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No. 153

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC

October 21, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

### PRAYER

Rev. Darrell Armstrong, Shiloh Baptist Church, Trenton, New Jersey, offered the following prayer:

God of Abraham, Isaac, and Jacob, God of Miriam, Deborah, and Esther; Thou who art my creator, redeemer, and sustainer; Thou art from everlasting to everlasting; anoint, O God, bless and guide today's session of the United States House of Representatives.

Grant Thy special grace upon these ordinary women and men who gather in these hallowed walls with extraordinary positions of influence and power.

Give them wisdom, knowledge, discernment, and understanding to make decisions which positively impact the lives of American and world citizens alike. And as Micah charged us in the prophetic scriptures, help us to do justice, to love kindness, and to walk humbly with You, O God.

Bless our international community of nation states, bless our beloved United States of America, and do, God, bless our President.

Out of loving respect to my brothers and sisters of the other faiths—Jewish, Islamic, Buddhist, Hindu and others—I offer this prayer in the name of the One I call Jesus the Christ. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

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

I pledge allegiance to the Flag of the United States of America, and to the 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 a bill of the following title in which the concurrence of the House is requested:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The message also announced that pursuant to Public Law 110-315, the Chair announces, on behalf of the President pro tempore, the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity:

Daniel Klaich of Nevada,  
Cameron Staples of Connecticut, and  
Larry Vanderhoef of California.

### WELCOMING THE REVEREND DARRELL ARMSTRONG

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey (Mr. HOLT) is recognized for 1 minute.

There was no objection.

Mr. HOLT. Mr. Speaker, I rise today to welcome and introduce to my colleagues the Reverend Darrell L. Armstrong, pastor of Shiloh Baptist Church, in Trenton, New Jersey.

Rev. Armstrong, a native of Los Angeles, California, moved to New Jersey in 1995 to pursue ministerial training at the Princeton Theological Seminary. In 2000, he was elected by near unanimous vote to serve as pastor of the acclaimed Shiloh Baptist Church, which was founded in 1893. As only the third pastor to lead this church over the past 100 years, Rev. Armstrong has helped to double its membership to over 1,800 congregants, and he has solidified Shiloh Baptist's reputation as a thriving and respected church in central New Jersey.

He is the proud husband of Melanie Pinkey and the father of two children, Amaris Kayla and Daniel LaRue.

Rev. Armstrong is one of more than 70 central New Jersey religious leaders here today for meetings with Members of Congress, administration officials, and outside groups. I know that his inspiring prayer this morning will help to guide not only today's session of the House, but also our meetings throughout the day.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

### TIME FOR COMPREHENSIVE HEALTH CARE REFORM

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

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

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



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Mr. BRALEY of Iowa. Mr. Speaker, the time for comprehensive health care reform is now. Yesterday, in the House Oversight and Investigations Subcommittee, we had a hearing on the impact on small businesses of our current health care delivery system.

A constituent of mine from Davenport, Iowa, Mick Landauer, came and testified about the challenges his small business faces providing health care to its employees. The challenge is greater when you have an employee like Mick, who suffers from a critical chronic disease like congestive heart failure.

In the last 2 years, he has seen the deductibles for employees go from \$2,000 to \$4,000 to \$8,000 for single individual coverage. That is unacceptable, and that is why Democrats in the House have put forward a comprehensive health care reform bill that is going to provide small businesses with much greater opportunities to find competitively priced products for their employees.

One of the things we have to do is make sure the emphasis on coverage applies to people, no matter where they live, the number of employees they are trying to insure, and to give them more flexibility in a more competitive marketplace. That is why we need to pass this bill and pass it soon.

#### STIMULUS BILL FUNDS EXPENSIVE PR SIGNS

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

Mr. POE of Texas. Mr. Speaker, if there is one thing the Federal Government is really good at, it is wasting money, and thanks to the so-called stimulus bill, there are millions of citizen dollars floating around loose being blown by the wind of the waste-ocrats.

The money is not being used to create permanent jobs in the private sector. State governments are using stimulus money for their own pet programs. But States are also required to put up stimulus signs where no projects have even started.

One New Hampshire community was told if they didn't put up a government sign, they wouldn't get any money. Pay for the stimulus boondoggle PR blitz, or no funds. And these signs cost taxpayers up to \$2,000 a piece. Now, here is one of those signs. The Feds are trying to convince people that the stimulus is a success. Of course, there is no work taking place below this sign.

It is easier to create million dollar public relations signs than it is to create real jobs. The PR propaganda campaign by the Federal Government claiming the stimulus plan is working is an expensive myth.

And that's just the way it is.

#### HEALTH CARE REFORM

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

Mr. BACA. As we move closer to health care reform, let us not lose focus on who exactly we are trying to help.

Our seniors need help as they try to make ends meet between fixed income and increased health care costs. Our families need help as they are living paycheck by paycheck, often postponing doctor's visits. In my district in the Inland Empire, we have at least 217,000 who are uninsured, and this number keeps rising every day.

All of these individuals have nowhere else to turn to. We must not turn our backs on them. I state, we must not turn our backs on them. We have seen what a quick fix can do to health care reform. This only leads to more problems with expensive consequences.

Health care reform must include a public option, where everyone can participate and not be left out in the cold. A public option will bring down health care costs and give individuals and families a choice, instead of leaving them stranded without coverage.

I urge my colleagues to remember who this health care reform is for and not let special interests cloud the picture of real reform. Let's support health care reform.

#### HEALTH CARE REFORM SHOULD NOT COST PATIENTS THEIR HEALTH CARE

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

Mr. GINGREY of Georgia. Mr. Speaker, health care reform should not cost my patients their health care. In every plan, the Democrats pay for health care reform on the backs of my patients, particularly seniors and those who get health care from their employer.

Our seniors have suffered tremendously since the recession began. However, my Democratic colleagues don't think seniors have paid enough this year, so now they are asking our seniors to foot the bill for health insurance reform by cutting Medicare by \$50 billion. And despite our tough economic times, the Democrat plans would fund the health reform plan by creating massive new taxes on employers that will result in as many as 5.5 million jobs lost.

Don't believe me? Ask the 22 Democrats who signed a letter to Speaker PELOSI on July the 16th telling her that the Obama plan could increase small business taxes to 50 percent. Fifty percent, my colleagues.

Mr. Speaker, health care reform should not cost my patients their health care.

#### MARKING NATIONAL SAVE FOR RETIREMENT WEEK

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

Ms. SCHWARTZ. I rise today to recognize National Save for Retirement Week, which started on Sunday and will last until Sunday, October 25th. This week encourages Americans to prioritize the important responsibility of saving for their retirement. I am proud that earlier this year the House of Representatives passed my resolution marking the importance of this week.

Not enough Americans are putting money away for retirement. While more Americans started to save recently, we do not know yet whether this will be sustained.

According to the Employee Benefit Research Institute, less than two-thirds of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings lags behind the amounts families will need to fund their retirement years. The average 401(k) account has just over \$45,000, far below the amount needed to finance retirement for most Americans.

So even in these challenging financial times, this week serves as an important reminder that for all of us it is never too early or too late to begin to save for retirement.

#### SMALL BUSINESS SHOULDN'T BE PUNISHED FOR HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, I have been a family physician for over 30 years, and that is why I believe the Democrat health care reform proposals being circulated in Congress right now are bad for American families, bad for American seniors, and bad for American small businesses.

If we allow a government takeover of health care, a \$544 billion surtax is going to be imposed on the so-called rich to pay for this awful plan. Who are these "rich" people, Mr. Speaker? They are small business owners. Small businesses create 7 out of 10 jobs, yet we are about to cripple employers and guarantee that the 10 percent unemployment rate that we currently face will only continue to rise. The result of these new taxes on jobs will be the loss of an estimated 5.5 million jobs.

Overall, Americans will suffer \$820 billion in new taxes; another broken promise by the President. Democrats also want to impose another \$208 billion in new taxes on businesses that can't afford to pay for their employees' health care.

Why are Democrats pushing a government takeover of health care?

#### FINDING DIFFERENT WAYS TO SAY NO TO HEALTH CARE RE- FORM

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

Mr. YARMUTH. Mr. Speaker, our Republican colleagues continue to find different ways of saying no to the health care reform that the American people so desperately need and want. One of those outrageous ways of saying no is to claim that the government is somehow going to get between doctors and their patients.

Well, America's seniors know that is not the case, because under Medicare, doctor-patient relationships are sacred. Veterans know that is not the case, because the VA knows that doctor-patient relationships are sacred.

But the people of California don't know that. A recent study revealed that 22 percent of the claims made to insurance companies are denied. Now who is getting between the doctor and patient relationship? It is the insurance companies, not the government.

Republicans ought to figure out a way to say yes instead of no. It has been 126 days and counting since the Republican leadership said they were going to advance a plan to reform America's health care. Instead, they still find crazy ways to say no. It is time for them to join us in saying yes.

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#### 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. Mr. Speaker, health care reform should not cost patients their health care. Unfortunately, several of the plans that have been passed by this House and are now being written in secret in the Speaker's Office with the White House will do just that.

If it is cheaper for employers to drop employees from employer-sponsored insurance and move them into a public option, employers will do just that.

One-quarter of America's seniors who enjoy the added benefits of Medicare Advantage will lose their coverage. They get the things we want them to get: care coordination, disease management, medical homes, the things that we have told our seniors we will provide for them. And yet they will lose it under the health care reform. Millions more Americans will be moved into Medicaid.

Patients whose doctors can no longer afford their liability insurance will lose their doctor if we don't pass some sort of meaningful liability reform. Not just another study, but meaningful liability reform like we passed in Texas in 2003, and the point has been proven over the years since that has happened.

Portability should bring hundreds of more choices. We don't need a public option that will simply deliver a single additional choice.

No cuts to Medicare. America's seniors have paid, and they deserve better.

□ 1015

#### SAYING NO TO HEALTH CARE REFORM

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it's been 125 days, 126 days since Representative ROY BLUNT, the point man for the rumored Republican alternative health reform plan, said: I guarantee you we will provide you with a bill. Republican leaders from Governor Bobby Jindal to former Senate majority leaders Bill Frist and Bob Dole have indicated that Republicans need to work with Democrats to offer health care solutions.

But rather than coming up with a plan to lower health care costs and stop insurance companies from discriminating against you if you get sick, Republicans are choosing to be the party of "no" and the status quo.

No is not a solution. Saying no costs the average family \$1,800 in increased health costs each year. Health insurance reform is about putting the American people and doctors back in charge, not the insurance companies, to guarantee stability, lower costs, higher equality and more choices of plans. Our friends on the other side of the aisle can't run away from the fact that they have no plan, as much as they might like to. The time to act on health insurance reform is now.

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#### UNCERTAINTY HURTS JOB CREATION

(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. Mr. Speaker, Democrat policies in Washington are creating uncertainty across America. This uncertainty is chilling job creation, and small businesses have to wait and see when the next tax increase or government mandate is going to arrive. Whether it is more government intrusion into the financial sector, a national energy tax, devaluation of their dollar, a Big Government health care takeover, small businesses see a Democrat agenda that is out of touch with their needs.

Further promoting this uncertainty is the Democrats' refusal to provide the transparency they promised. Long gone are the plans to draft a health care bill in public. Now those decisions are made behind closed doors. The Democrat leadership is even refusing to hold a vote on a proposal to have all legislation available online for 72 hours.

We need to say "yes" on H.R. 3400, health insurance reform. Republicans have a bill for access and affordability, and I urge my Democrat colleagues to consider H.R. 3400.

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

#### PUBLIC OPTION MYTH BUSTER

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

Ms. EDWARDS of Maryland. Mr. Speaker, it's been 126 days since the Republican leadership promised a health care bill and today, 126, still no bill. Mr. Speaker, I rise today to set the record straight. The American people overwhelmingly support a robust public health option. And despite months and months of insurance companies, lobbyists and even political leaders spreading the myth that the American people don't support a public health insurance option, we have clear evidence to the contrary. A poll released by The Washington Post and ABC News earlier this week confirmed that 57 percent of Americans support a public health insurance option.

The American people realize that the current system is broken, the status quo is unacceptable and the time for real health care reform is now. But instead of supporting reform, the party of "no" 126 days later, and insurance profit-mongers continue to work to kill reform and defend a system that discriminates against people with chronic illnesses, a history of domestic violence and continues to see premiums and deductibles skyrocket, forcing 14,000 Americans each day to lose their health care coverage.

Mr. Speaker, the American people have spoken and it's time for all Members of Congress, Republicans and Democrats, to listen. They want real health care reform, a robust public option to expend coverage, create real competition and bring down costs.

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#### AMERICA'S RIGHT TO KNOW

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

Mr. BUCHANAN. Mr. Speaker, the State of Florida leads the Nation with one of the toughest right-to-know laws in the country. Florida's strong Sunshine Law guards against back-room deals and secret negotiation by government officials. Democracy thrives best when the people are fully involved and engaged.

Along these lines, I've introduced a resolution demanding that the critical decisions made on the sweeping health care reform bill now before Congress be conducted under the watchful eye of the American people. My resolution puts the House on record against secret, closed-door deals on a health care bill that seeks to overhaul one-sixth of our country's entire economy. In the past, massive legislative measures have been written in the middle of the night by a handful of Members and staff and then quickly passed into law before the American people have had a chance to even see what the final version looks like, let alone determine how they feel about it.

It's time for Congress to follow Florida's lead and ensure that any conference committee meeting on health care reform be conducted in the light of day and under full public view. I hope Members on both sides of the aisle will cosponsor this important right-to-know measure and join me in this effort.

#### MISREPRESENTATIONS ON MEDICARE

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

Mr. ANDREWS. Well, it's been 126 days and the minority party's not given us their plan for health care. What they have given America's seniors is a lot of misrepresentations on Medicare. This bill does not cut Medicare benefits for seniors. It cuts corporate welfare for insurance companies. There is a program called Medicare Advantage, and it's an advantage for the insurance industry because it works like this: for every \$100 that we spend on regular Medicare to take care of seniors, insurance companies get \$114. They keep most of that \$14, if not all of it, and do not use it to help seniors. We're getting rid of that and I think that makes sense.

This bill will work in favor of seniors on Medicare because when you go to the doctor for preventive care if you're a senior on Medicare, no more copay, no more out of your pocket. Medicare pays it all. The cost of your prescription drugs will drop, and Medicare benefits will be strengthened. The life of the Medicare trust fund will be extended by 5 years.

So after 126 days, you'd think they'd come up with something, but what they've come up with is more misrepresentation.

#### PUBLIC OPTION DISASTER

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

Mr. ROE of Tennessee. Mr. Speaker, this week The Washington Post published a poll supposedly showing that 57 percent of the American people support, and I quote, "having the government create a new health insurance plan to compete with the private health insurance plans." Unfortunately, what The Post failed to ask and what poll after poll has consistently shown is that Americans who claim to support a government-run option switch their opinion when they find out that creating such a plan will decrease quality and access and increase costs.

How do I know this will happen? I practiced medicine in Tennessee under a plan very similar to what the Democrats are proposing here. We sought to increase access to health insurance by lowering provider payments and promising free medical care to our State's

government-run Medicaid plan. Our plan was called TennCare, but it might as well have been called H.R. 3200. It resulted in costs tripling in 10 years and rationing of care when our State couldn't pay for the care that was promised.

Our businesses realized they could shift the cost to the public sector, and our State saw 45 percent of individuals on TennCare who had previously been on private health insurance. It was a disaster. And I'm trying to prevent that disaster from playing out on a national level.

#### INSURANCE COMPANY CATCH-22

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

Ms. DELAURO. This month a health insurance company tried to deny health coverage to a 4-month-old baby in Colorado. Why? Because they said he was too fat. An insurance company also, just this week, denied coverage to a 2-year-old girl. Why? Because they said she was too thin. Too fat, too thin, sounds like a no-win situation, a catch-22.

And, in fact, it was designed that way. An industry spokesman said they might reconsider covering those children if they got medical treatment and seemed healthy over a period of time. So in order to get health insurance, these children need to get treated without health insurance until they prove they're healthy enough to satisfy the insurance company. A cruel trick. And these companies pull it every day just to preserve their profit margins.

The apple doesn't fall far from the tree. Our friends across the aisle have been using similar logic to defend these companies and to defeat health insurance reform. They tell us that a public option will mean government-run health insurance, and that must be stopped. They tell us our health reform plan will endanger Medicare which is, of course, a public option. Which is it: too fat, too thin, too much government or not enough?

#### HEALTH INSURANCE EXPANSION SHOULD NOT COST PATIENTS COVERAGE OR BENEFITS

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

Mr. BOOZMAN. Mr. Speaker, I rise today to say that health insurance expansion should not end up costing patients their quality of care or their benefits. In January 2008 the Arkansas Department of Health reported that 51,707 Arkansans were currently enrolled in Medicare Advantage. The Department also noted that the number of enrollees was increasing every day.

Most of these men and women are located in rural areas of the State, places where access to health care is already

strained and doctors are no longer seeing new Medicare patients. With the massive proposed cuts to Medicare Advantage, how am I to explain to these patients that the reform that they've been waiting for, the reform that many claim will broaden access and help them get the services they need will actually cost them the quality of care and coverage that they depend on?

I cannot find a good explanation, and I will not support legislation that sacrifices the health of seniors in Arkansas by cutting Medicare Advantage.

#### AMERICANS ARE TIRED OF WAITING

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

Mr. MURPHY of Connecticut. Mr. Speaker, I'm a patient man, so I've been willing to take my Republican colleagues at their word that they're not really trying to obstruct health care reform, that they want to fix the system as well. So I've been willing to wait for a plan. And many people out there in the public have been willing to wait as well for the Republicans to produce a health care reform before they pass judgment on what the best course is to fix our broken health care system.

Well, 126 days later, we're tired of waiting. Americans are ready for health care reform now because they want affordable choice that competes with private plans. They know that they are one bad checkup or one pink slip away from being kicked off their coverage. And they can't wait any longer for Republicans to share their solution.

Mr. Speaker, the status quo is unacceptable to the vast majority of Americans, except to those who have left us waiting.

#### FIND WAYS TO HELP SMALL BUSINESSES

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

Mr. ROGERS of Alabama. Mr. Speaker, the folks in east Alabama, as across most of America, are hurting right now. In my home county, we have 11 percent unemployment, and that's the lowest unemployment in that region of the State. I have several counties in my district with 15 percent unemployment, and I have one county with 17 percent. That's real pain. And instead of this Congress and this administration finding ways to help small businesses create jobs and get these people back to work, they're talking about raising taxes on small businesses and creating government-run health insurance and mandating it on small businesses.

We need to find ways to help small businesses create jobs. We need to offer tax credits if you'll hire new employees. We need to offer tax credits if

you'll buy new equipment, expand your plants and create jobs. We need to find ways to help these small businesses provide health insurance by allowing association health plans, simplified billing, allow us to purchase health insurance across State lines and passing tort reform.

It's time for us to come up with the ways to help small business create jobs instead of finding ways to hinder them.

#### 287(G) PROGRAM

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

Mr. POLIS. Mr. Speaker, I rise today in strong opposition to the Federal 287(g) program. This unconscionable program authorizes local governments to carry out immigration law compliance, threatening law enforcement and our constitutional protections. We've seen Sheriff Arpaio of Maricopa County, Arizona, despicably racially profile and round up Latinos in front of TV cameras as he enforced his 287(g) powers. We've watched in horror as he and others who are a disgrace to the uniforms they wear detain people based solely upon the color of their skin.

Arpaio is now, thankfully, under investigation for civil rights violations for his discriminatory, unconstitutional searches and seizures. Nevertheless, I'm sad to announce that last Friday afternoon, ICE announced 287(g) agreements with 67 State and local law enforcement agencies across the country. 287(g) scares victims and witnesses of crimes to avoid contacting police for fear of being mistreated. 287 invites exploitation by those who know that they won't be reported to police because it combines the contradictory duties into the same police force.

What's the result? A sweep of terror that's frightened legal and undocumented immigrants into hiding, undermining law enforcement efforts across our country. 287(g) programs undermine the spirit and the text of the Constitution, and I encourage Congress to repeal 287(g).

□ 1030

#### HEALTH CARE AND SMALL BUSINESS

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

Mr. GUTHRIE. Mr. Speaker, we can all agree that health care needs to be made more affordable and accessible. However, under the proposed House bill, those who are working to get our economy back on track will be burdened with financing the government takeover of health care.

Some in Congress want to enact a \$544 billion surtax to help pay for the legislation. However, according to the data from the IRS, more than half of

those targeted under the surtax are small business owners.

Small businesses have historically employed more than half of the U.S. workforce and have created more than 72 percent of the new jobs across the country. With unemployment climbing to record numbers and the Federal deficit reaching \$1.4 trillion, Congress simply can't keep ignoring these issues.

Prior to being elected to Congress this year, I was working for my family's small business and know how important small businesses are not only to local communities but to our national economy as well.

Imposing taxes on small businesses that are doing all they can to stay afloat is not a viable answer and could make job losses even worse.

#### HEALTH CARE BILL IS MOVING FORWARD

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

Mr. PALLONE. Mr. Speaker, I just want to say how proud I am of the fact that both in the House and the Senate we are now moving towards health care reform. The committees of jurisdiction have moved bills. The bills are now being prepared for a floor vote in both the House and the Senate.

