewood, and Van Nuys.

While Sergeant Briese was serving at the Lakewood Sheriff's Station, she received a commendation from Sheriff Sherman Block for her heroic actions that saved the lives of five infants. She is known not only for her professionalism on the job, but also for her generous and compassionate nature. She was the leading force behind efforts to teach inmates how to read in the Biscailuz Recovery Center.

In addition to being a hardworking law enforcement officer, Sergeant Briese is also a wife and the mother of three successful children. I know that her husband, Glenn Jorritsma, and her children, Beu Alan Briese, Cara Bethanie Briese, and Ted Dustin Briese, are proud of her service.

I ask my colleagues to join me in saluting Sergeant Candice Briese, for her distinguished service and outstanding commitment to our society.

CHARLIE WILSON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. POE of Texas. Madam Speaker, I'd like to recognize a former Member of Congress who represented the 2nd Congressional District of Texas which I represent. While the 2nd Congressional District has changed in shape over the years, I would like to take this opportunity to recognize a unique Texan who served his constituents and country well during his 24 years in the House of Representatives.

Charlie Wilson served 12 terms (1973–1997) in the U.S. House of Representatives. He was well known for his personality as big as Texas and is perhaps best known for his work to covertly direct billions of U.S. dollars in arms to Afghan rebels who were fighting the Soviets through his position on the House Appropriations Committee.

One of my favorite stories about Charlie Wilson is the story when as a young boy of 13 and living in Trinity, Texas, his dog Teddy got into the neighbor's yard. The neighbor, city official Charles Hazard, retaliated by mixing crushed glass into the dog's food. The dog died from internal bleeding. In response, Charlie decided to run for office against him in the next election. Charlie won by driving 96 voters from poor neighborhoods to the polls. Before they left the car, Charlie told them what Mr. Hazard had done to his dog Teddy. Charlie Wilson won that race by a margin of only 16 votes. This election started his political career.

Perhaps this event explains why he always fought for the underdog later in life. His efforts of aiding Afghans rebels with appropriate weaponry and machinery and in advocating for humanitarian aid were successful in helping to defeat the Soviet Union and in bringing the Cold War to a close. He was also a tireless advocate for Texas in Washington, DC and helped bring business and industry to his district and State.

Charlie Wilson passed on February 10, 2010 in Lufkin, Texas, from a cardiopulmonary arrest. We are grateful for his service in the second congressional district of Texas and for his tireless efforts to advance freedom in Afghanistan and throughout the world. His death is a loss to Texas, and to our Nation.

HONORING MR. DAVID HOPKINS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. David Hopkins, recipient of the Harford County Agricultural Pioneer Award. Hopkins owns and operates a local produce stand, providing Harford Countians with fresh, locally grown fruits and vegetables.

Hopkins, a third generation farmer, was introduced to the direct-to-consumer produce business in the 1970s, when he and his brother worked for a local produce stand. In the 1980s when that stand closed, the Hopkins family began to sell produce from their farm. With the determination of Hopkins, his family produce stand flourished and the Hopkins family was able to build a pavilion to house the stand. In 2004, the produce stand was so successful they were able to sell the dairy cows.

In 2009, Hopkins assisted with Harford County's ''Buy Local'' campaign by allowing the Division of Agriculture to have its logo and slogan painted on the side of his barn. Hopkins continues to operate his stand with the help of his family, including his brother Daniel and son Aaron, who is continuing the family's farming legacy by studying Agriculture at the University of Delaware.

Madam Speaker, I ask that you join with me today to honor Mr. David Hopkins, Harford County's Agricultural Pioneer of the year. The achievements of Mr. Hopkins produce stand should be a model to local businesses within Harford County.

IN RECOGNITION OF MR. A.J. O'NEILL'S COMMITMENT TO AMERICA'S BIG 3 AUTOMAKERS, THEIR EMPLOYEES, AND THE COMMUNITIES THEY SUPPORT

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize Mr. A.J. O'Neill, a Berkley native and Royal Oak resident, for his community activism dedicated to highlighting the importance of our domestic automotive manufacturing industry to our economy and communities. As a Member of Congress it is both my privilege and honor to recognize Mr. O'Neill, today as he prepares to hold the 2nd Annual ''Assembly Line Concert'' at his café to support our

American Big 3 Automakers and their employees.