It is so important to my constituents and to every American that we have affordable health insurance. The number of people without insurance continues to grow. The statistics about increased costs for health care and insurance next year continue to go up. We need to accomplish the goal of providing affordable insurance for everyone, and that's about to be accomplished here in the Congress—both in the House and the Senate.

I think we can move forward with these bills in the next few weeks and then go to conference and have a bill on the President's desk by the end of this year, which was the goal of President Obama since the beginning.

So we should be very proud of the fact that we are moving forward and that this is something that finally will be accomplished for the American people.

#### GOVERNMENT TAKEOVER OF HEALTH CARE

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

Ms. FOXX. Mr. Speaker, contrary to what my colleagues from across the aisle have said, Republicans do have commonsense plans for reforming health care. They're different from the Democrat plan for a government takeover of health care, which will be an economic burden that will fall squarely on the backs of small business owners and their workers.

At a time when Americans are cutting back and making sacrifices, they

expect Washington to do the same. Instead, the Democrats' proposed government-run health care plan imposes \$208 billion in new taxes on small businesses who simply cannot afford to pay for their employees' health care. An estimated 5.5 million jobs will be lost at a time when this country already suffers from unemployment not seen in 26 years.

The worst thing that Washington can do is introduce a job-killing health care plan that restricts the growth of small businesses during these tough economic times. The American people deserve better, and Republicans have proposed better ways.

#### 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.

#### RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1793) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1793

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

#### SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Ryan White HIV/AIDS Treatment Extension Act of 2009".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

#### SEC. 2. REAUTHORIZATION OF HIV HEALTH CARE SERVICES PROGRAM.

(a) ELIMINATION OF SUNSET PROVISION.—

(1) IN GENERAL.—The Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109-415; 120 Stat. 2767) is amended by striking section 703.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if enacted on September 30, 2009.

(3) CONTINGENCY PROVISIONS.—Notwithstanding section 703 of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109-415; 120 Stat. 2767) and section 139 of the Continuing Appropriations Resolution, 2010—

(A) the provisions of title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.), as in effect on September 30, 2009, are hereby revived; and

(B) the amendments made by this Act to title XXVI of the Public Health Service Act

(42 U.S.C. 300ff et seq.) shall apply to such title as so revived and shall take effect as if enacted on September 30, 2009.

(b) PART A GRANTS.—Section 2610(a) (42 U.S.C. 300ff-20(a)) is amended by striking “and \$649,500,000 for fiscal year 2009” and inserting “\$649,500,000 for fiscal year 2009, \$681,975,000 for fiscal year 2010, \$716,074,000 for fiscal year 2011, \$751,877,000 for fiscal year 2012, and \$789,471,000 for fiscal year 2013”.

(c) PART B GRANTS.—Section 2623(a) (42 U.S.C. 300ff-32(a)) is amended by striking “and \$1,285,200,000 for fiscal year 2009” and inserting “\$1,285,200,000 for fiscal year 2009, \$1,349,460,000 for fiscal year 2010, \$1,416,933,000 for fiscal year 2011, \$1,487,780,000 for fiscal year 2012, and \$1,562,169,000 for fiscal year 2013”.

(d) PART C GRANTS.—Section 2655 (42 U.S.C. 300ff-55) is amended by striking “and \$235,100,000 for fiscal year 2009” and inserting “\$235,100,000 for fiscal year 2009, \$246,855,000 for fiscal year 2010, \$259,198,000 for fiscal year 2011, \$272,158,000 for fiscal year 2012, and \$285,766,000 for fiscal year 2013”.

(e) PART D GRANTS.—Section 2671(i) (42 U.S.C. 300ff-71(i)) is amended by inserting before the period at the end “, \$75,390,000 for fiscal year 2010, \$79,160,000 for fiscal year 2011, \$83,117,000 for fiscal year 2012, and \$87,273,000 for fiscal year 2013”.

(f) DEMONSTRATION AND TRAINING GRANTS UNDER PART F.—

(1) HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.—Section 2692(c) (42 U.S.C. 300ff-111(c)) is amended—

(A) in paragraph (1)—

(i) by striking “is authorized” and inserting “are authorized”; and

(ii) by inserting before the period at the end “, \$36,535,000 for fiscal year 2010, \$38,257,000 for fiscal year 2011, \$40,170,000 for fiscal year 2012, and \$42,178,000 for fiscal year 2013”; and

(B) in paragraph (2)—

(i) by striking “is authorized” and inserting “are authorized”; and

(ii) by inserting before the period at the end “, \$13,650,000 for fiscal year 2010, \$14,333,000 for fiscal year 2011, \$15,049,000 for fiscal year 2012, and \$15,802,000 for fiscal year 2013”.

(2) MINORITY AIDS INITIATIVE.—Section 2693 (42 U.S.C. 300ff-121) is amended—

(A) in subsection (a), by striking “and \$139,100,000 for fiscal year 2009.” and inserting “\$139,100,000 for fiscal year 2009, \$146,055,000 for fiscal year 2010, \$153,358,000 for fiscal year 2011, \$161,026,000 for fiscal year 2012, and \$169,077,000 for fiscal year 2013. The Secretary shall develop a formula for the awarding of grants under subsections (b)(1)(A) and (b)(1)(B) that ensures that funding is provided based on the distribution of populations disproportionately impacted by HIV/AIDS.”;

(B) in subsection (b)(2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “competitive.”; and

(II) by adding at the end the following:

“(iv) For fiscal year 2010, \$46,738,000.

“(v) For fiscal year 2011, \$49,075,000.

“(vi) For fiscal year 2012, \$51,528,000.

“(vii) For fiscal year 2013, \$54,105,000.”;

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “competitive.”; and

(II) by adding at the end the following:

“(iv) For fiscal year 2010, \$8,763,000.

“(v) For fiscal year 2011, \$9,202,000.

“(vi) For fiscal year 2012, \$9,662,000.

“(vii) For fiscal year 2013, \$10,145,000.”;

(iii) in subparagraph (C), by adding at the end the following:

“(iv) For fiscal year 2010, \$61,343,000.

“(v) For fiscal year 2011, \$64,410,000.

“(vi) For fiscal year 2012, \$67,631,000.

“(vii) For fiscal year 2013, \$71,012,000.”;

(iv) in subparagraph (D), by striking “\$18,500,000” and all that follows through the period and inserting the following: “the following, as applicable:

“(i) For fiscal year 2010, \$20,448,000.

“(ii) For fiscal year 2011, \$21,470,000.

“(iii) For fiscal year 2012, \$22,543,000.

“(iv) For fiscal year 2013, \$23,671,000.”; and

(v) in subparagraph (E), by striking “\$8,500,000” and all that follows through the period and inserting the following: “the following, as applicable:

“(i) For fiscal year 2010, \$8,763,000.

“(ii) For fiscal year 2011, \$9,201,000.

“(iii) For fiscal year 2012, \$9,662,000.

“(iv) For fiscal year 2013, \$10,144,000.”; and

(C) by adding at the end the following:

“(d) SYNCHRONIZATION OF MINORITY AIDS INITIATIVE.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall incorporate and synchronize the schedule of application submissions and funding availability under this section with the schedule of application submissions and funding availability under the corresponding provisions of this title XXVI as follows:

“(1) The schedule for carrying out subsection (b)(1)(A) shall be the same as the schedule applicable to emergency assistance under part A.

“(2) The schedule for carrying out subsection (b)(1)(B) shall be the same as the schedule applicable to care grants under part B.

“(3) The schedule for carrying out subsection (b)(1)(C) shall be the same as the schedule applicable to grants for early intervention services under part C.

“(4) The schedule for carrying out subsection (b)(1)(D) shall be the same as the schedule applicable to grants for services through projects for HIV-related care under part D.

“(5) The schedule for carrying out subsection (b)(1)(E) shall be the same as the schedule applicable to grants and contracts for activities through education and training centers under section 2692.”.

(3) HHS REPORT.—Not later than 6 months after the publication of the Government Accountability Office Report on the Minority Aids Initiative described in section 2686, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a Departmental plan for using funding under section 2693 of the Public Health Service Act (42 U.S.C. 300ff-93) in all relevant agencies to build capacity, taking into consideration the best practices included in such Report.

(g) GAO REPORT.—Section 2686 (42 U.S.C. 300ff-86) is amended to read as follows:

“SEC. 2686. GAO REPORT.

“The Comptroller General of the Government Accountability Office shall, not less than 1 year after the date of enactment of the Ryan White HIV/AIDS Treatment Extension Act of 2009, submit to the appropriate committees of Congress a report describing Minority AIDS Initiative activities across the Department of Health and Human Services, including programs under this title and programs at the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and other departmental agencies. Such report shall include a history of program activities within each relevant agency and a description of activities conducted, people served and types of grantees funded, and shall collect and describe best practices in community outreach and capacity-building of community based organizations serving the communities that are disproportionately affected by HIV/AIDS.”.

SEC. 3. EXTENDED EXEMPTION PERIOD FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—Section 2603(a)(3) (42 U.S.C. 300ff-13(a)(3)) is amended—

(1) in subparagraph (C)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking “2009” and inserting “2012”; and

(ii) in subclause (II), by striking “or 2009” and inserting “or a subsequent fiscal year through fiscal year 2012”;

(B) in clause (iv), by striking “2010” and inserting “2012”;

(C) in clause (v), by inserting “or a subsequent fiscal year” after “2009”;

(D) in clause (vi)(II), by inserting after “5 percent” the following: “for fiscal years before fiscal year 2012 (and 6 percent for fiscal year 2012)”;

(E) in clause (ix)(II)—

(i) by striking “2010” and inserting “2013”; and

(ii) by striking “2009” and inserting “2012”; and

(F) by adding at the end the following:

“(xi) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the area involved.”; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking “2009” and inserting “2012”; and

(ii) in subclause (II), by striking “and 2009” and inserting “through 2012”; and

(B) in clause (ii), by striking “2009” and inserting “2012”.

(b) PART B GRANTS.—Section 2618(a)(2) (42 U.S.C. 300ff-28(a)(2)) is amended—

(1) in subparagraph (D)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking “2009” and inserting “2012”; and

(ii) in subclause (II), by striking “or 2009” and inserting “or a subsequent fiscal year through fiscal year 2012”;

(B) in clause (iv), by striking “2010” and inserting “2012”;

(C) in clause (v), by inserting “or a subsequent fiscal year” after “2009”;

(D) in clause (vi)(II), by inserting after “5 percent” the following: “for fiscal years before fiscal year 2012 (and 6 percent for fiscal year 2012)”;

(E) in clause (viii)(II)—

(i) by striking “2010” and inserting “2013”; and

(ii) by striking “2009” and inserting “2012”; and

(F) by adding at the end the following:

“(x) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the State involved.”; and

(2) in subparagraph (E), by striking “2009” each place it appears and inserting “2012”.

SEC. 4. EXTENSION OF TRANSITIONAL GRANT AREA STATUS.

(a) ELIGIBILITY.—Section 2609 (42 U.S.C. 300ff-19) is amended—

(1) in subsection (c)(1)—

(A) in the heading, by striking “2007” and inserting “2011”; and

(B) by striking “2007” each place it appears and inserting “2011”; and

(C) by striking “2006” and inserting “2010”;

(2) in subsection (c)(2)—

(A) in subparagraph (A)(ii), by striking “to have a” and inserting “subject to subparagraphs (B) and (C), to have a”;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) PERMITTING MARGIN OF ERROR APPLICABLE TO CERTAIN METROPOLITAN AREAS.—In applying subparagraph (A)(ii) for a fiscal year after fiscal year 2008, in the case of a metropolitan area that has a cumulative total of at least 1,400 (and fewer than 1,500) living cases of AIDS as of December 31 of the most recent calendar year for which such data is available, such area shall be treated as having met the criteria of such subparagraph if not more than 5 percent of the total from grants awarded to such area under this part is unobligated as of the end of the most recent fiscal year for which such data is available.”; and

(D) in subparagraph (C), as so redesignated, by striking “Subparagraph (A) does not apply” and inserting “Subparagraphs (A) and (B) do not apply”;

(3) in subsection (d)(1)(B), strike “2009” and insert “2013”.

(b) TRANSFER OF AMOUNTS DUE TO CHANGE IN STATUS AS TRANSITIONAL AREA.—Subparagraph (B) of section 2610(c)(2) (42 U.S.C. 300ff-20(c)(2)) is amended—

(1) by striking “(B)” and inserting “(B)(i) subject to clause (ii).”;

(2) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(i) for each of fiscal years 2010 through 2013, notwithstanding subsection (a)—

“(I) there shall be transferred to the State containing the metropolitan area, for purposes described in section 2612(a), an amount (which shall not be taken into account in applying section 2618(a)(2)(H)) equal to—

“(aa) for the first fiscal year of the metropolitan area not being a transitional area, 75 percent of the amount described in subparagraph (A)(i) for such area;

“(bb) for the second fiscal year of the metropolitan area not being a transitional area, 50 percent of such amount; and

“(cc) for the third fiscal year of the metropolitan area not being a transitional area, 25 percent of such amount; and

“(II) there shall be transferred and made available for grants pursuant to section 2618(a)(1) for the fiscal year, in addition to amounts available for such grants under section 2623, an amount equal to the total amount of the reduction for such fiscal year under subparagraph (A), less the amount transferred for such fiscal year under subsection (I).”.

#### SEC. 5. HOLD HARMLESS.

(a) PART A GRANTS.—Section 2603(a)(4) (42 U.S.C. 300ff-13(a)(4)) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by striking “2006” and inserting “2009”;

and

(B) by striking “2007 through 2009” and inserting “2010 through 2013”;

(2) by striking clauses (i) and (ii) in subparagraph (A) and inserting the following:

“(i) For fiscal year 2010, an amount equal to 95 percent of the sum of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2009.

“(ii) For each of the fiscal years 2011 and 2012, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2010.

“(iii) For fiscal year 2013, an amount equal to 92.5 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2012.”; and

(3) in subparagraph (C), by striking “2009” and inserting “2013”.

(b) PART B GRANTS.—Section 2618(a)(2)(H) (42 U.S.C. 300ff-28(a)(2)(H)) is amended—

(1) in clause (i)(I)—

(A) by striking “2007” and inserting “2010”;

and

(B) by striking “2006” and inserting “2009”;

(2) by striking clause (ii) and redesignating clause (iii) as clause (ii);

(3) in clause (ii), as so redesignated—

(A) in the heading, by striking “2008 AND 2009” and inserting “2011 AND 2012”;

(B) by striking “2008 and 2009” and inserting “2011 and 2012”;

(C) by striking “2007” and inserting “2010”;

(4) by inserting after clause (ii), as so redesignated, the following new clause:

“(iii) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (F) is not less than 92.5 percent of such total for the State for fiscal year 2012.”; and

(5) in clause (v), by striking “2009” and inserting “2013”.

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in subparagraphs (A)(i) and (H) of section 2618(a)(2), by striking the term “subparagraph (G)” each place it appears and inserting “subparagraph (F)”;

(2) in sections 2620(a)(2), 2622(c)(1), and 2622(c)(4)(A), by striking “2618(a)(2)(G)(i)” and inserting “2618(a)(2)(F)(i)”;

(3) in sections 2622(a) and 2623(b)(2)(A), by striking “2618(a)(2)(G)” and inserting “2618(a)(2)(F)”;

(4) in section 2622(b), by striking “2618(a)(2)(G)(ii)” and inserting “2618(a)(2)(F)(ii)”.

#### SEC. 6. AMENDMENTS TO THE GENERAL GRANT PROVISIONS.

(a) ADMINISTRATION AND PLANNING COUNCIL.—Section 2602(b)(4) (42 U.S.C. 300ff-12(b)(4)) is amended—

(1) in subparagraph (A), by inserting “, as well as the size and demographics of the estimated population of individuals with HIV/AIDS who are unaware of their HIV status” after “HIV/AIDS”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end after the semicolon;

(B) in clause (ii), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(iii) individuals with HIV/AIDS who do not know their HIV status.”; and

(3) in subparagraph (D)—

(A) in clause (ii), by striking “and” at the end after the semicolon;

(B) in clause (iii), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(iv) includes a strategy, coordinated as appropriate with other community strategies and efforts, including discrete goals, a timetable, and appropriate funding, for identifying individuals with HIV/AIDS who do not know their HIV status, making such individuals aware of such status, and enabling such individuals to use the health and support services described in section 2604, with particular attention to reducing barriers to routine testing and disparities in access and services among affected subpopulations and historically underserved communities.”.

(b) TYPE AND DISTRIBUTION OF GRANTS.—Section 2603(b) (42 U.S.C. 300ff-13(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking “and” at the end after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(I) demonstrates success in identifying individuals with HIV/AIDS as described in clauses (i) through (iii) of paragraph (2)(A).”;

and

(2) in paragraph (2)(A), by striking the period and inserting: “, and demonstrated success in identifying individuals with HIV/

AIDS who do not know their HIV status and making them aware of such status counting one-third. In making such determination, the Secretary shall consider—

“(i) the number of individuals who have been tested for HIV/AIDS;

“(ii) of those individuals described in clause (i), the number of individuals who tested for HIV/AIDS who are made aware of their status, including the number who test positive; and

“(iii) of those individuals described in clause (ii), the number who have been referred to appropriate treatment and care.”.

(c) APPLICATION.—Section 2605(b)(1) (42 U.S.C. 300ff-15(b)(1)) is amended by inserting “, including the identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A)” before the semicolon at the end.

#### SEC. 7. INCREASE IN ADJUSTMENT FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—

(1) FORMULA GRANTS.—Section 2603(a)(3)(C)(vi) (42 U.S.C. 300ff-13(a)(3)(C)(vi)) is amended by adding at the end the following:

“(III) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

“(aa) for fiscal year 2007, such area was a transitional area;

“(bb) fiscal year 2007 was the first year in which the count of living non-AIDS cases of HIV in such area, for purposes of this section, was based on a names-based reporting system; and

“(cc) the amount of funding that such area received under this part for fiscal year 2007 was less than 70 percent of the amount of funding (exclusive of funds that were identified as being for purposes of the Minority AIDS Initiative) that such area received under such part for fiscal year 2006.”.

(2) SUPPLEMENTAL GRANTS.—Section 2603(b)(2) (42 U.S.C. 300ff-13(b)(2)) is amended by adding at the end the following:

“(D) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subsection for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if the conditions described in items (aa) through (cc) of subsection (a)(3)(C)(vi)(III) are all satisfied.”.

(b) PART B GRANTS.—Section 2618(a)(2)(D)(vi) (42 U.S.C. 300ff-28(a)(2)(D)(vi)) is amended by adding at the end the following:

“(III) INCREASED ADJUSTMENT FOR CERTAIN STATES PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in a State that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

“(aa) there is an area in such State that satisfies all of the conditions described in items (aa) through (cc) of section 2603(a)(3)(C)(vi)(III); or

“(bb)(AA) fiscal year 2007 was the first year in which the count of living non-AIDS cases of HIV in such area, for purposes of this part, was based on a names-based reporting system; and

“(BB) the amount of funding that such State received under this part for fiscal year 2007 was less than 70 percent of the amount of funding that such State received under such part for fiscal year 2006.”.

#### SEC. 8. TREATMENT OF UNOBLIGATED FUNDS.

(a) ELIGIBILITY FOR SUPPLEMENTAL GRANTS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2603(b)(1)(H) (42 U.S.C. 300ff-13(b)(1)(H)), by striking “2 percent” and inserting “5 percent”; and

(2) in section 2620(a)(2) (42 U.S.C. 300ff-29a(a)(2)), by striking “2 percent” and inserting “5 percent”.

(b) CORRESPONDING REDUCTION IN FUTURE GRANT.—

(1) IN GENERAL.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(A) in section 2603(c)(3)(D)(i)(42 U.S.C. 300ff-13(c)(3)(D)(i)), in the matter following subclause (II), by striking “2 percent” and inserting “5 percent”; and

(B) in section 2622(c)(4)(A) (42 U.S.C. 300ff-31a(c)(4)(A)), in the matter following clause (ii), by striking “2 percent” and inserting “5 percent”.

(2) AUTHORITY REGARDING ADMINISTRATION OF PROVISION.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(A) in section 2603(c) (42 U.S.C. 300ff-13(c)), by adding at the end the following:

“(4) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering paragraphs (2) and (3) with respect to the unobligated balance of an eligible area, the Secretary may elect to reduce the amount of future grants to the area under subsection (a) or (b), as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in paragraph (2) or (3)(A). In such case, the Secretary may permit the area to use such unobligated balance for purposes of any such future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to subsection (b), subject to subsection (a)(4) and section 2610(d)(2). Nothing in this paragraph shall be construed to affect the authority of the Secretary under paragraphs (2) and (3), including the authority to grant waivers under paragraph (3)(A). The reduction in future grants authorized under this paragraph shall be notwithstanding the penalty required under paragraph (3)(D) with respect to unobligated funds.”;

(B) in section 2622 (42 U.S.C. 300ff-31a), by adding at the end the following:

“(e) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering subsections (b) and (c) with respect to the unobligated balance of a State, the Secretary may elect to reduce the amount of future grants to the State under section 2618, 2620, or 2621, as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in subsection (b) or (c)(1). In such case, the Secretary may permit the State to use such unobligated balance for purposes of any such future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to section 2620, subject to section 2618(a)(2)(H). Nothing in this paragraph shall be construed to affect the authority of the Secretary under subsections (b) and (c), including the authority to grant waivers under subsection (c)(1). The reduction in future grants authorized under this subsection shall be notwithstanding the penalty required under subsection (c)(4) with respect to unobligated funds.”;

(C) in section 2603(b)(1)(H) (42 U.S.C. 300ff-13(b)(1)(H)), by striking “canceled” and inserting “canceled, offset under subsection (c)(4),”; and

(D) in section 2620(a)(2) (42 U.S.C. 300ff-29a(a)(2)), by striking “canceled” and inserting “canceled, offset under section 2622(e),”.

(c) CONSIDERATION OF WAIVER AMOUNTS IN DETERMINING UNOBLIGATED BALANCES.—

(1) PART A GRANTS.—Section 2603(c)(3)(D)(i)(I) (42 U.S.C. 300ff-14(c)(3)(D)(i)(I)) is amended by inserting after “unobligated balance” the following: “(less any amount of such balance that is the subject of a waiver of cancellation under subparagraph (A))”.

(2) PART B GRANTS.—Section 2622(c)(4)(A)(i) (42 U.S.C. 300ff-31a(c)(4)(A)(i)) is amended by inserting after “unobligated balance” the following: “(less any amount of such balance that is the subject of a waiver of cancellation under paragraph (1))”.

#### SEC. 9. APPLICATIONS BY STATES.

Section 2617(b) (42 U.S.C. Section 300ff-27(b)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(8) a comprehensive plan—

“(A) containing an identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A) and the strategy required under section 2602(b)(4)(D)(iv);

“(B) describing the estimated number of individuals within the State with HIV/AIDS who do not know their status;

“(C) describing activities undertaken by the State to find the individuals described in subparagraph (A) and to make such individuals aware of their status;

“(D) describing the manner in which the State will provide undiagnosed individuals who are made aware of their status with access to medical treatment for their HIV/AIDS; and

“(E) describing efforts to remove legal barriers, including State laws and regulations, to routine testing.”.

#### SEC. 10. ADAP REBATE FUNDS.

(a) USE OF UNOBLIGATED FUNDS.—Section 2622(d) (42 U.S.C. 300ff-31a(d)) is amended by adding at the end the following: “If an expenditure of ADAP rebate funds would trigger a penalty under this section or a higher penalty than would otherwise have applied, the State may request that for purposes of this section, the Secretary deem the State’s unobligated balance to be reduced by the amount of rebate funds in the proposed expenditure. Notwithstanding 2618(a)(2)(F), any unobligated amount under section 2618(a)(2)(F)(ii)(V) that is returned to the Secretary for reallocation shall be used by the Secretary for—

“(1) the ADAP supplemental program if the Secretary determines appropriate; or

“(2) for additional amounts for grants pursuant to section 2620.”.

(b) TECHNICAL CORRECTION.—Subclause (V) of section 2618(a)(2)(F)(ii) (42 U.S.C. 300ff-28(a)(2)(F)(ii)) is amended by striking “, subject to subclause (VI)”.

#### SEC. 11. APPLICATION TO PRIMARY CARE SERVICES.

(a) IN GENERAL.—Section 2671 (42 U.S.C. 300ff-71), as amended, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) in subsection (g), by striking “subsection (i)” and inserting “subsection (j)”; and

(3) by inserting after subsection (h) the following:

“(i) APPLICATION TO PRIMARY CARE SERVICES.—Nothing in this part shall be construed as requiring funds under this part to be used for primary care services when payments are available for such services from

other sources (including under titles XVIII, XIX, and XXI of the Social Security Act).”.

(b) PROVISION OF CARE THROUGH MEMORANDUM OF UNDERSTANDING.—Section 2671(a) (42 U.S.C. 300ff-71(a)) is amended by striking “(directly or through contracts)” and inserting “(directly or through contracts or memoranda of understanding)”.

#### SEC. 12. NATIONAL HIV/AIDS TESTING GOAL.

Part E of title XXVI (42 U.S.C. 300ff-81 et seq.) is amended—

(1) by redesignating section 2688 as section 2689; and

(2) by inserting after section 2687 the following:

#### “SEC. 2688. NATIONAL HIV/AIDS TESTING GOAL.

“(a) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a national HIV/AIDS testing goal of 5,000,000 tests for HIV/AIDS annually through federally-supported HIV/AIDS prevention, treatment, and care programs, including programs under this title and other programs administered by the Centers for Disease Control and Prevention.

“(b) ANNUAL REPORT.—Not later than January 1, 2011, and annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to Congress a report describing, with regard to the preceding 12-month reporting period—

“(1) whether the testing goal described in subsection (a) has been met;

“(2) the total number of individuals tested through federally-supported and other HIV/AIDS prevention, treatment, and care programs in each State;

“(3) the number of individuals who—

“(A) prior to such 12-month period, were unaware of their HIV status; and

“(B) through federally-supported and other HIV/AIDS prevention, treatment, and care programs, were diagnosed and referred into treatment and care during such period;

“(4) any barriers, including State laws and regulations, that the Secretary determines to be a barrier to meeting the testing goal described in subsection (a);

“(5) the amount of funding the Secretary determines necessary to meet the annual testing goal in the following 12 months and the amount of Federal funding expended to meet the testing goal in the prior 12-month period; and

“(6) the most cost-effective strategies for identifying and diagnosing individuals who were unaware of their HIV status, including voluntary testing with pre-test counseling, routine screening including opt-out testing, partner counseling and referral services, and mass media campaigns.

“(c) REVIEW OF PROGRAM EFFECTIVENESS.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall submit a report to Congress based on a comprehensive review of each of the programs and activities conducted by the Centers for Disease Control and Prevention as part of the Domestic HIV/AIDS Prevention Activities, including the following:

“(1) The amount of funding provided for each program or activity.

“(2) The primary purpose of each program or activity.

“(3) The annual goals for each program or activity.

“(4) The relative effectiveness of each program or activity with relation to the other programs and activities conducted by the Centers for Disease Control and Prevention, based on the—

“(A) number of previously undiagnosed individuals with HIV/AIDS made aware of their status and referred into the appropriate treatment;



“(B) amount of funding provided for each program or activity compared to the number of undiagnosed individuals with HIV/AIDS made aware of their status;

“(C) program’s contribution to the National HIV/AIDS testing goal; and

“(D) progress made toward the goals described in paragraph (3).

“(5) Recommendations if any to Congress on ways to allocate funding for domestic HIV/AIDS prevention activities and programs in order to achieve the National HIV/AIDS testing goal.

“(d) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—In pursuing the National HIV/AIDS testing goal, the Secretary, where appropriate, shall consider and coordinate with other national strategies conducted by the Federal Government to address HIV/AIDS.”.

**SEC. 13. NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES.**

Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

**“PART G—NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES**

**“SEC. 2695. INFECTIOUS DISEASES AND CIRCUMSTANCES RELEVANT TO NOTIFICATION REQUIREMENTS.**

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall complete the development of—

“(1) a list of potentially life-threatening infectious diseases, including emerging infectious diseases, to which emergency response employees may be exposed in responding to emergencies;

“(2) guidelines describing the circumstances in which such employees may be exposed to such diseases, taking into account the conditions under which emergency response is provided; and

“(3) guidelines describing the manner in which medical facilities should make determinations for purposes of section 2695B(d).

“(b) SPECIFICATION OF AIRBORNE INFECTIOUS DISEASES.—The list developed by the Secretary under subsection (a)(1) shall include a specification of those infectious diseases on the list that are routinely transmitted through airborne or aerosolized means.

“(c) DISSEMINATION.—The Secretary shall—

“(1) transmit to State public health officers copies of the list and guidelines developed by the Secretary under subsection (a) with the request that the officers disseminate such copies as appropriate throughout the States; and

“(2) make such copies available to the public.

**“SEC. 2695A. ROUTINE NOTIFICATIONS WITH RESPECT TO AIRBORNE INFECTIOUS DISEASES IN VICTIMS ASSISTED.**

“(a) ROUTINE NOTIFICATION OF DESIGNATED OFFICER.—

“(1) DETERMINATION BY TREATING FACILITY.—If a victim of an emergency is transported by emergency response employees to a medical facility and the medical facility makes a determination that the victim has an airborne infectious disease, the medical facility shall notify the designated officer of the emergency response employees who transported the victim to the medical facility of the determination.

“(2) DETERMINATION BY FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim of an emergency is transported by emergency response employees to a medical facility and the victim dies at or before reaching the medical facility, the medical facility ascertaining the cause of death shall notify the designated officer of the emergency response employees who transported the victim to the initial medical facility of any determination by the medical facility that the victim had an airborne infectious disease.

“(b) REQUIREMENT OF PROMPT NOTIFICATION.—With respect to a determination described in paragraph (1) or (2) of subsection (a), the notification required in each of such paragraphs shall be made as soon as is practicable, but not later than 48 hours after the determination is made.

**“SEC. 2695B. REQUEST FOR NOTIFICATION WITH RESPECT TO VICTIMS ASSISTED.**

“(a) INITIATION OF PROCESS BY EMPLOYEE.—If an emergency response employee believes that the employee may have been exposed to an infectious disease by a victim of an emergency who was transported to a medical facility as a result of the emergency, and if the employee attended, treated, assisted, or transported the victim pursuant to the emergency, then the designated officer of the employee shall, upon the request of the employee, carry out the duties described in subsection (b) regarding a determination of whether the employee may have been exposed to an infectious disease by the victim.

“(b) INITIAL DETERMINATION BY DESIGNATED OFFICER.—The duties referred to in subsection (a) are that—

“(1) the designated officer involved collect the facts relating to the circumstances under which, for purposes of subsection (a), the employee involved may have been exposed to an infectious disease; and

“(2) the designated officer evaluate such facts and make a determination of whether, if the victim involved had any infectious disease included on the list issued under paragraph (1) of section 2695(a), the employee would have been exposed to the disease under such facts, as indicated by the guidelines issued under paragraph (2) of such section.

“(c) SUBMISSION OF REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a designated officer makes a determination under subsection (b)(2) that an emergency response employee may have been exposed to an infectious disease, the designated officer shall submit to the medical facility to which the victim involved was transported a request for a response under subsection (d) regarding the victim of the emergency involved.

“(2) FORM OF REQUEST.—A request under paragraph (1) shall be in writing and be signed by the designated officer involved, and shall contain a statement of the facts collected pursuant to subsection (b)(1).

“(d) EVALUATION AND RESPONSE REGARDING REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a medical facility receives a request under subsection (c), the medical facility shall evaluate the facts submitted in the request and make a determination of whether, on the basis of the medical information possessed by the facility regarding the victim involved, the emergency response employee was exposed to an infectious disease included on the list issued under paragraph (1) of section 2695(a), as indicated by the guidelines issued under paragraph (2) of such section.

“(2) NOTIFICATION OF EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has been exposed to an infectious disease, the medical facility shall, in writing, notify the designated officer who submitted the request under subsection (c) of the determination.

“(3) FINDING OF NO EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has not been exposed to an infectious disease, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the determination.

“(4) INSUFFICIENT INFORMATION.—

“(A) If a medical facility finds in evaluating facts for purposes of paragraph (1) that

the facts are insufficient to make the determination described in such paragraph, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of the facts.

“(B)(i) If a medical facility finds in making a determination under paragraph (1) that the facility possesses no information on whether the victim involved has an infectious disease included on the list under section 2695(a), the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of such medical information.

“(ii) If after making a response under clause (i) a medical facility determines that the victim involved has an infectious disease, the medical facility shall make the determination described in paragraph (1) and provide the applicable response specified in this subsection.

“(e) TIME FOR MAKING RESPONSE.—After receiving a request under subsection (c) (including any such request resubmitted under subsection (g)(2)), a medical facility shall make the applicable response specified in subsection (d) as soon as is practicable, but not later than 48 hours after receiving the request.

“(f) DEATH OF VICTIM OF EMERGENCY.—

“(1) FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim described in subsection (a) dies at or before reaching the medical facility involved, and the medical facility receives a request under subsection (c), the medical facility shall provide a copy of the request to the medical facility ascertaining the cause of death of the victim, if such facility is a different medical facility than the facility that received the original request.

“(2) RESPONSIBILITY OF FACILITY.—Upon the receipt of a copy of a request for purposes of paragraph (1), the duties otherwise established in this part regarding medical facilities ascertaining the cause of death of the victim in the same manner and to the same extent as such duties apply to the medical facility originally receiving the request.

“(g) ASSISTANCE OF PUBLIC HEALTH OFFICER.—

“(1) EVALUATION OF RESPONSE OF MEDICAL FACILITY REGARDING INSUFFICIENT FACTS.—

“(A) In the case of a request under subsection (c) to which a medical facility has made the response specified in subsection (d)(4)(A) regarding the insufficiency of facts, the public health officer for the community in which the medical facility is located shall evaluate the request and the response, if the designated officer involved submits such documents to the officer with the request that the officer make such an evaluation.

“(B) As soon as is practicable after a public health officer receives a request under subparagraph (A), but not later than 48 hours after receipt of the request, the public health officer shall complete the evaluation required in such paragraph and inform the designated officer of the results of the evaluation.

“(2) FINDINGS OF EVALUATION.—

“(A) If an evaluation under paragraph (1)(A) indicates that the facts provided to the medical facility pursuant to subsection (c) were sufficient for purposes of determinations under subsection (d)(1)—

“(i) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(ii) the medical facility shall provide to the designated officer the applicable response specified in subsection (d).

“(B) If an evaluation under paragraph (1)(A) indicates that the facts provided in the

request to the medical facility were insufficient for purposes of determinations specified in subsection (c)—

“(i) the public health officer shall provide advice to the designated officer regarding the collection and description of appropriate facts; and

“(ii) if sufficient facts are obtained by the designated officer—

“(I) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(II) the medical facility shall provide to the designated officer the appropriate response under subsection (c).

**“SEC. 2695C. PROCEDURES FOR NOTIFICATION OF EXPOSURE.**

“(a) CONTENTS OF NOTIFICATION TO OFFICER.—In making a notification required under section 2695A or section 2695B(d)(2), a medical facility shall provide—

“(1) the name of the infectious disease involved; and

“(2) the date on which the victim of the emergency involved was transported by emergency response employees to the medical facility involved.

“(b) MANNER OF NOTIFICATION.—If a notification under section 2695A or section 2695B(d)(2) is mailed or otherwise indirectly made—

“(1) the medical facility sending the notification shall, upon sending the notification, inform the designated officer to whom the notification is sent of the fact that the notification has been sent; and

“(2) such designated officer shall, not later than 10 days after being informed by the medical facility that the notification has been sent, inform such medical facility whether the designated officer has received the notification.

**“SEC. 2695D. NOTIFICATION OF EMPLOYEE.**

“(a) IN GENERAL.—After receiving a notification for purposes of section 2695A or 2695B(d)(2), a designated officer of emergency response employees shall, to the extent practicable, immediately notify each of such employees who—

“(1) responded to the emergency involved; and

“(2) as indicated by guidelines developed by the Secretary, may have been exposed to an infectious disease.

“(b) CERTAIN CONTENTS OF NOTIFICATION TO EMPLOYEE.—A notification under this subsection to an emergency response employee shall inform the employee of—

“(1) the fact that the employee may have been exposed to an infectious disease and the name of the disease involved;

“(2) any action by the employee that, as indicated by guidelines developed by the Secretary, is medically appropriate; and

“(3) if medically appropriate under such criteria, the date of such emergency.

“(c) RESPONSES OTHER THAN NOTIFICATION OF EXPOSURE.—After receiving a response under paragraph (3) or (4) of subsection (d) of section 2695B, or a response under subsection (g)(1) of such section, the designated officer for the employee shall, to the extent practicable, immediately inform the employee of the response.

**“SEC. 2695E. SELECTION OF DESIGNATED OFFICERS.**

“(a) IN GENERAL.—For the purposes of receiving notifications and responses and making requests under this part on behalf of emergency response employees, the public health officer of each State shall designate 1 official or officer of each employer of emergency response employees in the State.

“(b) PREFERENCE IN MAKING DESIGNATIONS.—In making the designations required in subsection (a), a public health officer shall give preference to individuals who are

trained in the provision of health care or in the control of infectious diseases.

**“SEC. 2695F. LIMITATION WITH RESPECT TO DUTIES OF MEDICAL FACILITIES.**

“The duties established in this part for a medical facility—

“(1) shall apply only to medical information possessed by the facility during the period in which the facility is treating the victim for conditions arising from the emergency, or during the 60-day period beginning on the date on which the victim is transported by emergency response employees to the facility, whichever period expires first; and

“(2) shall not apply to any extent after the expiration of the 30-day period beginning on the expiration of the applicable period referred to in paragraph (1), except that such duties shall apply with respect to any request under section 2695B(c) received by a medical facility before the expiration of such 30-day period.

**“SEC. 2695G. MISCELLANEOUS PROVISIONS.**

“(a) LIABILITY OF MEDICAL FACILITIES, DESIGNATED OFFICERS, PUBLIC HEALTH OFFICERS, AND GOVERNING ENTITIES.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, any designated officer, any other public health officer, or any governing entity of such facility or officer for failure to comply with the duties established in this part.

“(b) TESTING.—This part may not, with respect to victims of emergencies, be construed to authorize or require a medical facility to test any such victim for any infectious disease.

“(c) CONFIDENTIALITY.—This part may not be construed to authorize or require any medical facility, any designated officer of emergency response employees, or any such employee, to disclose identifying information with respect to a victim of an emergency or with respect to an emergency response employee.

“(d) FAILURE TO PROVIDE EMERGENCY SERVICES.—This part may not be construed to authorize any emergency response employee to fail to respond, or to deny services, to any victim of an emergency.

“(e) NOTIFICATION AND REPORTING DEADLINES.—In any case in which the Secretary determines that, wholly or partially as a result of a public health emergency that has been determined pursuant to section 319(a), individuals or public or private entities are unable to comply with the requirements of this part, the Secretary may, notwithstanding any other provision of law, temporarily suspend, in whole or in part, the requirements of this part as the circumstances reasonably require. Before or promptly after such a suspension, the Secretary shall notify the Congress of such action and publish in the Federal Register a notice of the suspension.

“(f) CONTINUED APPLICATION OF STATE AND LOCAL LAW.—Nothing in this part shall be construed to limit the application of State or local laws that require the provision of data to public health authorities.

**“SEC. 2695H. INJUNCTIONS REGARDING VIOLATION OF PROHIBITION.**

“(a) IN GENERAL.—The Secretary may, in any court of competent jurisdiction, commence a civil action for the purpose of obtaining temporary or permanent injunctive relief with respect to any violation of this part.

“(b) FACILITATION OF INFORMATION ON VIOLATIONS.—The Secretary shall establish an administrative process for encouraging emergency response employees to provide information to the Secretary regarding violations of this part. As appropriate, the Sec-

retary shall investigate alleged such violations and seek appropriate injunctive relief.

**“SEC. 2695I. APPLICABILITY OF PART.**

“This part shall not apply in a State if the chief executive officer of the State certifies to the Secretary that the law of the State is substantially consistent with this part.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009, as passed by the Senate. The Energy and Commerce Committee has filed a report which constitutes the legislative history for the House version of this bill. The House bill is nearly identical to the bill before us today.

We worked closely with our Republican colleagues, and I would like to thank Congressmen WAXMAN, BARTON, and DEAL for their hard work on this issue. We also worked with our Senate colleagues to come together on this legislation, and I am proud to say that what we have before us today is both bipartisan and bicameral.

The Ryan White CARE Act was named after a young boy who contracted the AIDS virus from a blood transfusion and sadly lost his life to this horrible disease. Since his death in 1990, we as a Nation have made great strides in preventing and treating HIV/AIDS in large part due to the Ryan White program.

Not so long ago, an HIV/AIDS diagnosis was a guaranteed death sentence. Today, many patients are living full and long lives due to the advancements in treatment and the complicated but effective mix of drugs and therapies that are currently on the market.

In addition, we have made huge progress on education, awareness, and prevention. New knowledge of the disease has allowed for better and more targeted prevention programs that have effectively slowed the spread of HIV/AIDS.

In spite of these advancements, however, Mr. Speaker, there are nearly 40,000 new HIV infections reported each year, and according to the CDC, approximately 1.1 million Americans are currently living with the disease and approximately 51,000 people in my home State of New Jersey. Since the beginning of this epidemic, an estimated 580,000 Americans with AIDS have died.

It is more crucial than ever given the high numbers of Americans suffering

from this disease that we have the Ryan White program. Accounting for roughly 19 percent of all Federal funds that are used on HIV/AIDS care, the program provides treatment and support services to individuals and families living with the AIDS virus and serves over half a million low-income Americans. This program is without a doubt extremely vital in our battle against this epidemic.

The bill before us today does a number of things. It reauthorizes the Ryan White program for 4 years. It increases the authorization amounts to account for the increased number of individuals living with the HIV/AIDS diagnosis. The bill eliminates the sunset provisions so that never again will patients have to fear that their services will abruptly end. It allows States who are still reporting using a code-based system to continue transitioning to a names-based system without disrupting the provision of care to patients, and it ensures that no area receives too much of a cut in funding from the previous year while also making sure that the money does get directed to those areas of the country that are hardest hit by the HIV/AIDS epidemic.

This is a strong bill, Mr. Speaker, that will ensure continued health care services for millions of Americans who depend on them with their lives. And I urge my colleagues to join me in voting for this vitally important bill.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS) for 2 minutes.