On April 1st of 2007, Mr. O'Neill opened his café in downtown Ferndale. From day one, Mr. O'Neill made a commitment to his community to do what he could to make Southeast Michigan a better place.

In late fall of 2008, during the Auto crisis, Mr. O'Neill started the ''I Pledge America'' campaign. The pledge is simple, ''I promise America that, on my honor, when I buy a new vehicle, it will be a Detroit-born, Big Three (Ford, GM or Chrysler) automobile.'' I am proud to count myself among the over ten thousand signatories to this pledge.

After seeing the success of the ''I Pledge America'' campaign, Mr. O'Neill was inspired to do more. Starting on March 20th, 2009, and continuing 24 hours a day 7 days a week until April 1st, 2009, Mr. O'Neill hosted the first annual ''Assembly Line Concert.'' The concert was a 288 hour marathon, featuring over 300 bands performing in honor and support of the domestic auto industry, with proceeds donated to the families of laid off auto workers. Due to the incredible success and length of this concert, Mr. O'Neill established a new Guinness World Record for the ''longest continuous music concert by multiple artists.''

Today represents the start of a new chapter in Mr. O'Neill's story as he hosts the ''Second Annual Assembly Line Concert.'' This concert will exhibit 312 hours of continuous music performed by well over 300 bands and musical artists. Mr. O'Neill is poised to break his own Guinness record for the longest continuous music concert, with proceeds once again going to the families of struggling auto workers in Southeast Michigan.

Madam Speaker, I ask my colleagues to join me today to honor Mr. A.J. O'Neill's dedication to the domestic auto industry, its tens of thousands of employees and retirees and the communities of Southeast Michigan as we work to rebuild and revitalize Michigan together.

CONGRATULATING DAVID KENNEY

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to honor and congratulate Mr. David Kenney. Recently, both David and his business, Westrux International Inc., were awarded the International Circle of Excellence Award for 2009.

Awarded by Navistar, Inc., the Circle of Excellence is given to dealerships that achieve the highest level of performance in terms of operating and financial standards, market representation, and, most importantly, customer satisfaction. It is the highest honor that an International dealer can receive from Navistar.

David's business, Westrux International, Inc., consists of six dealer locations employing 213 people. Westrux International, Inc., has now earned the Circle of Excellence Award a total of 13 times. David's dealership is also a multi-year winner of the IdealGold Award for Excellence, awarded to ''IdeaLease affiliates dedicated to success in the lease and rental industry.''

These awards are a testament to Dave's reputation as a leader in the trucking industry through many years of hard work in the industry and service to his community. His leadership in the trucking industry is evident by his serving as chairman of the International Dealer Council and has also chaired the Parts Dealer Advisory Board. In his community, he is a member of a leadership coaching group, Vistage International. Additionally, Dave sits on St. Mary's College of California's School of Economics and Business Administration Advisory Board. Dave is also a devoted husband to his wife Jill, and father to four children.

Madam Speaker, please join me in congratulating David Kenney for his accomplishments, his record of success, and his many contributions to his community, the State of California, and our nation.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mr. SMITH of Washington. Madam Speaker, on Friday, March 12, 2010, I was unable to be present for recorded votes. I request that the RECORD show that had I been present, I would have voted ''yes'' on rollcall vote No. 109 (on passage of H.R. 3650), ''yes'' on rollcall vote No. 110 (on approving the journal), and ''yes'' on rollcall vote No. 111 (on the motion to suspend the rules and pass H.R. 4506, as amended).

CONGRATULATING ED KYRISH

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to honor and congratulate Mr. Ed Kyrish. Recently, both Ed and his business, Texas Truck Centers of Houston, Ltd., were awarded the International Circle of Excellence Award for 2009.

Awarded by Navistar, Inc., the Circle of Excellence is given to dealerships that achieve the highest level of performance in terms of operating and financial standards, market representation, and, most importantly, customer satisfaction. It is the highest honor that an International dealer can receive from Navistar.

Family owned and operated since 1988, Texas Truck Centers of Houston, Ltd., is one of the premier truck dealerships in the country. Ed's business employs 264 people at five dealer locations. In January of 2010, Ed and the International Truck community celebrated his 60th year of service to International. Ed and Texas Truck Centers have earned the Circle of Excellence Award 13 times.

The many awards that Ed and Texas Truck Centers earn are a testament to his reputation as a leader in the trucking industry. Ed serves as a member of the Parts Advisory Board of International's dealer organization. Ed has also been awarded the Lifetime Achievement Award from International. Additionally, Ed has been recognized as an ADT Dealer of the Year.

Ed is also dedicated to his community. He co-founded the Richland Youth Organization's Girl's Softball League, served as softball league and Little League manager, and served as a leader with the Boy Scouts of America. Ed also is a devoted member of his school board and its fundraising committee, is a supporter of its Adopt A Family initiative, and is the chairman of his church board.

Madam Speaker, please join me in congratulating Ed Kyrish for his accomplishments, his record of success, and his many contributions to his community.

CONGRATULATING BLAINE ROBERTS

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to honor and congratulate Mr. Blaine Roberts. Recently, both Blaine and his business, Roberts Truck Center, were awarded the International Circle of Excellence Award for 2009.

Awarded by Navistar, Inc., the Circle of Excellence is given to dealerships that achieve the highest level of performance in terms of operating and financial standards, market representation, and, most importantly, customer satisfaction. It is the highest honor that an International dealer can receive from Navistar.

Roberts Truck Center has grown into one of the premier truck dealerships in the Southwest. Blaine manages 8 of the 13 dealer locations that are part of the Roberts Truck Center family business, owned by Blaine and his brother Blair. The Roberts Truck Center employs 467 people and has earned the Circle of Excellence Award a total of 26 times.

Blaine has earned this recognition and accomplishment through years of hard work and being a dedicated servant of his community. He is committed to his industry and serves on a number of industry groups and boards including the International Dealer Development and Systems Board.

Madam Speaker, please join me in congratulating Blaine for his accomplishments, his record of success, and his many contributions to his community.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1685–S1757

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 3136–3144, and S. Res. 461–462. **Page S1750**

Measures Passed:

Recognizing the Life of Orlando Zapata Tamayo: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 54, recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S1755–56**

Reid (for Nelson (FL)) Amendment No. 3552, recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba. **Pages S1755–56**

Take Our Daughters and Sons To Work Day: Senate agreed to S. Res. 462, recognizing Thursday, April 22, 2010, as ''Take Our Daughters and Sons To Work Day''. **Page S1756**

Measures Considered:

Tax on Bonuses Received From Certain TARP Recipients—Agreement: Senate continued consideration of H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients, taking action on the following amendments proposed thereto: **Pages S1693–S1736**

Rejected:

By 26 yeas to 70 nays (Vote No. 60), McCain/Bayh Amendment No. 3475 (to Amendment No. 3452), to prohibit earmarks in years in which there is a deficit. **Pages S1693, S1697–S1700**

Pending:

Rockefeller Amendment No. 3452, in the nature of a substitute. **Page S1693**

McCain Amendment No. 3527 (to Amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System. **Page S1693**

McCain Amendment No. 3528 (to Amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park. **Page S1693**

During consideration of this measure today, Senate also took the following action:

By 56 yeas to 40 nays (Vote No. 57), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Sessions/McCaskill Modified Amendment No. 3453 (to Amendment No. 3452), to reduce the deficit by establishing discretionary spending caps. Subsequently, the Chair sustained a point of order against Sessions/McCaskill Modified Amendment No. 3453 (to Amendment No. 3452), as being in violation of section 306 of the Congressional Budget Act of 1974, and the amendment thus fell.

Pages S1693, S1695–97, S1715–16

By 27 yeas to 70 nays (Vote No. 58), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Pryor Amendment No. 3548 (to Amendment 3452), to reduce the deficit by establishing discretionary spending caps. Subsequently, the Chair sustained a point of order against Pryor Amendment No. 3548 (to Amendment 3452), that the amendment contained matter within the jurisdiction of the Committee on the Budget and as being in violation of section 306 of the Congressional Budget Act of 1974, and the amendment thus fell.