Mrs. CAPPS. Thank you to my colleague.

Mr. Speaker, I am rising in strong support of the Ryan White HIV/AIDS Treatment Extension Act, and I want to add my thanks and my acknowledgment to the great work of our committee's chairmen, the ranking members, to swiftly move this extension through the process in a bipartisan and bicameral manner.

The Ryan White HIV/AIDS program has been the critical safety net for Americans diagnosed with HIV and AIDS. Since its inception, we have watched diagnosis and treatment evolve to a point where we can now manage HIV as a chronic condition rather than as a fatal disease.

This issue is especially important in my home State of California, which has the second-largest disease burden in the United States and a significant number of new cases each year, particularly among the Latino population. And in today's world, California—like some other States—is experiencing a severe budget crisis. State HIV and AIDS funding has been drastically reduced.

My district serves as the main source of HIV services between Los Angeles and San Francisco, and I want to ensure that central coast providers have

all the resources they need to care for their patients. We need to make sure HIV patients and their families' livelihoods aren't interrupted by our failure to act.

This legislation really is a stopgap measure that we need to ensure that nobody loses their existing services. I am pleased that we haven't hesitated to address the most pressing funding and logistical needs, especially those that affect distribution of funds to population centers.

I am looking forward to the next authorization, when we can address all of the lingering improvements that are necessary to make Ryan White HIV/AIDS programs operate in an even better way for patients. As HIV research and care evolves, we must also respond accordingly. I urge my colleagues to vote in favor of the Ryan White HIV/AIDS Treatment Extension Act.

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent to yield my time to the gentleman from Texas (Mr. BARTON) to control.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Tennessee for his leadership on this issue until I could arrive on the floor.

Mr. Speaker, I rise in support of the Ryan White HIV/AIDS Treatment Extension Act of 2009. This is the second reauthorization of this piece of legislation. It was originally passed approximately 10 years ago. It was reauthorized the first time, I believe, 4 years ago and expired at the end of this month. And so with the leadership of Chairman WAXMAN and Subcommittee Chairman PALLONE, with the support of Ranking Member DEAL, myself, and Congresswoman MARY BONO, we have been working with the majority to bring this bill to the floor and reauthorize it because of the importance of the programs which it has jurisdiction over.

This is a program which has provided care for millions of Americans that have been affected by HIV and AIDS. It provides primary care services and drug assistance as a payer of last resort for those individuals that have these afflictions.

The bill before us includes several legislative priorities that I would like to highlight. It does allow States additional time to report their HIV/AIDS cases by names versus the old, inaccurate code-based system but does not release States of the requirement to move towards the more accurate name-based reporting.

The bill also continues reforms that were put in place 3 years ago that will move these programs closer to ensuring that funds are allocated to the existing need—and I am going to highlight existing need—for States and localities. The legislation establishes a new HIV/AIDS testing goal of 5 million citizens through Federally supported

HIV/AIDS prevention, treatment, and care programs.

The bill also reestablishes the notification of possible exposure to infectious disease provisions, which will allow notification to emergency responders of a possible communicable infectious disease.

Mr. Speaker, I am an original cosponsor of this legislation in this Congress and was chairman 3 years ago when we reauthorized it. This is a high priority for the country and the committee. And again, I am very pleased that Chairman WAXMAN and Subcommittee Chairman PALLONE agreed to a regular order process so that we could reauthorize this bill in a timely fashion.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would yield 2 minutes to our full committee chair from California (Mr. WAXMAN), who was the original sponsor of the Ryan White Act and has been working on this for years.

Mr. WAXMAN. Mr. Speaker, swift passage of this bill is absolutely essential to the nearly half a million people served by the Ryan White program. Representatives PALLONE, DEAL, BARTON, and I worked with the Senate in a bipartisan and bicameral fashion to develop the bill before us today. We didn't see eye-to-eye on everything, but we all agreed that the HIV/AIDS epidemic isn't a partisan issue and that the Ryan White program must continue.

This bill contains improvements that will strengthen and grow the program over the next 4 years.

I would like to thank the administration, as well as the over 300 HIV/AIDS organizations who developed consensus recommendations that immensely helped the process. The Congressional Black, Hispanic, and Asian Pacific American Caucuses also provided vitally important input.

I would like to thank all of the House staff that worked on the bill: Camille Sealy, Elana Leventhal, Naomi Seiler, Aarti Shah, Melissa Bartlett, Blake Fulenwider, and Ryan Long.

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Finally, I would like to thank Chairman PALLONE, Ranking Member DEAL and Ranking Member BARTON for their work on this important piece of legislation.

I urge all Members to support it.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to my colleague from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to congratulate Mr. WAXMAN and Mr. BARTON, Mr. DEAL and Mr. PALLONE, our Chair of the Subcommittee. This is tough work.

I rise to express my deep support for the reauthorization of the Ryan White HIV/AIDS program; a debt of thanks to Chairman PALLONE for your outstanding work in New Jersey.

For nearly two decades now, the Ryan White program has made it possible for individuals living with HIV/AIDS to access life-saving services. In the program's early years, I served as the chairman of the Paterson-Passaic-Bergen HIV Planning Council, and I saw firsthand how the Ryan White program reduces health disparities and improves and extends the lives of thousands. Families have been held together because of Ryan White legislation. I see that firsthand day after day.

New Jersey has the fifth largest HIV/AIDS epidemic in the Nation. In my hometown, we have over 1,700 individuals living with HIV/AIDS. Even after 20 years of progress, these sobering facts are a reminder that we still have work to do.

I urge my colleagues to join with me in passing this legislation to extend and provide additional much-needed funding for the vital services provided by the Ryan White program.

Mr. BARTON of Texas. Mr. Speaker, I continue to reserve.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me thank the gentleman from New Jersey for yielding and also for your leadership, and also to our chairman because this is such an important bill. I want to thank both sides for crafting this bipartisan—bicameral, really—compromise. I also wanted to thank you and say that we appreciate your taking into consideration the concerns of the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus.

This bill will strengthen the Minority AIDS Initiative by moving it back to a formula-based grant system requiring a GAO study and a subsequent Department plan by HHS to ensure that the Minority AIDS Initiative functions as it was intended. This initiative was begun under the leadership of Congresswoman MAXINE WATERS in the late nineties and it's working, but it hasn't been fully funded and the resources haven't really been directed to where the need is the greatest.

We have, as you know, a devastating epidemic in the United States, and young gay men, minorities, people of color, and women are facing the brunt of it. We've got to do a better job in protecting those who are most at risk while taking care of those already infected.

I am pleased that the President is developing a National AIDS Strategy to guide our response to this epidemic. As one who has worked consistently over the years on the global HIV pandemic both here and abroad, I think we need a PEPFAR, a domestic PEPFAR. But this is a compromise bill. It will increase the funding 5 percent each year, but I think we must do more.

Also, let me just say that we have to really take a look at some of the interventions that we know will work which

are tough political issues to address, such as needle exchange, such as comprehensive sex education, such as this real epidemic. And it is in our prisons. So we have to take many, many steps to really begin to look at how to turn this around and to stamp HIV/AIDS from the face of the Earth.

So I just want to thank you Mr. PALLONE and Mr. WAXMAN, and all of you who have taken the lead in putting this bill together.

Mr. BARTON of Texas. Mr. Speaker, I continue to reserve.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands, Dr. CHRISTENSEN, who is also a member of our committee.

Mrs. CHRISTENSEN. Thank you for yielding.

Mr. Speaker, I rise today—on behalf of the more than half million low-income Americans living with HIV/AIDS who rely on this program—in full support of the Ryan White HIV/AIDS Treatment Extension Act of 2009, particularly those in my community where we have the second highest incidence of AIDS in the country.

I applaud the leadership and hard work of Chairmen PALLONE and WAXMAN and Ranking Members BARTON and DEAL, as well as those in the other body, for this bipartisan, bicameral bill.

The Ryan White program plays a pivotal role in addressing the unique health care challenges facing low-income Americans with HIV/AIDS and their families. I would have liked to have seen a more robust investment in this program to end the ADAP waiting lists and more support for the National Minority AIDS Education and Training Center at Howard University, especially when minorities are making up the vast majority of people with HIV/AIDS. But we have the opportunity today to provide assistance to large and midsize cities, States, and territories with high HIV/AIDS incidence and/or prevalence, and to expand access to care and support services for women, infants, children, and youth.

I am particularly pleased that we improve the Minority AIDS Initiative by going back to formula funding and by removing some of the barriers to funding that prevented many eligible entities from applying.

As a physician who cared for AIDS patients from the outset of the epidemic, I cannot express enough how today—how voting in full support of this bill—will mean so much to the hardworking Americans who deserve the opportunity, just like all of us here, to achieve their lives' potentials.

Mr. BARTON of Texas. I continue to reserve, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California, Ms. LYNN WOOLSEY.

Ms. WOOLSEY. Thank you, Chairman PALLONE, for all of your efforts in regards to HIV/AIDS and the efforts that you support, that we support, that we must continue.

I rise in strong support of H.R. 3792, the Ryan White HIV/AIDS Treatment Extension Act of 2009. This legislation provides important funding for life-saving medical and support services that individuals with HIV/AIDS depend upon.

With this reauthorization, we're ensuring that several of the Transitional Grant Areas that were slated to lose access to these grants will continue to receive funding. One of the TGAs is Santa Rosa, California, in my district, which is north of San Francisco. This important change will ensure that Santa Rosa will be able to continue to provide a continuity of care to patients with HIV/AIDS.

The Bay Area is an example for all of us of just how important the funding is that we provide now, and how necessary it is that we increase this funding and that we pay particular attention to prevention of HIV/AIDS; then we won't need so much over time to cure and provide care. But until we prevent, we will be working to help those who are already afflicted.

Again, I urge my colleagues to support this legislation.

Mr. BARTON of Texas. We continue to reserve, Mr. Speaker.

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

I just wanted to stress the importance of this in my home State of New Jersey. I know that in my district in New Brunswick we have the headquarters for the Hyacinth Foundation, which is one of the organizations that receives some of the money under the Ryan White Act. The type of work that they have been doing over the last few years to help with HIV/AIDS patients is just incredible. Obviously, we need more research, but the services and the treatment that are provided are really lifesaving for a lot of these patients, and it is so important.

I know that there was some concern about the time running out because of the authorization expiring, but now we are going to guarantee that this money continues. In fact, this bill does not have a sunset provision so that these programs will continue. We won't face this problem of having another deadline in the future. So that is really crucial, and I can't stress it enough.

At this time, I would like to yield such time as she may consume to Representative LEE again.

Ms. LEE of California. Thank you again for yielding.

I just wanted to take a moment to call your attention to several efforts in my own home State and my own home county. One is in Alameda County.

I believe it was in 1999, we had to declare a state of emergency in the African American community, and that state of emergency helped focus attention on what was taking place in the African American community. It helped us really begin to garner resources for those wonderful community-based programs which have survived through this period, but they

need additional resources if we are going to really tackle this epidemic. And so this reauthorization will really help with our state of emergency and those organizations that are helping on the ground with minimal resources doing wonderful work.

Secondly, in my city where our great former colleague, Mayor Ron Dellums, former Congressman Ron Dellums, serves as Mayor, we have initiated, under his leadership, a "Get Tested" campaign, which is really about making sure that prevention and education is provided in a very real way to those most at risk. This campaign is working, and again, reauthorization of Ryan White will really help make sure that this campaign is fully successful. Getting tested is such an important strategy, and I would encourage Members, as we move forward and focus on this reauthorization, to make sure that we take some leadership and get tested and show why testing is a key strategy to prevention and education.

Finally, let me say, and I know Ms. CAPPAS mentioned the budget crisis in California. I have talked with many of my AIDS providers—and as I said earlier, with minimal resources, they are doing unbelievable work—and now, with not only California but other States in this budget crisis, these organizations are losing their funding. And so, again, the reauthorization of Ryan White is going to help these organizations stay in business and help them provide the services that are desperately needed.

So once again, I just have to thank you, Chairman PALLONE, thank all of you for this reauthorization. And though it's not everything we want, I know it's a compromise, and it's going to go a long way in helping.

Mr. PALLONE. At this time, Mr. Speaker, I have no additional speakers. I just want to thank my colleagues on the Republican side, Mr. BARTON and Mr. DEAL, for making this a truly bipartisan piece of legislation.

At this point, I would urge passage of the bill and yield back the balance of my time.

Mr. BARTON of Texas. Well, I appreciate the opportunity to close the debate.

This is an important piece of legislation. It has been worked over several years on a bipartisan basis. Chairman WAXMAN and Chairman PALLONE have been extremely positive and very gentlemanly in their approach to this bill. We are glad that it is being reauthorized in a timely fashion. We urge a strong bipartisan vote of "yes" on this bill.

Ms. PELOSI. Mr. Speaker, for almost two decades, the Ryan White Act has played an essential role in the development and maintenance of systems of care for people living with HIV and AIDS. Today, Congress has the opportunity to continue this lifesaving work.

Essential to our efforts has been the leadership of Chairman FRANK PALLONE of the Energy and Commerce Subcommittee on Health. And I want to especially acknowledge Chair-

man HENRY WAXMAN for his decades of magnificent and determined leadership in the fight against HIV/AIDS. From day one of this epidemic, HENRY WAXMAN has been on the frontlines leading the charge.

I also want to pay tribute to another great leader who was there from day one of this epidemic: Senator Edward M. Kennedy. Senator Kennedy was tireless in his efforts to ensure the federal government, and the entire health system, eventually rose to the challenge of this crisis with the resources and commitment it demanded. His legacy lives on in the Ryan White Act and the hundreds of thousands of people each year it helps access the medication and primary care they need to stay healthy.

As everyone knows, San Francisco was hit early and was hit hard by the devastation of AIDS. But San Franciscans responded to the needs of our neighbors by developing a system of community-based care that became the model for the Ryan White CARE Act when it was first enacted in 1990. As a result, San Francisco produced data that showed the country comprehensive HIV/AIDS care and services not only saves lives, but also saves money by keeping people healthy and productive.

Today, Ryan White-funded initiatives are a fundamental component of the systems of care upon which low income individuals with HIV and AIDS rely. Declines in AIDS deaths are a direct result of the therapies and services that have been made more widely available through the Ryan White Act to large numbers of uninsured and under-insured people living with HIV and AIDS.

Each year, this legislation ensures access to lifesaving medical services, including pharmaceuticals, for over 500,000 clients—almost half of the individuals living with HIV/AIDS in this country. Passage of the Ryan White reauthorization will continue to increase access to primary care and medications by providing additional resources and facilitating the transition to HIV reporting.

The Ryan White Act has always focused on establishing and maintaining effective systems of health care. This means avoiding drastic cuts that destabilize existing resources. For this reason, many of us were disappointed when the Bush Administration implemented the 2006 reauthorization in a way that caused drastic cuts to several jurisdictions, including the San Francisco Eligible Metropolitan Area. Unfortunately, Senate Republicans objected to correcting these implementation flaws in this reauthorization. However, I remain committed to responding to these needs through the appropriations process, as we have done each year since the Bush Administration first attempted to impose these destabilizing cuts.

The Ryan White HIV/AIDS Treatment Extension Act will continue our commitment to hundreds of thousands of low income people living with HIV/AIDS. In so doing, we will save lives, save money, and help create a healthier America. I urge my colleagues to vote "yes."

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the Ryan White HIV/AIDS Treatment Extension Act of 2009.

This important program has helped numerous people across the country living with HIV/AIDS by helping to provide funding to states, urban areas, insurance providers, and other organizations for HIV/AIDS related care. It is

estimated that the Ryan White Program helps more than half of a million people annually, and legislation to extend this program is incredibly important for those individuals' wellbeing. Reauthorized three times since it was first enacted in 1990 in response to the growing HIV/AIDS crisis, this legislation will help to modernize the program to address present day concerns.

I would be remiss as well if I did not discuss the disproportionate impact that HIV/AIDS has on minority communities and particularly the African-American community. Although African-Americans account for about 13 percent of the U.S. population, they constitute roughly half of all Americans who become infected with HIV/AIDS. According to the Center for Disease Control, the rate of AIDS diagnoses for African-American adults and adolescents is ten times higher than the rate for whites and three times higher than the rate for Latinos. Truly these numbers are way too high, and we must resolve anew to continue to fight this terrible disease.

I encourage my colleagues to join me in supporting the Ryan White HIV/AIDS Treatment Extension Act so that we can offer care to those individuals who are suffering with HIV/AIDS and combat the disease as well.

Ms. CASTOR of Florida. Mr. Speaker, I rise today in strong support of the Ryan White HIV/AIDS Treatment Extension Act of 2009.

In my home State of Florida and in my community in the Tampa Bay area, Ryan White Services are vital. This critical program helps to preserve the lives of many in our communities living with HIV and AIDS. I have heard from so many of my neighbors in recent weeks, pleading that Congress act to ensure that this lifeline continues—today we answer their plea.

In 2004, Ryan White assisted well over 100,000 patients in Florida and nearly 13,000 family members of people living with HIV/AIDS. Those numbers continue to rise.

My community is very active in the Ryan White program. There are many nonprofit organizations that help to facilitate Ryan White and put the program dollars to good use.

I'd like to thank all of the participating organizations in my home town for their work with Ryan White—Metropolitan Charities in both Tampa and St. Petersburg, Operation Hope of Pinellas and the AIDS Service Association of Pinellas, to name just a few that are changing lives for my neighbors.

Mr. Speaker, the Ryan White Program is the only true safety net for many people living with HIV/AIDS to compensate for the lack of health insurance and care that is often not covered by insurers. I look forward to reporting to my neighbors that they can rest assured that this vital program will not be lost.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009, and thank the distinguished Chairman of the Energy and Commerce Committee, Mr. WAXMAN, and Ranking Member BARTON, as well as the Health Subcommittee Chair, Mr. PALLONE, and Ranking Member DEAL, for bringing this important bill to the floor before the Ryan White program ends at the end of the month.

The Ryan White program is our nation's keystone public health program for the prevention and treatment of HIV/AIDS. Originally enacted in 1990, the Ryan White program provides federal funds to states and metropolitan

areas for health care costs and support services for people living with HIV and AIDS. Some of these services include medical care, drug treatments, dental care, home health care, and outpatient mental health and substance abuse treatment. Over half a million low-income people with HIV/AIDS receive critical health care services through Ryan White, and a third of them lack any health insurance at all.

In addition to preauthorizing the Ryan White program for four years, S. 1793 will increase funding for all programs by 5 percent to meet the growing needs of states, communities, and individuals. Of particular interest for my constituents is the increased funding for the Emergency Relief program, which provides grants to metropolitan areas with very high numbers of AIDS cases for primary care and support services like hospice care, housing, and transportation.

Unfortunately, the City of Ft. Lauderdale, which is in my congressional district, has the fourth highest AIDS rate in America, behind only San Francisco, New York, and Miami. This puts an enormous strain on local resources. Although Broward County has worked very hard to be as efficient as possible with the services they provide, this 5 percent funding increase will be a welcome relief during these difficult economic times.

I am also pleased to see that S. 1793 increases the unobligated fund requirement from 2 percent to 5 percent. As it stands now, this provision penalizes Part A and B grantees if they have more than 2 percent of their award unobligated at the end of a grant year. The consequence is that programs are ineligible to compete for supplemental components of their awards, creating an undue burden on grantees like Broward County who face state and county budget factors such as hiring freezes, purchasing delays and spending caps among other funding obstacles. Boosting this level to 5 percent will create a more realistic requirement for unobligated funds, and I thank the distinguished chairmen and ranking members for correcting this important problem.

Mr. Speaker, it was 28 years ago that the Center for Disease Control and Prevention issued its first warning for AIDS. In the interim, far too many people have died from this terrible disease. But thanks to this hallmark safety net program, the Ryan White program provides a vital lifeline to hundreds of thousands of people living with HIV/AIDS. We cannot let this lifeline end at the end of the month. We must pass this program today so that everyone living with HIV/AIDS can know that our great country will be there to help them when they need it most.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this legislation reauthorizing the Ryan White CARE Act. I want to commend Chairmen WAXMAN and PALLONE as well as Ranking Members BARTON and DEAL for working in a bipartisan and bicameral fashion in bringing this bill before the House today.

For over two decades, the Ryan White program has been serving people living with HIV and AIDS. It provides medical care, treatment and support services to more than half a million people each year. As a result of this vital and important program, we have some of the best HIV and AIDS treatment programs in the world. Without this critical safety net, several of our nation's most vulnerable populations would not have access or receive the care and treatment they desperately need.

Maryland is one of the States hardest hit by the HIV epidemic. According to the Centers for Disease Control and Prevention, it has the fifth highest estimated rate of living AIDS cases per 100,000 people. Approximately 28,000 Marylanders live with HIV. I am pleased that the legislation continues the current extended exemption policy for 2 years for those States with maturing names-based HIV case data, such as Maryland, that recently made the transition from the code-based system in determining how much Ryan White funding States receive.

Unfortunately, the Ryan White program was scheduled to sunset on September 30. It is now operating under a short-term extension. It is critical that Congress reauthorizes the Ryan White program so that we can continue to provide necessary and lifesaving services to those affected with HIV and AIDS. I urge my colleagues to support the Ryan White HIV/AIDS Treatment Extension Act.