Pages S1693–95, S1716

By 41 yeas to 56 nays (Vote No. 59), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Inhofe Amendment No. 3549 (to Amendment No. 3475), to reduce the deficit by establishing discretionary spending caps for non-security spending. Subsequently, the Chair sustained a point of order against the Inhofe Amendment No. 3549 (to Amendment No. 3475), that the amendment contained matter within the jurisdiction of the Committee on the Budget and as being in violation of the Congressional Budget Act of 1974, and the amendment thus fell. **Pages S1717–23**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, March 19, 2010. **Page S1757**

Messages from the House: **Page S1748**

Measures Referred: **Page S1748**

Measures Placed on the Calendar: **Page S1748**

Measures Read the First Time: **Pages S1748–49, S1756**

Executive Communications: **Pages S1749–50**

Executive Reports of Committees: **Page S1750**

Additional Cosponsors: **Pages S1750–51**

Statements on Introduced Bills/Resolutions: **Pages S1751–54**

Additional Statements: **Pages S1747–48**

Amendments Submitted: **Pages S1754–55**

Notices of Hearings/Meetings: **Page S1755**

Authorities for Committees to Meet: **Page S1755**

Record Votes: Four record votes were taken today. (Total—60) **Pages S1716, S1722–23**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 7:43 p.m., until 9:30 a.m. on Friday, March 19, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1757.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: ARCHITECT OF THE CAPITOL AND OFFICE OF COMPLIANCE

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Office of the Architect of the Capitol, and the Office of Compliance, after receiving testimony from Stephen T. Ayres, Acting Architect of the Capitol; and Tamara E. Chrisler, Executive Director, Office of Compliance.

U.S. POSTAL SERVICE FINANCIAL SITUATION

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposals for addressing the current financial situation facing the United States Postal Service, after receiving testimony from John E. Potter, Postmaster General and Chief Executive Officer, and David C. Williams, Inspector General, both of the United States Postal Service; Ruth Y. Goldway, Chairman, Postal Regulatory Commission; and Phillip Herr, Director, Physical Infrastructure Issues, Government Accountability Office.

"DON'T ASK, DON'T TELL" POLICY

Committee on Armed Services: Committee continued hearings to examine the "Don't Ask, Don't Tell" policy, after receiving testimony from General John J. Sheehan, USMC (Ret.), former Supreme Allied Commander, Atlantic, and former Commander in Chief, United States Atlantic Command; Michael D. Almy, former Major, United States Air Force; and Jenny L. Kopfstein, former Lieutenant Junior Grade, United States Navy.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Robert J. Papp Jr., to be a Commandant of the United States Coast Guard, Department of Homeland Security, who was introduced by Senator Kerry, Larry Robinson, of Florida, to be Assistant Secretary of Commerce for Oceans and Atmosphere, Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board, who was introduced by Senator Merkley, Michael F. Tillman, of California, to be a Member, and Daryl J. Boness, of Maine, to be a Chairman, both of the Marine Mammal Commission, and Jeffrey R. Moreland, of Texas, to be a Director of the Amtrak Board of Directors, after the nominees testified and answered questions in their own behalf.

COMMERCIAL SPACE CAPABILITIES

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine assessing commercial space capabilities, after receiving testimony from Bryan O'Conner, Chief, Office of Safety and Mission Assurance, and Malcolm L. Peterson, former Comptroller, both of the National Aeronautics and Space Administration;

George C. Nield, Associate Administrator for the Office of Commercial Space Transportation, Federal Aviation Administration, Department of Transportation; Michael C. Gass, United Launch Alliance, LLC, Littleton, Colorado; Frank L. Culberson, Jr., USN (Ret.), Orbital Sciences Corporation, Dulles, Virgina; Gwynne Shotwell, Space Exploration Technologies, (SpaceX), Hawthorne, California; and Lieutenant General Thomas P. Stafford, USAF (Ret.), Satellite Beach, Florida.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration, and David T. Matsuda, of the District of Columbia, to be Administrator of the Maritime Administration, both of the Department of Transportation.

MOBILITY AND CONGESTION IN URBAN AND RURAL AMERICA

Committee on Environment and Public Works: Committee concluded a hearing to examine mobility and congestion in urban and rural America, after receiving testimony from Oklahoma State Senator Bryce Marlatt, Oklahoma City; Scott Haggerty, Alameda County Supervisor, Oakland, California, on behalf of National Association of Counties Transportation Steering Committee; James Townsend, Webster County Judge Executive, Dixon, Kentucky, on behalf of the National Association of Regional Councils; Tim Lomax, Texas Transportation Institute, College Station; John Robert Smith, Reconnecting America, Washington, D.C., on behalf of the Transportation for America Coalition.