Mr. CONYERS. Mr. Speaker, I rise in strong support of the Ryan White HIV/AIDS Treatment Extension Act of 2009, S. 1793. In our efforts to assist those with HIV/AIDS, the Ryan White Program has been at the forefront, offering lifesaving care for those with this disease.

The Ryan White HIV/AIDS Program allocates federal funds to metropolitan areas and states to assist in reducing health care costs and increasing support services for individuals and families affected by the human immunodeficiency virus or acquired immune deficiency syndrome. The Ryan White Program has been able to serve more than half a million low-income citizens living with HIV/AIDS each year. Of these constituents with HIV/AIDS, 33 percent of them are uninsured and an additional 56 percent are underinsured. This program is facilitated by the Health Resources and Services Administration of the Department of Health and Human Services. Composed of four major parts, the Ryan White HIV/AIDS Program provides grants to urban areas, directs funds to states and territories, pays for the AIDS Drug Assistance Program, and provides grants to both public and private non-profit entities for family-centered care. This bill also allows for the continued funding for the Minority AIDS Initiative, a program that is attempting to address the impact of this disease on racial minorities.

In December 2006, Congress reauthorized the Ryan White HIV/AIDS Program until September 30, 2009. With 1.1 million persons in the U.S. living with diagnosed or undiagnosed AIDS/HIV, we must ensure that the Ryan White HIV/AIDS Program and the Minority AIDS Initiative are fully funded so that vital services to our neighbors are not cut.

I strongly support the Ryan White HIV/AIDS Program Act and its mission of providing direct care to patients in need. I urge my colleagues to do the same.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to support swift passage of the Ryan White HIV/AIDS Treatment Extension Act.

As you know, the Ryan White HIV/AIDS Treatment Program is an innovative and effective program that funds HIV/AIDS treatment for low-income, uninsured, and underinsured people. The program provides funding to cities, States, as well as directly to select clinics and care providers for core medical and support services.

In 2009 alone, my home State of Florida received over \$209 million in funding through

Ryan White to assist countless low-income Americans living with HIV/AIDS.

And while HIV/AIDS is certainly a global and national epidemic, for my congressional district and all of south Florida it is an intensely local one. We know firsthand its impact on individual lives and families in our community.

Miami-Dade County ranks second among large metropolitan areas for people living with AIDS. There are over 32,000 people living with AIDS in Miami-Dade alone. And nearly 12,000 have HIV that has yet to progress to AIDS. These are just the cases we know about.

The fight against HIV/AIDS has many elements, but I cannot stress enough how important the Ryan White Program is within this greater undertaking.

While our commitment to the fight against HIV/AIDS must be both proactive as well as reactive:

Proactive in working together to halt the growth of this epidemic through our efforts at prevention and awareness;

Reactive in our providing of care and treatment earlier in the course of the disease;

Ryan White demonstrates that we must not, and we will not, ever forget about those already afflicted with this terrible disease.

We all recognize the tremendous results that the Ryan White Program has had on providing care for those suffering from HIV/AIDS in the United States. Extending this important program is not just a priority, but a necessity.

I know that through programs such as Ryan White we can, and will, save and improve the lives of countless individuals in my Congressional District and throughout the United States.

I again urge my colleagues to vote in favor of this beneficial bill and look forward to the day when we can call the fight against HIV/AIDS won.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in strong support of the Ryan White HIV/AIDS Treatment Extension Act.

The Ryan White Act is lifesaving legislation that funds a vast array of innovative and effective services that form the healthcare safety net for uninsured and underinsured Americans living with HIV/AIDS. Ryan White programs are "payer of last resort," which subsidize treatment when no other resources are available.

The program provides medical care, drugs, and support services for 500,000 people a year. It's been a huge success in reducing sickness and death from HIV disease and helping people live longer, more healthy, and productive lives. The Ryan White programs also provide funding and technical assistance to local and state primary medical care providers, support services, healthcare provider and training programs.

Congress must extend this critical law to ensure that vital services are not withheld from people who so desperately need them.

We must pass this legislation, so that Ryan's legacy lives on with his message of love, compassion, and hope.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009.

Since its establishment in 1990, the Ryan White CARE Act has delivered vital funding to States and urban areas with large numbers of individual living with the AIDS virus.

In Texas, the number of individuals living with HIV and AIDS increased in the last 10 years. Texas has one of the largest HIV and AIDS populations in the country and we rely heavily on Ryan White dollars to provide quality life-prolonging care to Texans living with HIV and AIDS.

We currently have two Eligible Metropolitan Areas and 3 Transitional Grant Areas under Ryan White CARE Act in our State.

Houston is currently the eighth largest Eligible Metropolitan Area in the Nation, with 10,000 individuals living with AIDS and Ryan White funding helped to provide critical health care and support services to more than 18,000 individuals in Houston in 2006.

In my community in Harris County, our Hospital District utilizes more than \$26 million each year to coordinate essential health care and support services for more than 21,000 individuals in our community living with HIV and AIDS.

The importance of this program cannot be overestimated; without CARE Act funds, many Americans living with HIV and AIDS would have no other source for treatment.

The Senate passed their version of the Ryan White HIV/AIDS Treatment Extension Act of 2009 on Monday and I am pleased we were able to work out a bipartisan and bicameral resolution which is reflected in this bill.

Without this vital legislation, millions of individuals would lose their HIV and AIDS treatment and support services. I am pleased we worked swiftly to send this to the President.

Mr. ENGEL. Mr. Speaker, I rise in strong support of the Ryan White CARE Act.

The Ryan White CARE Act holds a very special significance to New York State. As home to 16 percent of the Nation's AIDS population, New York remains the epicenter of the HIV/AIDS crisis. New York has nearly 120,000 residents living with HIV/AIDS and our State and cities have been proud to partner with the Federal Government in providing care for many of these individuals.

New York State receives more than \$300 million in Ryan White funds under all parts of the act to provide a range of health care and support services. Through Ryan White programs, 22,000 uninsured New Yorkers receive medications and ambulatory care services and thousands more receive other essential services such as mental health, case management, nutrition, and treatment adherence support services. These individuals must be guaranteed uninterrupted access to these vital services.

It is critical that Congress act swiftly on the reauthorization of the Ryan White Reauthorization which nationwide provides lifesaving medications, health care and support services to over 500,000 people. As you know, unlike most reauthorizations Congress inserted a sunset provision into the act in 2006 requiring Congressional action by September 30, 2009. While we extended temporary funding for the program in the recent CR, it is important that we do not delay enactment of a full reauthorization so that our States, cities and localities can be assured of a stable source of needed funding.

While 3 years ago, this reauthorization was the subject of much disagreement and dissent, we are in a different place today. Fortunately, members on both sides of the aisle, and more than 250 organizations in the United States

have worked hard over the past year to develop legislative principles where there is much agreement.

This bill will provide immeasurable assistance to more than half a million low-income people served by the Ryan White CARE Act programs. I urge all my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 1793.

The question was taken.

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

Mr. ROE of Tennessee. 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.

□ 1100

#### NATIONAL PRINCIPALS MONTH

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 811) expressing support for designation of October 2009 as "National Principals Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 811

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as "National Principals Month";

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort;

Whereas leadership is second only to classroom instruction among all school-related factors that contribute to what students learn at school, according to research conducted by the Wallace Foundation;

Whereas the U.S. Bureau of Labor Statistics estimates that approximately 1 in 3 education administrators works more than 40 hours a week and often works an additional 15-20 hours each week supervising school activities at night and on weekends;

Whereas the NAESP National Distinguished Principals program honors exemplary elementary and middle level public, private, and independent school leaders as

well as leaders from the U.S. Department of Defense Schools and the U.S. Department of State Overseas Schools, for outstanding leadership for student learning and the profession;

Whereas the MetLife-NASSP Principal of the Year program began in 1993 as a means to recognize outstanding middle level and high school principals who have succeeded in providing high-quality learning opportunities for students as well as their exemplary contributions to the profession;

Whereas the celebration of "National Principals Month" would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education; and

Whereas the month of October 2009 would be an appropriate month to designate as "National Principals Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the contribution of school principals to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe "National Principals Month" with appropriate ceremonies and activities that promote awareness of school leadership in ensuring that every child has access to a high-quality education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 811 into the RECORD.

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

There was no objection.

Mrs. DAVIS of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 811, which recognizes the designation of this month, October 2009, as National Principals Month.

This bipartisan resolution introduced by myself and Congressman TODD PLATTS honors and supports the critical role that school leaders play in the lives of our students, because one of the principal reasons behind a school's success is often its strong principal. This is true every day in schools all across our country.

At San Diego High School of International Studies in my district, Principal Karen Wroblewski has been the force behind the school's high ranking and Newsweek's top 100 high schools for 3 years running. Families have been known to camp in Karen's office to garner a spot in the incoming class. This success is only bolstered by the fact that her school is in a historically low-performing educational area and that the student body is one of the most diverse in our city. Understandably,

Karen was named the 2009 National Magnet Principal of the Year.

Meanwhile, on the opposite side of our country, in Delaware, Principal Stephanie Smith is a similar driving energy behind Seaford Middle School. As a result of Seaford's emphasis on challenging coursework and collaboration with her staff, the State chamber of commerce recognized the school with its Superstars in Education award, and it is a 2009 MetLife National Association of School Principals breakthrough school.

These women are prime examples of how elementary, middle and high school principals provide the vision, the dedication and the mobilizing power for successful schools. School leaders set the academic tone, and they keep teachers involved to develop performance goals and objectives. Behind every one of their efforts is the genuine intent to improve student achievement.

Unlike many other careers, principals are expected to fill a variety of roles which are each complex in their own right. On any given day, they are likely to be everything from educational visionary, to community builder, to budget analyst, to facility manager, to counselor. This means that principals often work long hours. In fact, the Bureau of Labor Statistics estimates that one in three principals works far more than 40 hours per week, and they often work many additional hours supervising school activities at night and on weekends. Just because students go home at the end of the day or at the end of the school term does not mean that the work of a principal stops. In fact, principals could give our congressional schedule quite a run for its money.

During my time on the San Diego School Board, I worked with many of these remarkable individuals. I witnessed how their commitment and energy can inspire an entire school from the youngest student to the most senior teacher. In the end, it is principals who are responsible for creating and managing the environment where our students learn and grow.

So this month, let's honor this important role which they dedicate themselves to all year round.

I would also like to thank the National Association of Elementary School Principals and the National Association of Secondary School Principals for their work to designate October 2009 as National Principals Month.

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

Mr. ROE of Tennessee. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 811, expressing support for the designation of October 2009 as National Principals Month.

The role of principals has been redefined in the 21st century. Gone are the days when principals spent most of their time with bus schedules, fire drills and general curriculum. Today's

school leaders must keep abreast of State and Federal goals, the latest technologies and teaching practices, as well as learning to use data to spot gaps in learning among all students. It should come as no surprise that principals, like other organizational leaders, set the tone for high achievement in their schools.

Regardless of location, racial or socioeconomic demographics, communities demand that principals lead the instructional and academic performances in their schools. Leadership is an important factor in the creation of good schools. Influenced by the academic standards movement, which focuses on equity and instruction, school leaders are thinking anew about how to define quality in our schools and about how to create and manage the environments that support them.

Principals lead schools, and they tie the daily operations to school and student learning goals that are set by parents, staff, and the community. They also set high expectations for the academic and social development of all students, teachers and staff; and they ensure the resources to meet these high standards.

Principals are also charged with hiring and retaining high-quality teachers and with holding them responsible for student learning. Today's school leadership also connects professional development to school learning goals, and it provides opportunities for teachers to work, plan, and to think together.

Principals are among the hardest working, yet often the least recognized, individuals in education. These unsung heroes deserve to be recognized for the essential role they play in preparing today's students for the challenges of tomorrow, and I ask my colleagues to support this resolution.

I also would like to comment about my principal at Clarksville High School, Mr. THOMPSON, who is a retired sergeant in the Marine Corps. He had a hard time keeping us in between the white lines. I think part of my success today is due to Mr. THOMPSON, my principal, who kept a lot of young boys out of trouble and who pointed them in the right direction education-wise. Many principals across this Nation and probably most of us in this room could acknowledge that.

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

Mrs. DAVIS of California. Mr. Speaker, I remember a school in my district that I visited often as a school board member and then later in the State legislature. It was kind of a tough school, really; and I used to go into the principal's room or into the teachers' lounge, and people were always grumbling. Then a new principal came to town, and she hired a number of new teachers. A number of teachers had actually left the school because she came in. I think she established early that she was going to have some very high standards. Some people left. Within a year, the tone at that school was turned around so dramatically.

I remember walking into the office one day, and they had pictures of all the teachers and their families on the wall so that parents, when they came in, could relate not just to the teachers, but they could know the teachers' families. Everybody seemed to be part of a family; and that happened because of the vision, because of the enthusiasm and, really, because of the skill of that principal. That school now continues to do very, very well. It has established itself in the community so differently than what I really remember it to be for a number of years.

So we know that principals truly make a difference. When they can translate their desire to see high achievement and high expectations to everybody on the staff and in the whole community, it really does matter to young people. That's what we need. Tremendous principals often, I guess, consider themselves to be pretty ordinary folks, but they do extraordinary things.

I'm just delighted to be part of this resolution, and I am very happy that we're able to talk about it today on the floor, and I thank my colleague for that as well.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I concur with the gentlewoman, and I would urge the passage of this resolution; and I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 811, a resolution recognizing the month of October as "National Principals Month." My congressional district in El Paso, Texas is fortunate to have outstanding principals in our schools who work tirelessly every day encouraging our teachers and students, and also serving as role models in our community. These dedicated educators are constantly challenging students and teachers to achieve high academic goals.

Principals wear many hats in their daily schedule. As educational leaders, principals set the academic tone at their schools and guide their staff and students with a shared vision for the future by developing and maintaining high curriculum standards and setting performance goals and objectives. As administrators, they handle public relations duties, analyze and manage their schools' budgets, and strive to maintain a high level of both student and staff morale. As campus leaders and mentors, they provide support at school sporting events, community service projects, fundraising activities, and other school functions.

Principals are our educational system's ultimate multi-taskers and, along with teachers, deserve to be recognized for their work, dedication, and passion on behalf of our children. There are approximately 250 elementary, middle, and high school principals in my district in El Paso. I am proud to say that my daughter, Dr. Monica Reyes, is one of those, and I applaud her and all of the principals in my district for their outstanding work. These leaders work with a sense of urgency to raise our schools' educational levels to new heights each day by providing our students and teachers with the guidance and leadership necessary to ensure success.

Both principals and teachers play a significant role in encouraging our students to stay



in school and pursue higher education, both which are crucial to the future strength and prosperity of our nation. As a Member of Congress, promoting student advancement and acknowledging the efforts of our teachers and principals has always been a priority of mine.

Mr. Speaker, "National Principals Month" is a great opportunity to acknowledge the importance of principals and promote educational success and leadership in our schools, and I am proud to voice my support for this resolution.

Mrs. DAVIS of California. Mr. Speaker, I urge support and the passage of House Resolution 811, recognizing National Principals Month; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 811, 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.

Mrs. DAVIS of California. 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 KENTUCKY WESLEYAN COLLEGE

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 837) recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 837

Whereas Kentucky Wesleyan College was founded in 1858;

Whereas the first commencement held at Kentucky Wesleyan College was in 1868;

Whereas Kentucky Wesleyan College is a private, liberal arts Methodist college located in Owensboro, Kentucky;

Whereas 956 students from 27 States and 6 foreign countries were enrolled at Kentucky Wesleyan College in the fall of 2008;

Whereas Kentucky Wesleyan College's mission statement is to foster a liberal arts education that nourishes, stimulates, and prepares future leaders intellectually, spiritually, and physically to achieve success in life;

Whereas Kentucky Wesleyan College has a number of notable alumni, including a United States Supreme Court justice, a Major League Baseball pitcher, and the founder of another Kentucky institution of higher education;

Whereas the Kentucky Wesleyan Panthers compete in National Collegiate Athletic Association Division II athletics; and

Whereas from overseas mission trips to numerous local projects, Kentucky Wesleyan students meet the needs of others and positively impact the world around them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Kentucky Wesleyan College for over 150 years of service as an institution of higher education; and

(2) thanks Kentucky Wesleyan College for the valuable education it has provided to students.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 837 into the RECORD.

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

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 837, which recognizes Kentucky Wesleyan College for its over 150 years of operation.

Founded in 1858, during a Kentucky Methodist conference, Kentucky Wesleyan College began as a training school for preachers, but the curriculum expanded to include an inclusive liberal arts education and, after a strong demand, business classes.

By the 1880s, half of the alumni were employed as either teachers or as businessmen—I hope businesswomen as well, but perhaps not at that time—a testament to the quality of the education students received at KWC.

As of 2008, Kentucky Wesleyan College annually enrolls over 950 students, and offers a wide range of courses. With 27 majors and a 15-1 student-to-faculty ratio, Kentucky Wesleyan College boasts a strong academic program. By coupling this strong educational base with small classes and elite professors, KWC offers a supportive environment for their students to learn and grow.

KWC's religious history influences its students. Today, young men and women graduate from Kentucky Wesleyan College with high morals, values and faith. At this institution, students are encouraged to become the best that they can be in both their personal and academic lives. Students are also encouraged to serve. Last year, one-third of the students took part in a community service event. For example, Kentucky Wesleyan College student Campus Ministries puts on service projects on campus and in the Owensboro area. This small college accomplishes many feats. It graduates educational leaders, professional athletes and even United States Supreme Court Justice Stanley Forman Reed.

Though much has changed at KWC since it was founded in 1858, the core principles have remained the same. KWC still strives to nourish, stimulate and prepare students and alumni to lead organizations with integrity and to lead a life of spirituality.

KWC has existed for over 150 years. As the college celebrates this milestone, I want to take a moment to recognize KWC's success. The college will also take a look ahead to continue its service to the community and to its students.

Mr. Speaker, once again, I express my support for Kentucky Wesleyan College, and I thank Representative GUTHRIE for bringing this bill forward, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 837, recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education.

Kentucky Wesleyan College, in partnership with the United Methodist Church, fosters a liberal arts education that nourishes, stimulates and prepares future leaders intellectually, spiritually and physically to achieve success in life.

Founded in 1858, Kentucky Wesleyan College was originally located in Millersburg. Classes began in 1866, and the first commencement took place in 1868. At first, it was a training school for preachers; but soon, business classes and liberal arts classes were added to the curriculum. In 1890, the school moved to Winchester, and soon after, women began to be admitted to the school for the first time. In 1951, the school moved to its present location in Kentucky's third largest city, Owensboro.

Kentucky Wesleyan secured full accreditation by the Southern Association of Colleges and Schools in 1947. Increasingly, Kentucky Wesleyan graduates were making their mark in the graduate and professional schools of the region. The strong curriculum in business and liberal arts was expanded to include major programs in preprofessional areas. Kentucky Wesleyan earned an enviable reputation for the many students being sent to medical, dental, law, and graduate schools.

□ 1115

Kentucky Wesleyan gained national recognition in athletics when its men's basketball team won men's championships in 1966, 1968, 1969, 1973, 1987, 1990 and 1999. No Division II school has ever surpassed this record.

In the 1990s, Kentucky Wesleyan College revised its mission statement to focus on preparing leaders for the 21st century. The college reaffirmed its commitment to the liberal arts and modified the general education program toward fulfilling the new mission statement. Offering 27 majors in 10 preprofessional curriculums, Kentucky Wesleyan College has a 15:1 student-faculty ratio.

Superb teaching from a global perspective provides a rich classroom experience at Kentucky Wesleyan College. Students sharpen their skills,

their critical thinking, by learning how to find, use and defend worthwhile information. In addition, students are encouraged to serve in anticipation of a lifetime of service to others. Kentucky Wesleyan's students meet the needs of others and positively impact the world around them.

Congratulations to President Dr. Cheryl King, the Kentucky Wesleyan students, faculty, and staff on over 150 years of service as an institution of higher education.

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

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield as much time as he may consume to Mr. GUTHRIE of Kentucky.

Mr. GUTHRIE. Mr. Speaker, I rise today to recognize Kentucky Wesleyan College, which for over 150 years has been dedicated to giving its students the tools they need to be successful in all areas of life.

A small liberal arts college, Kentucky Wesleyan offers a distinct collegiate experience that allows the undergraduates to grow academically, professionally, and spiritually. The college started from its modest beginnings in Millersburg, Kentucky, in 1858, with one building and with the first graduating class consisting of only one man.

Today, Kentucky Wesleyan has broken out and made incredible gains, with over 8,500 men and women having earned degrees, each continuing to uphold the traditions and values that were created so long ago. Over recent years, the college has renovated and expanded by updating the campus with new and refurbished buildings, adding new faculty and academic programs, and steadily increasing enrollment. Students at Kentucky Wesleyan are committed to making a difference and encouraged to be an example for others.

The president of the college, Dr. Cheryl D. King, who is also an alumna, has made it a point to develop personal relationships with the students. She is dedicated to making their collegiate experience a valuable and memorable one. Dr. King expresses the goals and values of the college perfectly in a letter to prospective students. In it she writes:

"Our students are encouraged to serve in anticipation of a lifetime of service to others. Last year, one-third of our students took part in community service opportunities. From overseas mission trips to numerous local projects, Kentucky Wesleyan students meet the needs of others and positively impact the world around them."

Kentucky Wesleyan has truly lived out its mission statement to foster a liberal arts education that nourishes, stimulates, and prepares future leaders intellectually, spiritually, and physically to achieve success in life. Under the leadership of Dr. King, I know the college will continue to grow and flourish.

I look forward to watching the strides they make and seeing the accomplishments of its students and alumni.

I am proud to represent Kentucky Wesleyan in Washington. I am proud to represent the community in which it exists, Owensboro, in Daviess County, and I wish them nothing but the best.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am very happy to bring House Resolution 837 forward. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 837.

The question was taken.

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

Mrs. DAVIS of California. 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 LAURINBURG NORMAL INDUSTRIAL INSTITUTE

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 660) recognizing the distinguished history of the Laurinburg Normal Industrial Institute, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 660

Whereas the Laurinburg Normal Industrial Institute (referred to as the "Laurinburg Institute") was founded on September 15, 1904, in Laurinburg, North Carolina, by Emmanuel McDuffie and his wife Tinny Etheridge McDuffie at the request of Booker T. Washington of the Tuskegee Institute and William Edwards of the Snow Hill Institute;

Whereas the Laurinburg Institute is the oldest of only four historically African-American boarding schools still remaining in the United States;

Whereas the Laurinburg Institute was founded to help provide suitable education and training in the common pursuits of life for African-Americans in the area of Laurinburg, North Carolina;

Whereas, on September 15, 1906, Emmanuel McDuffie, J.H. Davis, and Robert Leach incorporated the Laurinburg Institute at Laurinburg, North Carolina, for the instruction of African-American teachers and youth in various academic branches of study and in the best methods of theoretical and practical industry applicable to agriculture and the mechanical arts;

Whereas in 1956, the Laurinburg Institute began to build a new campus, integrated its faculty and student body, expanded its foreign student program, which consisted of

students from Russia, Africa, South America, Brazil, Portugal, the Caribbean, and other countries, and further solidified its nationally and internationally recognized athletic and music programs;

Whereas since 1904, the Laurinburg Institute has graduated students of color, and since 1954 many graduates have finished college or other post-secondary training;

Whereas the Laurinburg Institute's distinguished alumni include Sir John Swann, the former Premier of Bermuda and one of the first blacks to be a head of state in the Western Hemisphere, Joy Johnson, one of the first African-Americans elected to the North Carolina General Assembly after the Reconstruction era, John Birks "Dizzy" Gillespie, an internationally renowned jazz trumpeter, and Charles "Charlie" Scott, the first African-American scholarship athlete at the University of North Carolina at Chapel Hill, who later became a National Basketball Association (NBA) All-Star where he played for such teams as the Boston Celtics, Denver Nuggets, Los Angeles Lakers, and Phoenix Suns, winning an NBA championship with the Boston Celtics and a gold medal in the 1968 Summer Olympics;

Whereas in 2005, the North Carolina General Assembly passed Senate Joint Resolution 1178 which honored the lives of Frank and Sammie McDuffie, who were the second generation of McDuffie's to serve as administrators of the Institute, and the work of the Laurinburg Institute in producing educators, humanitarians, athletes, and civil rights and leaders;

Whereas in 2009, the Laurinburg Institute's President and Chief Executive Officer is Frank "Bishop" McDuffie, Jr., and his daughter, Frances McDuffie, serves as the Institute's Vice President and President; and

Whereas Frank "Bishop" McDuffie and Frances McDuffie are the third generation of McDuffie administrators of the Laurinburg Institute: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the distinguished history of the Laurinburg Normal Industrial Institute;

(2) acknowledges the Laurinburg Institute's remarkable contribution to the education of African-Americans and other people in the State of North Carolina and the Nation; and

(3) commends the enterprise and dedication of the McDuffie family in creating and sustaining the Laurinburg Institute.

The Speaker pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 660 into the record.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 660, which recognizes the historical significance of the Laurinburg Institute, one of the Nation's oldest African American boarding high schools in the United States.

In the early 1900s, there were few educational opportunities for black students. The Laurinburg Institute, along with other African American boarding schools, answered the needs of many African Americans desiring an education.

The Laurinburg Institute was founded on September 15, 1904, in Laurinburg, North Carolina, by Emmanuel McDuffie and his wife, Tinny Etheridge McDuffie, at the urging of Booker T. Washington and William Edwards. Since then, the McDuffie family has remained committed to the school's mission, devoting their lives to its service for more than three generations.

The school has developed and created exceptional music and athletic programs. Over the years, Laurinburg Institute has graduated renowned musicians and professional athletes, most notably NBA All-Star Charles Scott. Other prominent alumni include musician Dizzy Gillespie and professional basketball player Sam Jones.

Today, this school offers a unique atmosphere for all students to succeed. The McDuffie family, through generations of hard work and dedication, has implemented a curriculum for their students to succeed. The institute has an enrollment capacity of 135 students and has a student body comprised of young men and women from across the country and the globe.

Once again, I support this resolution and thank Congressman KISSELL for bringing this bill forward. I urge my colleagues to support this bill.

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

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 660, recognizing the distinguished history of the Laurinburg Normal Industrial Institute founded in 1904 by Emmanuel McDuffie and his wife, Tinny. Laurinburg Institute is the oldest of only four historically African American boarding schools still in existence in the United States. It was founded to help provide suitable education and training in the common pursuits of life for African Americans in the Laurinburg, North Carolina, area.

At the turn of the century, Laurinburg Institute instructed African American teachers and youth in various academic branches of study and in the best methods of theoretical and practical industrial applications for agriculture and the mechanical arts. In 1956, the Laurinburg Institute built a new campus, integrated its faculty and student body, and expanded its foreign student program, which consisted of students from Russia, Africa, South America, and the Caribbean. It also further solidified its nationally and internationally recognized athletic and music programs. The Laurinburg Institute has graduated over 50,000 students.

Today, we recognize the distinguished history of the Laurinburg Institute and acknowledge its remarkable contribution to the education of African Americans. I commend the dedication of the McDuffie family in creating and sustaining the legacy of Emmanuel and Tinny McDuffie. Congratulations to its third-generation administrators, president and CEO, Frank McDuffie, and his daughter, Frances McDuffie, who serves as vice president and chief operating officer, as well as the faculty, staffs and students of Laurinburg Institute.

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

Mrs. DAVIS of California. Mr. Speaker, I am pleased to recognize for 10 minutes the gentleman from North Carolina, the sponsor of this legislation, Mr. KISSELL.

Mr. KISSELL. I would like to thank my colleague from California for yielding time to me.

Mr. Speaker, as we look at the Laurinburg Institute, or its official name, Laurinburg Normal Industrial Institute, there is a story to be told here that goes beyond some of the information that we have already received.

If you can imagine back prior to September 15, 1904, when the Laurinburg Institute was officially founded, if you could imagine the conversations that took place when Booker T. Washington at Tuskegee Institute came to the McDuffies, Emmanuel and Tinny Etheridge, and said, I have got an opportunity for you. They weren't talking about how they could become millionaires or how they could invest moneys.

No, it was something much more important than that. They were talking about education. They were talking about educating African American youth at a time before *Brown v. Board of Education*, a time when we did not talk about equality of education. In some cases we didn't talk about education of African American youth at all.

This was a time in the early 1900s only 40 years after the Civil War. We know our Nation was going through some tough times, and these people were talking about education.

There must be something that runs strong in the McDuffie family in terms of their genetics, because not only is this one of only four such schools that have survived till today; it is still run by the same family that started it. Four generations later of McDuffies, they are still running the same school. They are still concerned about education.

We know that the opportunity of education is to influence young people for generation upon generation because that influence never stops. Teachers know, and one of the great rewards of teaching is that they know that who they affect may not be the person who is in their classroom; it may be someone two or three generations down that

is affected directly by someone that they had taught and inspired.

This is what the McDuffie family has offered to us, Mr. Speaker: 50,000 graduates. Think of all of the families and all of the people that were affected by these 50,000 that would not have been if Booker T. Washington had not convinced the McDuffies that the best investment they could make is in education.

Now, we have heard a couple of the graduates mentioned. I would like to add a couple more names to that list. Sir John Swan was a premier of Bermuda, one of the first people of color that was a head of state in the Western Hemisphere. We mentioned Charlie Scott, who was the first African American ever to be awarded an athletic scholarship to the University of North Carolina. Now, as a Wake Forest graduate, I also have to mention another basketball player, Charlie Davis, who was the first African American Player of the Year in ACC history in basketball in 1971.

Once again, we are talking about thousands of people that came through this institute, thousands of people that were affected. Once again, the great joy of education is that its influence never ends.

I congratulate the McDuffie family. I congratulate the faculty and alumni and students of this great institution because they have survived, and they have made a difference in the lives of not only the people of Scotland County, which I am fortunate enough to represent as part of North Carolina's Eighth District, but they have also influenced the State of North Carolina and this great Nation of ours.

Mr. ROE of Tennessee. Mr. Speaker, just to dovetail, I do remember, I believe Charlie Scott played in the old ABA for the Virginia Squires. I have seen him play many times, a great athlete and a great human being.

As my colleague Mr. KISSELL from North Carolina clearly stated, an education doesn't just affect one person. It affects a family, it affects a community, it affects a nation. So this family that has had this commitment to education for over a century is to be commended.

I urge my colleagues to support this resolution.

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

Mrs. DAVIS of California. Mr. Speaker, I am honored. I certainly want to thank Mr. KISSELL for really giving us a more expanded view of the Laurinburg Institute. I appreciate his passion and interest in it.

I want to encourage my colleagues to support this resolution, House Resolution 660, recognizing the historical importance of the Laurinburg Institute.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the

rules and agree to the resolution, H. Res. 660, as amended.

The question was taken.

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

Mrs. DAVIS of California. 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.

□ 1130

#### EXPRESSING SUPPORT FOR TEEN READ WEEK

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 836) expressing support for Teen Read Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 836

Whereas 70 percent of 8th graders and 65 percent of 12th graders do not read at grade level;

Whereas for many adolescent students, ongoing difficulties with reading and writing figure prominently into the decision to drop out of school;

Whereas available data shows 85 percent of all juvenile offenders have reading problems and approximately one-third of all juvenile offenders read below the fourth-grade level;

Whereas advanced literacy across content areas is the best available predictor of the ability of students to succeed in introductory college courses;

Whereas research shows that teens who read for fun have better test scores and are more likely to succeed in the workforce;

Whereas Teen Read Week encourages teens to read a book for leisure purposes;

Whereas Teen Read Week recognizes that it is important for adolescents to read proficiently; and

Whereas October 18 to October 24, 2009, is Teen Read Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Teen Read Week;

(2) recognizes that it is important for teens to be taught to read proficiently; and

(3) encourages teens to read for leisure and academic purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 836 into the RECORD.

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

There was no objection.

Mrs. DAVIS of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 836, which supports the goals and ideals of Teen Read Week from October 18 through October 24, 2009.

Teen Read Week was started in 1998 by the Young Adult Library Services Association as an initiative to encourage more teens to read. Research shows that strong literacy ability is correlated to academic success, but many of our youth are struggling to read and to write at proficient levels. For instance, 70 percent of eighth graders and 65 percent of 12th graders do not read at grade level. I find that unacceptable, and I know that my colleague does as well. The inability of students to read at grade level can tremendously affect a teenager's decision to stay in school. Also, strong literacy skills help predict college success in college introductory classes.

Critical reading and comprehension help students achieve their personal and professional goals. In addition to supporting Teen Read Week, this bill calls for more adolescents to read in their free time. While teens hover around video games, wide-screen television sets and computer screens, books are collecting dust on bookshelves. It is vital that we continue to encourage students to read for both their academic and personal purposes even though there are many things that do compete for their time. Teens, parents and teachers can all play a significant role in helping children and students achieve academic success.

With that, I want to thank Representative ROE for introducing this legislation. I urge my colleagues to support this bill and reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume, and I rise today in support of House Resolution 836, expressing support for Teen Read Week.

More than 20 percent of adults read below a fifth-grade level, which is well below the reading level needed to earn a minimum wage. Almost 44 million adults in the United States don't read well enough to read a short story to their child. It is estimated that illiteracy costs U.S. taxpayers more than \$20 billion per year. More than three out of four of those on welfare and 68 percent of people arrested are illiterate. In U.S. prisons, three out of five inmates cannot read.

The ability to read proficiently is one of the most important skills children and adolescents can acquire. This skill is important to people of all ages, from children just entering school to adults in the prime of their careers. Teen Read Week highlights the importance of encouraging teenagers to read.

Research has shown that children and teens who are proficient readers perform better in almost all school subjects. Therefore, it follows that teens who struggle to read are more likely to drop out of high school than those who do not. In addition, research

indicates that there's a strong link between teens who are juvenile offenders and the inability to read at grade level.

Teen Read Week takes place October 18 through 24, 2009. It was first recognized in 1998 and has taken place the third week of every October since that time.

Teen Read Week encourages teens to read for fun. Reading for fun highlights the importance and enjoyment of reading for teens and adolescents. Research has shown that teens who read for fun are more likely to succeed in the workforce than those who do not. The theme for Teen Read Week 2009 is "Read Beyond Reality."

By recognizing Teen Read Week, we show our support for promoting teen literacy and encouraging teens to read. I am honored to support this resolution, and I ask my colleagues to join me.

I reserve the balance of my time.

Mrs. DAVIS of California. I reserve the balance of my time, Mr. Speaker.

Mr. ROE of Tennessee. Mr. Speaker, I have just one comment. I have been the mayor of a city, Johnson City, Tennessee. A lot of information for the school system comes through us. And I was at a meeting one day, and one of the school board members was very exuberant about how we could use computers, and computers are the most important thing. I held my hand up, and I said, Look, I don't have a clue how a computer works, but I can read. So I read the manual, and in 30 minutes or 20 minutes' time, I'm online.

Reading changes lives. The statistics in this country are staggering. When you look at the amount of people in prisons and on welfare who cannot read, it is basically enslavement. We must in our education system—and I have thought of this many times—a good education where you can read may help solve the health care crisis, because people who can read can get a good job and provide for themselves.

So I would encourage my colleagues to support this and encourage the schools to help teach and encourage teen reading.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I know how important this is. We talk to young families about the importance of reading to their young children. But it's also important that we continue that enthusiasm in the home for their younger adults as they go through school.

Kids read to learn. There are so many places that they can go because they can read. Often it is true that young people have to read a lot of things in school, but they don't often read for their enjoyment. And until they start doing that, and they really understand what it can mean to them for the rest of their lives, they may not become the kind of readers that they probably would want to be and would benefit from.

So I'm delighted that my colleague has brought this forward. It helps us to

encourage teens to continue to read. I support House Resolution 836 and urge my colleagues to do so.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 836.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

#### MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1818) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1818

*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 "Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009".

##### SEC. 2. SHORT TITLE.

Section 1 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 note; Public Law 102-259) is amended to read as follows:

##### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Morris K. Udall and Stewart L. Udall Foundation Act'."

##### SEC. 3. FINDINGS.

Section 3 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the Foundation—

"(A) since 1995, has operated exceptional scholarship, internship, and fellowship programs for areas of study related to the environment and Native American tribal policy and health care;

"(B) since 1999, has provided valuable environmental conflict resolution services and leadership through the United States Institute for Environmental Conflict Resolution; and

"(C) is committed to continue making a substantial contribution toward public policy in the future by—

"(i) playing a significant role in developing the next generation of environmental and Native American leaders; and

"(ii) working with current leaders to improve decisionmaking—

"(I) challenging environmental, energy, and related economic problems; and

"(II) tribal governance and economic issues;

"(6) Stewart L. Udall, as a member of Congress, Secretary of the Interior, environmental lawyer, and author, has provided distinguished national leadership in environmental and Native American policy for more than 50 years;

"(7) as Secretary of the Interior from 1961 to 1969, Stewart L. Udall oversaw the creation of 4 national parks, 6 national monuments, 8 national seashores and lakeshores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges; and

"(8) it is fitting that the leadership and vision of Stewart L. Udall in the areas of environmental and Native American policy be jointly honored with that of Morris K. Udall through the foundation bearing the Udall name."

##### SEC. 4. DEFINITIONS.

Section 4 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5602) is amended—

(1) in paragraph (1), by striking "Morris K. Udall Scholarship and Excellence in National Environmental Policy";

(2) in paragraph (5), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in paragraph (9), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

##### SEC. 5. ESTABLISHMENT OF FOUNDATION.

Section 5 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5603) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL";

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in subsection (f)(2), by striking "the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code" and inserting "a rate determined by the Board in accordance with section 5383 of title 5, United States Code".

##### SEC. 6. AUTHORITY OF FOUNDATION.

Section 7 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(E) to conduct training, research, and other activities under section 6(7)."; and

(2) by striking subsection (b) and inserting the following:

"(b) UDALL SCHOLARS.—Recipients of scholarships, fellowships, and internships under this Act shall be known as 'Udall Scholars', 'Udall Fellows', and 'Udall Interns', respectively."

##### SEC. 7. ESTABLISHMENT OF TRUST FUND.

Section 8 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL"; and

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

##### SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.

Section 9(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607(a)) is amended by inserting before the period at the end the following: "including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed \$5,000 for a fiscal year".

##### SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER ENTITY.

Section 11 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607b) is amended by adding at the end the following:

"(f) AGENCY MANAGEMENT OR CONTROL.—Use of the Foundation or Institute to provide independent and impartial assessment, mediation, or other dispute or conflict resolution under this section shall not be considered to be the establishment or use of an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.)."

##### SEC. 10. ADMINISTRATIVE PROVISIONS.

Section 12(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) appoint such personnel as may be necessary to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

"(B) fix the compensation of the personnel appointed under subparagraph (A) at a rate not to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, except that up to 4 employees (in addition to the Executive Director under section 5(f)(2)) may be paid at a rate determined by the Board in accordance with section 5383 of that title.";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

"(7) to rent office space in the District of Columbia or its environs; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on Senate 1818 into the RECORD.

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

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of Senate 1818, which enhances the Morris K. Udall Foundation and honors the life of Stewart L. Udall.

The Morris K. Udall Foundation was established by Congress in 1992 and is an independent Federal agency based in Tucson, Arizona, which operates exceptional educational programs focused on developing leadership on environmental and Native American issues. The Udall Foundation includes the only entity within the Federal Government focused on preventing, managing and resolving Federal environmental conflicts.

The legislation today will enhance the foundation's programs and operations. It will also honor one of the greatest public servants in history, Stewart L. Udall, by adding his name to the foundation with that of his late brother, Morris K. Udall.

Through its education programs, the Udall Foundation identifies and educates tomorrow's leaders in fields that are critical to the energy, climate change and economic issues facing our Nation. The programs include the premier college scholarship and doctoral fellowship for studies related to the environment and a scholarship for Native Americans studying tribal policy or health care; the Native American Congressional Internship program; it includes the Native Nations Institute for Leadership, Management and Policy known as the NNI; and the Parks in Focus program.

The work of the Udall Foundation has become even more important today. As the Nation seeks long-term solutions, the 1,000-some Udall Scholar alumni, who are chosen in part for their demonstrated commitment to public service, will clearly be in the forefront of clean energy and climate change response activities for our national needs.

This bill will continue to provide support for the Udall Foundation's important mission, and it recognizes the unsurpassed contributions of Stewart L. Udall by adding his name to the foundation's title.

Stewart Udall served in this House of Congress from 1955 and was appointed Secretary of the Interior in 1961 by President John F. Kennedy. As Secretary of the Interior, Stewart Udall had an unmatched record of environmental leadership, overseeing the creation of four national parks, six national monuments, eight national seashores and lakeshores, nine recreational areas, 20 historic sites and 56 wildlife refuges. It is quite an accomplishment.

Again, Mr. Speaker, I want to express my support for Senate 1818, and I urge my colleagues to support this very important bill.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of S. 1818, a bill that amends the Morris K. Udall Scholarship and Excellence in Environmental Policy Act.

The Morris K. Udall Foundation was created by Congress in 1992 to honor

Mr. Udall and help educate new generations to protect the environment. The foundation works to increase the awareness of our Nation's natural resources, foster a greater recognition and understanding of the role of the environment in the development of our Nation, and, through the U.S. Institute for Environmental Conflict Resolution, provide mediation and other services to resolve environmental disputes involving Federal agencies. Finally, the foundation also supports several educational programs that help students in environmental programs in undergraduate and graduate school.

As previously noted when we took up the House version of this bill, the legislation before us honors Stewart L. Udall's service to the Nation by adding his name to the foundation, making it the Morris K. Udall and Stewart L. Udall Foundation. Mr. Udall served in Congress and in the administration and then continued his work for the environment in the private sector.

I thank the gentlelady from California, and I urge my colleagues to support this bill.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I urge passage of Senate 1818, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, S. 1818.

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.

□ 1145

**AUTHORIZING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EDWARD BROOKE**

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 43) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

**S. CON. RES. 43**

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 co-sponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice

vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor Holmes Norton with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.**

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

**GENERAL LEAVE**

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

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, this measure allows for a Congressional Gold Medal ceremony for the first elected African American to the Senate, Edward Brooke. Senator Brooke was first elected from Massachusetts to the Senate in 1966 and served two terms.

While a Member of the Senate, Brooke championed extension of the Voting Rights Act, the Equal Employment Opportunity Commission, and women's rights. Most notably, he fought to retain Title IX of the 1972 Education Act which guarantees equal education opportunity for girls and women. He also was a champion of affordable housing, resulting in the 1969 amendment to limit the amount of out-of-pocket expenses for public housing tenants.