LAW ENFORCEMENT OVERSIGHT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine Bureau of Indian Affairs and tribal police recruitment, training, hiring, and retention, after receiving testimony from Wizipan Garriott, Policy Advisor to the Assistant Secretary for Indian Affairs, and Jason Thompson, Acting Deputy Bureau Director, Office of Justice Services, both of the Bureau of Indian Affairs, Department of the Interior; Joseph W. Wright, Assistant Director, Federal Law Enforcement Training Center, Office of Artesia Operations, Department of Homeland Security; Myra Pearson, Spirit Lake Tribe, Fort Totten, North Dakota, and David M. Gipp, Bismarck, North Dakota, both of United Tribes Technical College; Ivan Posey, Eastern Shoshone Tribe, Fort Washakie, Wyoming; and Chief Gary Gaikowski, Sisseton Wahpeton Law Enforcement of the Sisseton Wahpeton Oyate, Lake Traverse Reservation, Agency Village, South Dakota.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 148, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; and

The nominations of Josephine Staton Tucker, to be United States District Judge for the Central District of California, Mark A. Goldsmith, to be United States District Judge for the Eastern District of Michigan, Brian Anthony Jackson, to be United States District Judge for the Middle District of Louisiana, Elizabeth Erny Foote, to be United States District Judge for the Western District of Louisiana, Marc T. Treadwell, to be United States District Judge for the Middle District of Georgia, Wifredo A. Ferrer, to be United States Attorney for the Southern District of Florida, and William N. Nettles, to be United States Attorney for the District of South Carolina.

VETERANS ORGANIZATIONS LEGISLATIVE PRESENTATIONS

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Committee on Veterans Affairs to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America, after receiving testimony from Terry Schow, Utah Department of Veterans Affairs, Salt Lake City; Duane J. Miskulin, American Veterans (AMVETS), Lanham, Maryland; John Rowan, Vietnam Veterans of America (VVA), Silver Spring, Maryland; Tom Tarantino, Iraq and Afghanistan Veterans of America (IAVA), Washington, D.C.; Vivianne Cisneros Wersel, Gold Star Wives of America, Inc., Emerald Isle, North Carolina; and Gene Overstreet, Non Commissioned Officers Association of the United States of America (NCOA), Charlie L. Flowers, The Retired Enlisted Association, and Joseph L. Barnes, Fleet Reserve Association (FRA), all of Alexandria, Virginia.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 4876–4886; and 7 resolutions, H. Res. 1191, 1193–1198 were introduced. **Page H1656**

Additional Cosponsors: **Pages H1656–57**

Reports Filed: Reports were filed today as follows:

H.R. 4275, to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold United States Judicial Administration Building", with amendments (H. Rept. 111–444) and

H. Res. 1192, providing for consideration of the bill (H.R. 3644) to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions, and providing for consideration of the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service (H. Rept. 111–445). **Pages H1655–56**

Speaker: Read a letter from the Speaker wherein she appointed Representative Capps to act as Speaker pro tempore for today. **Page H1597**

Providing for consideration of motions to suspend the rules: The House agreed to H. Res. 1190, providing for consideration of motions to suspend the rules, by a recorded vote of 232 ayes to 187 noes, Roll No. 130, after the previous question was ordered by a yea-and-nay vote of 222 yeas to 203 nays, Roll No. 129. **Pages H1600–05, S1609–11**

Recess: The House recessed at 11:35 a.m. and reconvened at 1:34 p.m. **Page H1609**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, March 17th:

Roy Wilson Post Office Designation Act: 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", by a ⅔ yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 128; **Page H1609**

State Admission Day Recognition Act: H.R. 3542, amended, 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, by a ⅔ yea-and-nay vote of 408 yeas with none voting "nay", Roll No. 133; and **Pages H1625–26**

Agricultural Credit Act: H.R. 3509, to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987, by a ⅔ yea-and-nay vote of 382 yeas to 26 nays, Roll No. 134. **Page H1626**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Inland Empire Perchlorate Ground Water Plume Assessment Act: H.R. 4252, to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California; **Pages H1613–16**

Recognizing the 100th anniversary of the Vermont Long Trail: H. Res. 1173, to recognize the 100th anniversary of the Vermont Long Trail, the oldest long-distance hiking trail in the United States, and to congratulate the Green Mountain Club for its century of dedication in developing and maintaining the trail, by a ⅔ yea-and-nay vote of 409 yeas to 1 nay, Roll No.135; and **Pages H1617–18, H1626–27**

Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act: H.R. 1769, amended, to expand the Alpine Lakes Wilderness in the State of Washington and to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers. **Pages H1619–21**

Recess: The House recessed at 3:50 p.m. and reconvened at 4:45 p.m. **Page H1622**

Privileged Resolution—Motion to Refer: The House agreed to refer H. Res. 1193, raising a question of the privileges of the House, to the Committee on Standards of Official Conduct by a yea-and-nay vote of 397 yeas with none voting "nay" and 12 voting "present", Roll No. 131, after the previous question was ordered without objection. **Pages H1622–23**

Privileged Resolution—Intent to Offer: Representative Cantor announced his intent to offer a privileged resolution. **Pages H1623–24**

Privileged Resolution: The House agreed to the motion to table H. Res. 1194, raising a question of the privileges of the House, by a recorded vote of 232 ayes to 181 noes, Roll No. 132. **Pages H1624–25**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Upper Mississippi River Basin Protection Act: H.R. 3671, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin; **Pages H1611–13**

Hudson River Valley Special Resource Study Act: H.R. 4003, amended, to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System; **Pages H1616–17**

Distinguished Flying Cross National Memorial Act: H.R. 2788, to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside; and **Pages H1618–19**

Revising the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station: H.R. 4395, amended, to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station. **Pages H1621–22**

Senate Message: Message received from the Senate today appears on page H1597.

Senate Referrals: S. 2865 was referred to the Committee on Education and Labor and S. 1789 was referred to the Committee on the Judiciary and the Committee on Energy and Commerce. **Pages H1597, H1654**

Quorum Calls—Votes: Six yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H1609, H1609–10, H1610–11, H1623, H1624–25, H1625–26, H1626 and H1626–27. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:16 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, held a hearing on FY 2011 Budget for Food and Nutrition Service. Testimony was heard from Kevin Concannon, Under Secretary, Food, Nutrition and Consumer Services, USDA.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on FY 2011 Budget for the Bureau of Prisons. Testimony was heard from Harley F. Lappin, Director, Bureau of Prisons, Department of Justice.

The Subcommittee also held on hearing on Major Challenges facing Federal Prisons: A View from the Inside. Testimony was heard from public witnesses.

DEFENSE APPROPRIATIONS

Commttee on Appropriations: Subcommittee on Defense held a hearing on U.S. Transportation Command, Air Mobility, and Mobility Acquisition. Testimony was heard from the following officials of the Department of Defense: GEN Duncan J. McNabb, USAF, Commander, U.S., Transportation; GEN Raymond E. Johns, USAF Commander, Air Mobility Command; and MG Randal D. Fullhart, USAF, Director, Global Reach Programs, Office of the Assistant Secretary of the Air Force, Acquisition.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Department of Energy: 2011 Budget for Science and ARPA–E. Testimony was heard from the following officials of the Department of Energy: Steven Koonin, Under Secretary, Science; William Brinkman, Director, Office of Science; and Arun Majumdar, Director, Advanced Research Projects Agency.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2011 Budget for the Judiciary. Testimony was heard from: Julia Gibbons, Chairman, Committee on the Budget, U.S. Judicial Conference and James C. Duff, Director, Administrative Office of the Courts and Secretary to the U.S. Judicial Conference.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on U.S. Secret Service FY 2011 Budget. Testimony was heard from Mark Sullivan, Director, U.S. Secret Service, Department of Homeland Security.

The Subcommittee also held a hearing on FY 2011 Budget for ICE. Testimony was heard from John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies held a hearing on Conserving America's Land and Heritage: Department of the Interior FY 2011 Budget. Testimony was heard from Ken Salazar, Secretary of the Interior.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on FY 2011 Budget: Department of Education. Testimony was heard from Arne Duncan, Secretary of Education.

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on U.S. Air Force Budget. Testimony was heard from GEN Norton A. Schwartz, USAF, Chief of Staff, USAF.

STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations and Related Programs held a hearing on FY 2011 Budget Request for the Peace Corps. Testimony was heard from Aaron S. Williams, Director, Peace Corps.

TRANSPORTATION, HUD, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on Maintaining a Safe and Viable Aviation System (Including the FY 2011 Budget Request for the FAA). Testimony was heard from the following officials of the FAA, Department of Transportation: Randy Babbitt, Administrator; Hank Krakowski, Chief Operating Officer; Victoria Cox, Vice President, Operations Planning; John Hickey, Deputy Associate Administrator, Aviation Safety; and Nancy LoBue, Deputy Assistant Administrator, Aviation Policy.