After Senator Brooke's defeat in 1978, it would be 14 years before the second African American would be elected to the Senate.

I congratulate Senator Brooke on his service, and I urge all Members to support the resolution.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to support this resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to the distinguished former Senator, Edward Brooke.

Edward Brooke, III, was born here in Washington, D.C., in October of 1919. He graduated from Dunbar High School

and attended Howard University, graduating in 1941. It was after the attack on Pearl Harbor that he served with the 336th Combat Infantry Regiment, fighting in the Italian campaign and earning a Bronze Star in 1943.

After the war, he earned two law degrees from Boston University Law School, serving as editor of the *Law Review*. It was while practicing law in Boston that he ran for but was defeated twice, attempting to serve in the Massachusetts Legislature, and then once again trying to become secretary of state. But he was undeterred.

In 1961, he chaired the Boston Finance Commission, charged with rooting out corruption, and was then elected attorney general the next year. He was the first African American in this country to serve as a State attorney general, and was then reelected to the post in 1964.

In 1966, he ran for Senator in Massachusetts as a Republican. He was successful and his election was historic. When Vice President Hubert Humphrey administered his oath of office, Senator Brooke became the first African American Senator in the United States Senate since 1881 and the first African American popularly elected to the Senate in our Nation's history. He served in the Senate from 1967 to 1979.

During his tenure in office, he drew from his war experience and was a tireless proponent of equal justice under the law. His regiment in World War II had only been comprised of African Americans, and he was quoted as saying, "In every regard, we were treated as second class soldiers, if not worse, and we were angry. I felt a personal frustration and bitterness I had not known before in my life."

But rather than remain bitter, he served with great honor in the various offices to which he was elected. While in office, he was appointed by President Johnson to serve on the famous Kerner Commission, was a cosponsor of the Fair Housing Act of 1968, and fought for the renewal of the historic Voting Rights Act.

After his service in the Senate, he chaired the National Low Income Housing Coalition, he practiced law, and served on the Wartime Relocation and Internment of Civilians Commission. I was honored to serve with Senator Brooke on that commission almost 20 years ago. The work we did was immensely important in attempting to ascertain fundamental justice, an historic record for those Japanese Americans who were interned during World War II. Senator Brooke's presence was immeasurable in the process of bringing the legislation to completion.

Senator Brooke had a fiercely independent mind and he garnered respect from persons holding all philosophical persuasions. Senator Kennedy and Representative HOLMES NORTON both sponsored resolutions granting this Congressional Gold Medal. It is my distinct pleasure to join them in honoring Senator Brooke.

As a fellow Republican, I humbly and proudly share his philosophy. Reflect-

ing on his time in public service, he once stated, "I was proud to be a Republican, but my ultimate loyalty was to certain goals and ideals, not to party."

Mr. Speaker, one week from today we will honor an extremely worthy man in the rotunda. His life, his commitment, his perseverance, his dedication, they all serve as an example and an inspiration for us to emulate.

I thank my chairman for bringing this to the floor. I urge my colleagues to join me in supporting this important authorization.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman not only for yielding, but for his work in bringing this matter to the floor, and I associate myself with his remarks and with the remarks of my good friend on the other side of the aisle.

Seldom do we get an opportunity to applaud and find an appropriate way to recognize a truly historic figure. That is what we are about to do a week from today when we give our highest honor, the Congressional Gold Medal, to former Senator Edward W. Brooke.

Senator Kennedy would very much have wanted to be present next Wednesday. He quickly gathered his two-thirds of the signatures on his side to give the medal to Senator Brooke, the first African American to be popularly elected to the United States Senate. We are aware that there were African Americans in the Senate during the Civil War, but that was before the South had come back into the Union. So 100 years or so were to go by before another African American was to be elected.

But what an improbable man; a Republican from the then Democratic, still Democratic State of Massachusetts, where only 2 percent of the residents were African American. It is a tribute to the State of Massachusetts, to be sure. It is a tribute to the Republican Party that a man of this quality would step forward.

My interest, of course, comes from his roots. Senator Edward Brooke was born and raised in the District of Columbia. He is who he is because he was born in the segregated District of Columbia, overcame those barriers and went on to see his life for what he could make of it.

Senator Brooke is going to be 90 years old 2 days before the Congress awards this medal. He is in extraordinary shape. I love to hear him talk, because he talks with such eloquence, as if he were still on the Senate floor. But it should be known that Senator Brooke has had breast cancer, and obviously he has some of the infirmities associated with age. Among those, however, is not his signature modesty.

He has worked diligently for the D.C. House Voting Rights Act, which we are close, if we just continue, to finally getting this year. He called some of his friends, his fellow Republicans and

Democrats in the Senate, and I thought it would be quite appropriate to give him the medal now in the year that we are seeking to pass the D.C. Voting Rights Act, which he cosponsored time and again when he was in the Senate.

So, his modesty notwithstanding, we started down this road, got our two-thirds in the House as well, and we are about now to welcome this historic figure home again. Remember, we have had only three African American Senators and the first African American President, and he is going to be here, because he recognizes the historic significance of Senator Brooke's life.

You should know, however, that this man came through the fire to where he is. Yes, he was born to parents who worked in the government and educated their children, but he went off to fight in World War II in the 366th Combat Infantry Regiment, which was a segregated regiment. He advanced to be a combat decorated officer. He went to law school at Boston University School of Law and edited their *Law Review*, and that is how they got the prize that is Edward Brooke there in the first place.

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

Mr. BRADY of Pennsylvania. I will yield the gentlewoman 2 more minutes.

Ms. NORTON. Not only was Edward Brooke the first African American to serve in the Senate, Senator Brooke began by breaking barriers. He was the first African American in the United States to be elected as State attorney general and the first to be elected to statewide office.

Here is a man that made the most of whatever office he had. That was the time of the famous "Boston Strangler" case, and Senator Brooke adopted a very broad notion of his role as attorney general and the State's chief law enforcement officer by bringing the county district attorneys together, the fragmented police forces, and coordinating the multiple jurisdictions to successfully conclude that massive investigation.

□ 1200

It was 1966 that he prepared to come to the Senate. We were just passing the civil rights laws which he, himself, helped engineer; and in 1967 he came to the Senate, and the list of laws he is responsible for is indeed long: his leadership on the 1968 Housing Act; his leadership in the battle to uphold the Voting Rights Act; the Brooke amendment, providing that tenants of public housing pay no more than 25 percent of their income for housing; his leadership on the creation of Washington's Metro system, which most of the staff here use, and much more.

Senator Brooke has written his autobiography, published in 2007, "Bridging the Divide, My Life, Senator Edward W. Brooke." It certainly would be a marriage of historical events if we were, as I believe we will, to pass the D.C. Voting Rights Act in this very year that Senator Edward Brooke, who championed the rights of the city and of all Americans, is honored here.

Mr. DANIEL E. LUNGREN of California. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I just wanted to come to the floor as a native of Massachusetts to say how proud I am that we will honor Edward Brooke with a Congressional Gold Medal. And I am proud of all the accomplishments of Senator Brooke. He was a Republican, and I'm a Democrat and I come from a family of Democrats. But my very first vote when I was eligible to vote was for Senator Brooke. And I voted for him in spite of the fact that he was a Republican.

I voted for him because I believed in him and I believed in what he stood for. I admired his being a champion of civil rights, of human rights. I admired his work on the Voting Rights Act and so many other areas. He was a historic figure, it has been pointed out the first popularly elected African American to serve in the United States Senate. But he was a man who had the common touch and who represented the people of Massachusetts with great dignity, and I am proud that my first vote was for Ed Brooke. I look forward to being there when he is honored.

But I wanted to just say, as somebody from Massachusetts, that this is a really special tribute for an extraordinary man. And I am very proud that this House is doing that.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that I enjoyed the remarks of the gentleman from Massachusetts (Mr. MCGOVERN). I would just make one correction. He said that Senator Brooke was a Republican. As far as I understand he still is a Republican. And one of the things I was looking forward to when I was first elected in 1978 was joining people in my party such as Senator Brooke and having an opportunity to work with him.

I was saddened in 1978 when he lost for reelection at that point in time, but then was privileged to work with him on that national commission. And I found him to be a gentleman above all, a real gentleman with a soft-spoken manner who listened to what others had to say, did not put himself out front, but tried to get to the business at hand in a very intelligent, very dedicated, very persistent way.

So this is truly an honor, not only for him, but for this Congress that we are recognizing the service of this great American at this time and that we're doing it with the congressional honor, and that we will have this here in the rotunda of the United States.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise today in support of S. Con. Res. 43, a resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Massachusetts Senator Edward W. Brooke III.

There are few individuals more deserving of a Congressional Gold Medal, the highest

award of national appreciation from the U.S. Congress, than my friend, the former Senator of my state, Ed Brooke.

Throughout Senator Brooke's life, he has worked to bridge the great divides in our country.

In 1966, in the crucible of racism, prejudice, and segregation, Senator Edward W. Brooke stood as an embodiment of the change our country needed to move beyond the dark legacy of racial discrimination and prejudice in America. The first popularly elected African-America Senator, Senator Brooke's election stood as an example of what our nation could be when he noted that the voters of Massachusetts saw beyond skin color to "judge you on your merit and your worth alone".

When asked to comment on what many considered to be an improbable electoral victory, Senator Brooke responded by saying he was committed to "unite men who have not been united before." Throughout his tenure in the U.S. Senate, Senator Brooke did just that. Senator Brooke sought to reduce the economic and racial division in our country, particularly in the area of U.S. housing policy. Senator Brooke co-authored the Fair Housing Act of 1968, which prohibited discrimination in the sale, rental, and financing of housing based on race, religion, or national origin. Still, to this very day, the Fair Housing Act remains a cornerstone of our housing policy.

On all issues of justice and equality, regardless of sex, race, or religion, there has been no stronger advocate. When Title IX of the 1972 Education Act was in jeopardy in the Senate, Senator Brooke took the lead to ensure that women and girls would be guaranteed equal educational opportunities. When the extension and expansion of the Voting Rights Act came before the Senate in 1975, it was the respected voice of Senator Brooke that helped to garner an extension of the Voting Rights Act. Whenever there was an opportunity to protect and defend the fundamental civil rights of Americans who had suffered from discrimination, Senator Brooke was there, serving as a powerful voice for justice.

Thirty years later, Senator Brooke's legacy is reflected by an America that is very different from the nation that existed when he first arrived in the Senate, an America which has made enormous progress in breaking down the barriers of racial discrimination and inequality that once divided our nation.

Today, Mr. Speaker, I stand to support and recognize a great leader, who never lost his passion for bridging our nation's divides by uniting men and women under the belief that we all are created equal.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge the passage of S. Con. Res. 43 and yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 43.

The question was taken.

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

Mr. DANIEL E. LUNGREN of California. 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.

#### COMMEMORATING SALVADORAN JESUITS ON THE 20TH ANNIVERSARY OF THEIR DEATHS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 761) remembering and commemorating the lives and work of Jesuit Fathers Ignacio Ellacuría, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths at the University of Central America Jose Simeon Canas located in San Salvador, El Salvador on November 16, 1989, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 761

Whereas in the early morning hours of November 16, 1989, six Jesuit priests and faculty members of the Universidad Centroamericana José Simeon Cañas (UCA) located in San Salvador, El Salvador—Father Ignacio Ellacuría, Ignacio Martin-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, and Joaquin López y López—and housekeeper Julia Elba Ramos and her daughter, Celina Mariset Ramos, were executed by members of the Salvadoran Army;

Whereas Father Ignacio Ellacuría, 59, was since 1979 rector of the UCA, and an internationally-respected intellectual and advocate for human rights and a negotiated solution to the Salvadoran civil conflict;

Whereas Father Ignacio Martin-Baró, 44, was the vice rector of the UCA, a leading analyst of national and regional affairs, the founder and director of the respected polling organization, the Public Opinion Institute, former Dean of Students, Dean of the Psychology Department, an internationally renowned pioneer in the field of social psychology and pastor of the rural community of Jayaque;

Whereas Father Segundo Montes, 56, was Dean of the Department of Social Sciences and a sociology professor at the UCA, and the founder and director of the Human Rights Institute at the UCA (IDHUCA), who did extensive work on Salvadoran refugees in the United States during the period of the Salvadoran conflict, including providing documentation and advice to United States Members of Congress on refugee issues;

Whereas Father Amando López, 53, was a philosophy and theology professor at the UCA, former director of the Jesuit seminary in San Salvador, and served as pastor of the Tierra Virgen community in Soyapango, a poor neighborhood in the periphery of San Salvador;

Whereas Father Juan Ramon Moreno, 56, was a professor of theology at the UCA, former novice-master for the Jesuits, and a tireless pastoral worker and spiritual guide;

Whereas Father Joaquin López y López, 71, was one of the creators of the UCA and the



founder, organizer, and director of Fe y Alegria (Faith and Joy) to address the lack of education in El Salvador, which opened 30 educational centers in marginalized communities throughout the country where 48,000 people received vocational training and education;

Whereas Julia Elba Ramos, 42, was the cook and housekeeper for the Jesuit seminarians at the UCA and wife of Obdulio Lozano, the UCA gardener and groundskeeper;

Whereas Celina Mariset, 16, had finished her first year of high school at the José Damian Villacorta Institute in Santa Tecla, El Salvador, and was staying with her mother the night of November 15, 1989;

Whereas the six Jesuit priests dedicated their lives to advancing education in El Salvador, protecting and promoting human rights and the end of conflict, and identifying and addressing the economic and social problems that affected the majority of the Salvadoran population;

Whereas the six Jesuit priests, as faculty and administrators at the UCA, educated many students throughout the 1970s and 1980s, students who subsequently became Salvadoran government, political, and civil society leaders, and thus helped facilitate communication, dialogue, and negotiations even during the turbulent years of the armed conflict;

Whereas these six priests and two women joined the more than 75,000 noncombatants who perished during the Salvadoran civil war;

Whereas on December 6, 1989, United States Speaker of the House of Representatives Thomas Foley appointed a Special Task Force on El Salvador consisting of 19 Members of the House of Representatives, chaired by Representative John Joseph Moakley of Boston, Massachusetts, to monitor the Salvadoran government's investigation into the murders of the Jesuit priests and two women and to look into related issues involving respect for human rights and judicial reform in El Salvador;

Whereas the Speaker's Task Force on El Salvador found that members of the High Command of the Salvadoran military were responsible for ordering the murder of the Jesuits and two women and for obstructing the subsequent investigation into the crimes;

Whereas the United Nations Commission on the Truth for El Salvador (Truth Commission) was established under terms of the January 1992 Peace Accords that ended El Salvador's 12 years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas on March 15, 1993, the Truth Commission confirmed the findings of the Speaker's Special Task Force;

Whereas on September 28, 1991, a Salvadoran jury found guilty of these murders two Salvadoran military officers, including Salvadoran Army Colonel Guillermo Alfredo Benavides Moreno, the first time in Salvadoran history where high-ranking military officers were convicted in a Salvadoran court of law of human rights crimes;

Whereas the University of Central America José Simeon Cañas in San Salvador remains dedicated to advancing and expanding educational opportunity, providing the highest quality of academic excellence in its studies and courses, and the commitment to human rights and social justice;

Whereas the 28 Jesuit colleges and universities in the United States, which represent many of the highest quality academic communities in the nation, have maintained a sense of solidarity with the UCA and the people of El Salvador and have annually ob-

served the November 16th anniversary of those murders;

Whereas in the United States, El Salvador, and around the world university programs, academic and scholarly institutes, libraries, research centers, pastoral programs, spiritual centers, and programs dedicated to educational achievement, social justice, human rights, and alleviating poverty have been dedicated in the names of the murdered Jesuits;

Whereas the international and Salvadoran outcry in response to the deaths of the six Jesuits and two women and the subsequent investigations into this crime served as a catalyst for negotiations that led to the signing of the 1992 Peace Accords, which have allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas November 16, 2009, marks the 20th anniversary of the deaths of these eight spiritual, courageous, and generous priests, educators, and laywomen: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) remembers and commemorates the lives and work of Father Ignacio Ellacuría, Ignacio Martín-Baró, Segundo Montes, Amado López, Juan Ramon Moreno, Joaquín López y López, Julia Elba Ramos, and Celina Mariset Ramos;

(2) extends sympathy to the families, friends, colleagues, and religious communities of the six Jesuit priests and two laywomen;

(3) recognizes the continuing academic, spiritual, and social contributions of the University of Central America José Simeon Cañas (UCA) in San Salvador, El Salvador;

(4) further recognizes the 28 Jesuit colleges and universities in the United States for their solidarity with the UCA and annual remembrance of those killed twenty years ago;

(5) remembers the seminal reports by Chairman John Joseph Moakley and the Speaker's Special Task Force on El Salvador in investigating the murders of the six priests and two laywomen;

(6) acknowledges the role played by the Speaker's Special Task Force, Congressman John Joseph Moakley, the Jesuit leadership of the UCA, and the Salvadoran judicial investigation and convictions in advancing negotiations to end the war in El Salvador;

(7) highlights the solidarity demonstrated by the people of the United States, academic institutions, and religious congregations through their participation in local, national, and international events commemorating the 20th anniversary of the murders of the six Jesuit priests and two laywomen;

(8) recognizes that the murdered individuals dedicated their lives to addressing and alleviating El Salvador's social and economic inequities, and that while significant progress has been made during the post-war period, social and economic hardships persist among many sectors of Salvadoran society; and

(9) supports public, private, nongovernmental, and religious organizations in efforts to fulfill the legacy of the murdered Jesuits to reduce poverty and hunger and promote educational opportunity, human rights, the rule of law, and social equity for the people of El Salvador.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

On November 16, 1989, in the midst of El Salvador's 12-year-long civil war, six Jesuit priests, their housekeeper, and her teenage daughter were murdered in San Salvador by members of the Salvadoran Army. On the 20th anniversary of this heinous crime, the resolution we consider today calls upon us to remember and honor their lives and their work.

The six priests were well known internationally for their work in support of human rights, social justice, peace and caring for refugees and the internally displaced. They worked tirelessly to end the conflict that had torn apart their country for over a decade. As scholars, researchers and advocates, they identified and addressed the many economic and social problems that affected the majority poor of El Salvador.

Upon learning of their murders, Speaker of the House Tom Foley appointed a special task force on El Salvador consisting of 19 Members of the House and chaired by Congressman Joe Moakley of Boston, Massachusetts. The special task force was charged with monitoring the Salvadoran Government's investigation into the eight murders.

Six of our colleagues who served on the Speaker's special task force still serve today in the 111th Congress. They are Congressmen STENY HOYER, JIM MCDERMOTT, GEORGE MILLER, JACK MURTHA, DAVID OBEY and JOHN SPRATT. We honor them for their service then and today and for their dedication to the cause of peace, justice and human rights.

The Moakley Commission, as the Speaker's special task force came to be known, issued a series of reports that identified members of the Salvadoran military's high command as those responsible for murdering and obstructing the subsequent investigation into the crime. The international outcry in response to the murders and the subsequent investigations served as a catalyst for negotiations that resulted in the signing of peace accords in January 1992, bringing El Salvador's long nightmare to an end.

So even in death, these brave men and women contributed to achieving the very peace to which they had dedicated their lives. Since that terrible November day in 1989, these eight individuals have been remembered in El Salvador and around the world. Annual

observances have been held by the 28 Jesuit colleges and universities in the United States which have taken up many projects in support of human rights and social justice in honor of the fallen Jesuits.

By passing this resolution today, the House adds its voice to that remembrance and extends our sympathy to the family members, friends, colleagues and religious communities who knew them, worked with them, loved them and miss them. We also remember our former colleague, Congressman Joe Moakley, and the seminal reports issued by the Speaker's special task force that played such an important role in bringing to trial those responsible for the murders and advancing negotiations to end the war.

I want to thank my good friend and gentleman from Massachusetts (Mr. MCGOVERN) for introducing this important resolution, and I urge all of my colleagues to join me in supporting this.

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

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

I also want to thank Mr. MCGOVERN for bringing this resolution forward. I rise today to join my colleagues in commemorating the anniversary of the murders of six Jesuit fathers, their housekeeper, and her daughter on November 16, 1989, in El Salvador. On the occasion of the 20th anniversary of their deaths, the resolution before us remembers and commemorates the lives and work of these individuals. It extends our sympathy to the families, friends, colleagues and religious communities of those whose lives were lost that day.

It recognizes the continuing academic and social contributions of the University of Central America, UCA, in San Salvador, El Salvador and the 28 Jesuit colleges and universities in the United States for their solidarity and annual remembrance of those killed 20 years ago.

The resolution also recognizes that progress is being made in El Salvador, but reminds us that social and economic hardships still persist among many sectors of Salvadoran society. Therefore, it supports the efforts of public, private, nongovernmental and religious organizations to fulfill the legacy of the murdered Jesuits to reduce poverty and hunger and promote educational opportunity, human rights, the rule of law and social equity for the people of El Salvador.

It has been a long road over the past 20 years. By working together with responsible partners and friends, the United States can help El Salvador to overcome the obstacles that remain. And as long as the democratic principles and respect for fundamental freedoms and the rule of law remain the compass for our support, I'm confident that we can be successful.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 5½ minutes to Mr. JAMES MCGOVERN

from the Third District of Massachusetts.