The Subcommittee also held a hearing on Maintaining a Safe and Viable Aviation System: Priorities from Aviation Stakeholders. Testimony was heard from public witnesses.

SOUTHERN COMMAND AND NORTHERN COMMAND BUDGETS

Committee on Armed Services: Held a hearing on FY 2011 National Defense Authorization Budget Requests from the U.S. Southern Command and U.S. Northern Command. Testimony was heard from the following officials of the Department of Defense: GEN Douglas Fraser, USAF, Commander, U.S. Southern Command; and GEN Victor E. Renuart, Jr., USAF, Commander, Northern American Aerospace Defense Command, U.S. Northern Command.

CONSTRUCTION/BASE CLOSURE/FACILITIES BUDGET

Committee on Armed Services: Subcommittee on Readiness, hearing on FY 2011 National Defense Authorization Budget Request for military construction, family housing, base closure, facilities operation and maintenance. Testimony was heard from the following officials of the Department of Defense: Dorothy Robyn, Deputy Under Secretary, Installations and Environment; Joseph Calcara, Deputy Assistant Secretary of the Army, Installations and Housing; Roger M. Natsuhara, Acting Assistant Secretary of the Navy, Installations and Environment; and Kathleen Ferguson, Deputy Assistant Secretary of the Air Force, Installations.

NEEDS OF DIVERSE STUDENTS

Committee on Education and Labor: Subcommittee on Early Childhood, Elementary and Secondary Education held a hearing on Elementary and Secondary Education Act Reauthorization: Addressing the Needs of Diverse Students. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on the following bills: H.R. 1796, Residential Carbon Monoxide Poisoning Prevention Act; and H.R. 4805, Formaldehyde Standards for Composite Wood Products Act. Testimony was heard from Robert J. Howell, Jr., Assistant Executive Director, Office of Hazard Identification and Reduction, Consumer Product Safety Commission; James J. Jones, Deputy Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, EPA; and public witnesses.

HOME ENERGY RETROFITS JOBS

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing entitled "HomeStar: Job Creation through Home Energy

Retrofits.'' Testimony was heard from Cathy Zoi, Assistant Secretary, Office of Energy Efficiency and Renewable Energy, Department of Energy; and public witnesses.

INSURANCE HOLDING COMPANY SUPERVISION

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, held a hearing entitled ''Insurance Holding Company Supervision.'' Testimony was heard from Jon Greenlee, Associate Director, Division of Banking Supervision and Regulation, Federal Reserve Board of Governors; Grovetta N. Gardineer, Managing Director, Corporate and International Activities, Office of Thrift Supervision, Department of the Treasury; Sean Dilweg, Commissioner, Office of the Commissioner of Insurance, State of Wisconsin; and Ann Frohman, Director, Department of Insurance, State of Nebraska.

COUNTERING BIOLOGICAL THREATS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on National Strategy for Countering Biological Threats: Diplomacy and International Programs. Testimony was heard from Vann H. Van Diepen, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; Stephen G. Rademaker, former Assistant Secretary, International Security and Nonproliferation, Department of State; and public witnesses.

NEXT STEPS FOR HONDURAS

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing on the Next Steps for Honduras. Testimony was heard from Craig A. Kelly, Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; Cresencio Arcos, former Assistant Secretary of Homeland Security for International Affairs, Department of Homeland Security, and former U.S. Ambassador to Honduras; and public witnesses.

SECURE BORDER INITIATIVE NETWORK TESTING

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism, and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled ''SBInet: Does it Pass the Border Security Test?'' Testimony was heard from the following officials of U.S. Customs and Border Protection, Department of Homeland Security: Michael J. Fisher, Acting Chief; and Mark Borkowski, Executive Diector, Secure Border Initiative Program Executive Office; Randolph C. Hite. Director, IT Architecture and Systems Issues, GAO; and a public witness.

STATE ALCOHOL REGULATION

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on Legal Issues Concerning State Alcohol Regulation. Testimony was heard from Representatives Rush, Thompson of California, Cohen and Radanovich; Nida Samona, Chairperson, Liquor Control Commission, State of Michigan; James C. Ho, Solicitor General, State of Texas; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 4349, Hoover Power Allocation Act of 2009; and H.R. 4579, South San Diego County Water Reclamation Project of 2010. Testimony was heard from Representative Calvert; Timothy Meeks, Administrator, Western Area Power Authority, Department of Energy; Karl Wirkus, Deputy Commissioner, Operations, Bureau of Reclamation, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES; UNDERPERFORMING CONTRACTORS

Committee on Oversight and Government Reform: Ordered reported the following measures: H. Con. Res. 244, amended, Expressing support for the designation of March 20, as a National Day of Recognition for Long-Term Care Physicians; H. Res. 1040, Honoring the life and accomplishments of Donald Harington for his contributions to literature in the United States; H.R. 1174, Supporting the goals and ideals of National Women's History Month; and H.R. 4840, To designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the '' Clarence D. Lumpkin Post Office.''

The Subcommittee also held a hearing entitled ''Rewarding Bad Actors: Why Do Poor Performing Contractors Continue to Get Government Business?'' Testimony was heard from the following officials of the Department of Transportation: Calvin L. Scovel III, Inspector General; and Gregory H. Woods, Deputy General Counsel; the following officials of the Department of Homeland Security: Richard L. Skinner, Inspector General; and Elaine C. Duke, Under Secretary, Management; and the following officials of the U.S. Agency for International Development, Department of State: Donald A. Gambatesa, Inspector General, and Drew W. Luten III, Acting Assistant Administrator, Management.

FREEDOM OF INFORMATION ADMINISTRATION

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing entitled ''Administration of the Freedom of Information Act: Current Trends.'' Testimony was heard from Melanie Pustay, Director, Office of Information Policy, Department of Justice; Miriam Nisbet, Director, Office of Government Information Services, U.S. National Archives and Records Administration; Mary Ellen Callahan, Chief Piracy Officer/Chief FOIA Officer, Department of Homeland Security; Larry F. Gottesman, National Freedom of Information Act Officer, Office of Environmental Information, EPA; Valerie C. Melvin, Director, Information Management and Human Capital Issues, GAO; and public witnesses.

OCEAN, COASTAL, AND WATERSHED EDUCATION ACT; PUBLIC LANDS SERVICE CORPS ACT OF 2009

Committee on Rules: Granted, by voice vote, a structured rule providing for consideration of H.R. 3644, the Ocean, Coastal, and Watershed Education Act. The rule provides one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions of the bill, as amended.

The rule makes in order the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules, if offered by Representative Capps of California or her designee, which shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute printed in part A except those arising under clauses 9 or 10 of rule XXI. The rule also makes in order the amendment to the amendment in the nature of a substitute, printed in part B of the report, if offered by Representative Flake of Arizona or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for the division of the question. The rule provides one motion to recommit H.R. 3644, with or without instructions.

The rule also provides for consideration of H.R. 1612, the Public Lands Service Corps Act of 2009, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill, as amended.

The rule makes in order the further amendments printed in part C of the report, each of which may be offered only by a member designated in this report, shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for the division of the question. The rule provides that during consideration of an amendment printed in part C of this report, the Chair may postpone the question of adoption as though under clause 8 of rule XX. Finally, the rule provides one motion to recommit H.R. 1612 with or without instructions. Testimony was heard from Representatives Capps and Grijalava.

GEOENGINEERING RESEARCH

Committee on Science and Technology: Held a hearing on Geoengineering III: Domestic and International Research Governance. Testimony was heard from Frank Rusco, Director, Natural Resources and Environment, GAO; and public witnesses.

BRIEFING—MANAGEMENT CHALLENGES IN INTELLIGENCE COMMUNITY

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management met in executive session to receive a briefing on Management Challenges in the Intelligence Community. Testimony was heard from Roslyn A. Mazer, Inspector General, Office of the Director of National Intelligence.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D199)*

S. 2968, to make certain technical and conforming amendments to the Lanham Act. Signed on March 17, 2010. (Public Law 111–146)

H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010. Signed on March 18, 2010. (Public Law 111–147)

COMMITTEE MEETINGS FOR FRIDAY, MARCH 19, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on FY Budget Overview, 10 a.m., H–143 Capitol.

Next Meeting of the SENATE

9:30 a.m., Friday, March 19

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 1586, Tax on Bonuses Received From Certain TARP Recipients.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, March 19

House Chamber

Program for Friday: To be announced.

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