Mr. MCGOVERN. I want to thank the gentlewoman from California, and I want to thank my colleague, Mr. BOOZMAN. I want to thank the chairman of the Foreign Affairs Committee, HOWARD BERMAN, for all of his help and support in bringing this resolution to the floor in a timely manner. I especially want to thank the chairman's staff person, Peter Quilter, whose expertise on Latin America is so greatly appreciated by so many Members on and off the committee.

Mr. Speaker, as many of my colleagues know, I spent 13 years working for our former colleague from Boston, Massachusetts, Congressman Joe Moakley. I handled foreign policy issues for Joe, and in the early 1980s Joe asked me to go to El Salvador to see if the stories he had been hearing from Salvadoran refugees about the situation on the ground were true.

□ 1215

As I prepared for the trip, whenever I asked who should I see and talk to in order to understand what is going on in El Salvador, the response was always the same: you have to go to the University of Central America, otherwise known as the UCA. And that's how I first met the director of the UCA, Father Ignacio Ellacuria, and the vice rector, Father Ignacio Martin Baro.

When I asked Father Martin Baro what was the single most important thing I needed to know about the human rights situation in El Salvador, he said to me, remember, we are human beings, too. That meeting and those words forever changed my life.

During later months and later visits, I got the chance to meet with Father Segundo Montes, an expert on the refugee crisis in El Salvador, as hundreds of thousands of Salvadorans fled the violence of the civil war and made their way to the United States. As Congressman Moakley developed legislation to provide temporary protection to Salvadoran refugees in the United States, Father Montes testified before Congress and provided invaluable materials and help in documenting and understanding the refugee crisis.

Mr. Speaker, 20 years ago in the dead of night, the Salvadoran Army entered the grounds of the University of Central America. They pulled six Jesuit priests from their beds, including Fathers Ellacuria, Martin Baro, and Segundo Montes, marched them out to a lawn behind their residence, they put high-powered rifles to their heads, and they shot them dead in cold blood.

A few minutes later, these same soldiers discovered the Jesuits' housekeeper and her daughter hiding in the house, and they murdered them as well.

In response, then-Speaker Tom Foley appointed a congressional commission, chaired by Joe Moakley, to investigate this terrible crime. Joe asked me to be his chief investigator. And during the

course of that work, we helped identify the killers and those responsible for ordering and covering up this terrible tragedy.

The commission's report became critical evidence in the prosecution and conviction of some of the priest killers and I believe in creating support for the U.N.-brokered negotiations that ended El Salvador's 12-year civil war.

So it's with deep humility and appreciation that I applaud the House for taking up this resolution today which honors the memories and lives and works of these six priests and two women and the work of Congressman Moakley and the Speaker's Special Task Force on El Salvador.

The Jesuit priests dedicated their lives to peace, to bringing the warring parties inside El Salvador together to end violence and the war.

A generation has now grown up in El Salvador without having known them or benefited from their wisdom or humor, but every year on November 16, their lives and work are remembered in El Salvador and around the world. And each year, another generation of young people re-dedicate themselves to working for peace and justice because of the example and inspiration of these six Jesuit priests.

Mr. Speaker, I have walked on the site behind the Jesuits' residence, the very ground where, 20 years ago, the bodies of my friends were discovered. This hallowed ground is now a beautiful rose garden, and each day people from all over El Salvador and around the world come to the garden to nourish hope and renew their commitment to peace. It is used by faculty and students for meditation and repose.

There is now a chapel where the six priests are buried. The UCA has also installed a small and emotionally compelling museum dedicated to the lives and deaths of these six priests, their housekeeper and her daughter.

Mr. Speaker, the lives and deaths of these priests had a profound effect on my own life. I knew them in life. I was proud to call them friends. I helped investigate and uncover who ordered and carried out their murders. And I have remained involved and committed to peace, democracy, and development in El Salvador.

I will never forget my friends or the role of Joe Moakley or the role the U.S. Congress played in helping El Salvador end its long civil war because of the impact inside and outside of El Salvador that the murders of these incredible men had on changing the course of El Salvador's history.

Nothing will bring my friends back to life, but this resolution honoring and remembering their lives and work on this, the occasion of the 20th anniversary of their deaths, is a worthy tribute, and I ask my colleagues to support the resolution.

Mr. BOOZMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. CAO) a member of the

Homeland Security and Transportation committees and a former Jesuit seminarian.

Mr. CAO. Mr. Speaker, I rise today in support of House Resolution 761 to commemorate the lives and work of those that were executed by members of the Salvadoran Army on the 20th anniversary of their deaths next month.

On November 16, 1989, members of the Salvadoran Army entered the Universidad Centroamericana Jose Simeon Canas in San Salvador and massacred six Jesuit priests, their housekeeper, and her daughter. This senseless mass murder was incited when the six priests took a stand for social justice and against the oppressive elements in the Salvadoran society, notably the tyrannical military.

Among the victims were Father Ignacio Ellacuria, a rector of the university and an outspoken critic of the Army; Father Ignacio Martin Baro, a prolific writer and an intellectual on the effects of war on the human psyche; Father Segundo Montes, founder of the Human Rights Institute at UCA and a congressional adviser on Salvadoran refugees; Father Amano Lopez, a respected member of the Society of Jesus, gifted counselor, and a pastoral worker; Father Joaquin Lopez y Lopez, director of the Fe y Alegria education program in poor communities; Father Juan Ramon Moreno, a theological scholar and publicist; and Elba Ramos, the Jesuits' housekeeper, who was killed alongside her teenage daughter, Celina, when she wrapped her body around Celina trying to protect her from the shooting.

Having spent 6 years in the Jesuit order studying to become a Jesuit priest, I have a deep appreciation for the sacrifice these people made in pursuit of religious freedom and human rights. These eight martyrs actually inspired me to join the Society of Jesus in 1990 and to carry on their struggle for religious freedom and human rights 19 years later.

Today, the 28 Jesuit colleges and universities in the United States have annually observed the November 16 anniversary of the murdered Jesuits and the two murdered women. This resolution commends those institutions for their solidarity with the UCA and extends sympathies to the families, friends, colleagues, and religious communities of the deceased.

Finally, the measure calls upon the President, the Secretary of State, and other United States Federal agencies to support efforts by the Salvadoran Government and other public, private, and religious organizations to reduce poverty and hunger and to promote educational opportunity, human rights, and the rule of law and social equity for the people of El Salvador.

Mr. Speaker, I strongly urge my colleagues to honor the lives of these human rights martyrs and support H. Res. 761. And in the words of the Jesuit Fathers, "ad majoram dei gloriam."

Ms. WATSON. I continue to reserve my time, Mr. Speaker.

Mr. BOOZMAN. Mr. Speaker, having no further speakers on the subject, again I want to thank Mr. MCGOVERN for bringing this forward.

I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 761, as amended.

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

A motion to reconsider was laid on the table.

#### CALLING ON VIETNAM TO RELEASE IMPRISONED BLOGGERS AND RESPECT INTERNET FREEDOM

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 672) calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 672

Whereas the Internet is a tool to exercise freedom of expression and association, both of which are basic human rights;

Whereas the Internet is a medium to share information freely, promote social and economic development, and connect Vietnamese citizens domestically and internationally;

Whereas the Government of Vietnam created the Administration Agency for Radio, Television and Electronics Information in October 2008 and issued Circular 07 in December 2008 to restrict Internet freedom, censor private blogs, and compel information technology companies to cooperate with government efforts to monitor personal information of Internet users;

Whereas the Government of Vietnam has imprisoned bloggers and numerous democracy activists who have distributed their peaceful views over the Internet;

Whereas the Government of Vietnam continues to firewall external websites promoting democracy and human rights; and

Whereas these actions violate individuals' right to freedom of speech and expression: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the right of Vietnamese citizens to access websites of their choosing and to have the freedom to share and publish information over the Internet;

(2) calls on the Government of Vietnam to repeal Circular 07, Article 88, and similar statutes that restrict the Internet, so as to be in line with the International Covenant on Civil and Political Rights, to which the Socialist Republic of Vietnam is a signatory;

(3) calls on the Government of Vietnam to become a responsible member state of the international community by respecting individuals' freedom of speech, freedom of press, and freedom of political association; and

(4) calls on the Government of Vietnam to release all political prisoners, including but

not limited to the following bloggers and cyber activists—

- (A) Le Cong Dinh;
- (B) Le Nguyen Sang;
- (C) Le Thi Cong Nhan;
- (D) Nguyen Van Hai (Dieu Cay);
- (E) Nguyen Xuan Nghia;
- (F) Ngo Quynh;
- (G) Nguyen Ngoc Quang;
- (H) Nguyen Thi Hong;
- (I) Nguyen Van Dai;
- (J) Pham Ba Hai;
- (K) Pham Thanh Nghien;
- (L) Pham Van Troi;
- (M) Tran Huynh Duy Thuc;
- (N) Truong Minh Duc;
- (O) Truong Quoc Huy;
- (P) Vu Hoang Hai;
- (Q) Nguyen Tien Trung; and
- (R) Vu Hung.

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

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would like to thank my good friend, Representative LORETTA SANCHEZ of California, for her leadership in introducing this important resolution.

This resolution calls on the government of Vietnam to release imprisoned bloggers and respect individuals' rights to freedom of speech and expression.

Over the past decade, Vietnam has seen an explosion in Internet use due to the country's increasing economic integration and a decline in the cost of access to the Internet. Today, an estimated 24 million of Vietnam's 88 million people are online. A major leap forward for freedom of expression in Vietnam has been the rise of the blogs. Blogs have taken an important space in Vietnam society, providing a rare platform for Vietnamese citizens to exchange ideas and debate issues outside of the State-controlled media.

Rather than embracing this new form of communication, authorities in Hanoi have chosen to join the likes of China, Iran, Saudi Arabia, and Egypt in employing a mix of detentions, regulations, and intimidation in order to monitor users and censor views.

On October, 2008, the government passed a new edict that gave the police broad authority to move against online critics, including those who oppose the "State of the Socialist Republic of Vietnam." Since 2002, about 30 "cyberdissidents" have been jailed in Vietnam. Seven of those 30 remain behind bars, and these people were expressing

their views peacefully and posed no threat to Vietnam's national security.

According to the 2008 press freedom index by Reporters Without Borders, Vietnam was ranked 168 out of 173 countries.

Vietnam must stop criminalizing free speech and begin upholding the international covenant on civil and political rights to which Vietnam is a signatory. Censoring private blogs and forcing technology companies to cooperate with authorities to restrain critical speech threatens not just the Vietnamese people but Internet users everywhere.

I strongly support this resolution and urge my colleagues to do the same.

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

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume and rise in support of this measure.

While the government of Vietnam was striving to secure permanent normal trade relations from the United States 3 years ago and World Trade Organization membership in 2007, it was given the benefit of many doubts about its human rights practices. A lot of attention was paid to marginal improvements in personal freedoms inside Vietnam at that time, and in one controversial decision, the United States removed Vietnam from our list of Countries of Particular Concern for religious freedom violations.

□ 1230

But once the regime in Hanoi secured the trade status that it was seeking from the United States and multilateral organizations, it stepped up its repression. Since then, the human rights situation inside Vietnam has deteriorated, a fact that is readily apparent in the Vietnamese Government's crackdown on peaceful Internet dissent.

Although Internet usage has grown among the Vietnamese people, the regime in Hanoi restricts services to a limited number of state-owned Internet service providers, ISPs. Government regulations require global Internet companies who offer blogging services to report to the government every 6 months and to provide requested information about individual bloggers.

The state security apparatus monitors personal e-mail and blocks many Web sites with political or religious content that it finds disagreeable, such as some sites connected with the Catholic Church or overseas Vietnamese political groups. The Hanoi regime has harassed, convicted, and imprisoned many peaceful activists under the vague catchall provision of Article 88 of Vietnam's criminal code which prohibits conducting propaganda against the state.

Earlier this month, Vietnam convicted nine democracy advocates, including 60-year-old Nguyen Xuan Nghia, who was sentenced to 6 years in prison followed by 3 years of house arrest. These violations were an affront to the people of Vietnam and to all

people of goodwill who cherish basic human liberties.

All of us in this body, human rights and free trade advocates alike, welcome this opportunity for the House to speak with one voice in favor of the freedoms of speech and expression for the people of Vietnam. I am pleased to join the bipartisan cosponsors of this measure in calling for the release of political prisoners, including the 18 Vietnamese bloggers and cyberactivists listed in the resolution. It is also my hope that global and United States-based Internet service providers will refuse to be complicit in the Vietnamese Government's human rights violations.

I want to thank the gentlelady from California (Ms. LORETTA SANCHEZ) for introducing this measure, which I strongly support.

With that, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 6 minutes to the gentlelady from California, LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. I thank the gentlelady from California, my good friend.

Mr. Speaker, I come to the floor today in support of my resolution, House Resolution 672, which calls on the Government of Vietnam to release imprisoned bloggers and to respect Internet freedom.

I would like to thank, first and foremost, Chairman BERMAN and the committee staff for allowing us to bring this to the floor; and in particular, it's important right now with respect to what the Vietnamese Government is doing.

Since I came to the Congress, I have been a strong advocate for human rights in Vietnam. As a co-Chair of the Congressional Caucus on Vietnam, my fellow caucus members and I have focused on urging the Government of Vietnam to respect individual rights, in particular, those of religion and of speech and expression.

We have also worked with multiple U.S. administrations to make human rights an important part of the U.S.-Vietnam relationship. Unfortunately, instead of improving, the human rights conditions in Vietnam continue to deteriorate, and I have been concerned that the United States has not yet taken a fervent stand against the Government of Vietnam's blatant disregard for human rights.

I have been on this floor a number of times, many times, many of you know that, to call attention in particular to the bloggers and to the democracy activists in Vietnam, the ones who have been detained and imprisoned simply for advocating for democracy.

The Internet has become a crucial tool for the citizens of Vietnam to be able to exercise their freedom of expression and association. It has become a medium to share information freely, to promote social and economic development, and of course to fight for democracy. However, in recent months,

the Government of Vietnam has taken what I would call unlawful steps to tighten its control over the Internet.

In October of 2008, the Government of Vietnam created the Administration Agency for Radio, Television and Electronics Information and issued Circular 07 in December 2008 to restrict Internet freedom, to censor private blogs, and to compel information technology companies to cooperate with them to monitor personal information on users. Imagine, if we had that going on here in the United States, how unacceptable that would be.

In response, I, along with the Vietnam Caucus members, sent letters to Internet service providers like Google and Yahoo, et cetera, and urged them to continue advocating for the freedoms of speech and expression on the Internet in Vietnam; and then I introduced this resolution to raise the awareness of the lack of Internet freedom in Vietnam.

House Resolution 672 urges the Vietnamese Government to support the right of its citizens to access Web sites of their choosing and to repeal statutes like Circular 07 and Article 88, which restrict Internet use in Vietnam.

The consideration of this resolution comes at a perfect time. The Government of Vietnam has arrested bloggers Nguyen Ngoc Nhu Quynh, Bui Thanh Hieu, Pham Doan Trang, and many other bloggers. Some of these bloggers, like Quynh, have been released; however, there was a condition. In exchange for their freedom, they had to say that they would not blog about democracy or new political parties or freedoms of expression and human rights.

Just recently, nine dissidents were convicted by the Vietnamese Government for publishing articles on the Internet which was basically just practicing their rights of freedom of speech and expression. By the way, this is all about democracy. That's what these blogs are about.

The situation took a turn for the worse 2 weeks ago when Tran Khai Thanh Thuy was forcibly denied entry to the courthouse to attend the trial of nine democracy activists and was instead harassed by the Vietnamese police. The following night, I received a phone call that one of the democracy activists, Do Ba Tan, and his wife, Tran Khai Thanh Thuy, were beaten in front of their 13-year-old daughter and imprisoned by the Vietnamese Government and police. When I heard about it, I immediately called the U.S. Deputy Chief of Mission in Vietnam, Virginia Palmer, and urged her to take action on this matter. Our U.S. Embassy in Vietnam responded by making inquiries about the 13-year-old daughter to make sure that she was being taken care of.

These actions are not the actions of a country that respects fundamental values and principles of human rights and democracy. A country that uses violence against its own citizens because

they decide to exercise their fundamental freedoms does not deserve to be a member of the World Trade Organization, nor do they have the right to be acting as the President of the United Nations Security Council, a position that Vietnam currently holds.

The Socialist Republic of Vietnam is a signatory of the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly, and yet they continue to detain and imprison their own citizens for using the Internet to promote democracy and human rights.

How can a country that blatantly disregards a U.N. declaration be allowed to act as the President of the Security Council? I believe that we, the United States, must take a stand against Vietnam's human rights violations. We are a beacon of freedom, of democracy, and it is our responsibility to speak out on behalf of those who have no voice.

Mr. BOOZMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. CAO), a member of the Homeland Security and Transportation Committees and the only Member of this body who was born in Vietnam.

Mr. CAO. I thank the gentleman from Arkansas.

Mr. Speaker, I rise today in strong support of House Resolution 672, calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom.

It is vital that the United States take a bold stance against the tyranny of the Vietnamese Government and more effectively promote democracy there and throughout the world.

While the Vietnamese Government continues to control and stifle its citizens, this bill lays out very specific goals that will push for freedom of speech in Vietnam. It promotes the actions of the Vietnamese people who desire to have a say in government policy and actions. It will repeal statutes that restrict an individual's Internet usage and calls for the release of all political prisoners who have been incarcerated under the false pretenses of causing unrest and disturbance.

The Vietnamese Government fears these changes and continues to promote backward policies that restrict the Vietnamese people's basic freedoms. In the United States, we have been blessed with these rights. With these gifts comes great responsibility. It is necessary that we advocate on behalf of the Vietnamese citizens who simply hope for a better future.

We, as leaders of the most powerful democracy in the world, must not only pass this resolution, but we also must pass the Vietnam human rights bill. We must put Vietnam back on the CPC list. We must require Vietnam to pay the \$3.5 million in restitution that the High Court of American Samoa adjudicated 10 years ago. We must deny Vietnam the GSP status that it so desires until it improves its labor laws.

Therefore, Mr. Speaker, I ask that the Members of the House support House Resolution 672.

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

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade, and a very long-standing advocate for human rights in Vietnam.

Mr. ROYCE. I thank the gentleman for yielding.

What brings us here today, of course, is this resolution, intended to address a longstanding problem but really brought to light again earlier this month when we had nine young bloggers in Vietnam, all of them convicted under Article 88 of the Government of Vietnam's statute, which the interpretation of Article 88 is in direct conflict with the International Covenant on Civil and Political Rights to which the Government of Vietnam is itself a signatory.

So what is happening is that Article 88 is now being used in Vietnam as just a tool to basically criminalize what they call propaganda against the state, but which is simply the free speech rights which are recognized everywhere else and to which Vietnam is a signatory to the agreement. It is being used to go after anyone who argues against the concept of a one-party state. So, if you get into the realm of religious liberty or you get into the realm of freedom of association, freedom of speech, you suddenly run afoul of this Article 88 and you find yourself facing a long prison term. That is why I rise in support of House Resolution 672, because what this bill does is call on the Government of Vietnam to release those imprisoned bloggers and basically to respect Internet freedom.

Mr. Speaker, the one-party Communist government in Hanoi is a serial human rights abuser. Citizens are denied basic rights, such as the right to freedom of religion, the right to freedom of speech. And like most despotic regimes, Hanoi seeks to censor all information that it deems in any way damaging to a one-party state.

As longtime dissident Dr. Nguyen Dan Que correctly stated some years ago, he said, "The state hopes to cling to power by brainwashing the Vietnamese people through stringent censorship and through its absolutist control over what information the public can receive."

These are the actions of a totalitarian tower that has no respect for the rights of the individual citizen. Those last words were mine.

□ 1245

Newspapers, television and radio stations remain under strict government control in Vietnam, of course. Now, with a greater percentage of the population seeking an alternative way to express itself, seeking a way to even

communicate in ideas, the government has dramatically stepped up its campaign to confront and to curtail the country's vigorous blogosphere because, in Vietnam, just like in the United States, the young Vietnamese really enjoy the ability to use the Internet to engage in a simple dialogue between each other with respect to ideas.

International press freedom groups rank Vietnam alongside China and Burma, right now today, as the riskiest countries for bloggers; and as you saw, human rights groups are increasingly speaking out about the violent nature of the crackdown in Vietnam on human rights.

As I have, there are those of us who have traveled to Vietnam. In the past, I met with the venerable Thich Quang Do, with Le Quang Liem and with others who have been involved in the issue of religious freedom. We saw the consequences of monks who had been beaten, some of whom had been killed. Certainly, many of them were under arrest for attempting to counter the state with respect to their assertion—Father Ly would be an example—that the state should not rewrite religious text.

For the Buddhist faith, this is a particular problem because the Communist Party in Vietnam is trying to change their faith by rewriting the text. The reason the venerable Thich Quang Do is under such pressure and is under such constant attack by the state is that he objects to this. He says religious freedom should exist in this society without control by the state.

Certainly, Bui Thanh Hieu and Pham Doan Trang would agree with this because these two bloggers were detained after writing in opposition to policies by the Vietnamese Government. Now, what were they writing about? They were writing about an environmental issue, about the new bauxite mining project in Vietnam's central highlands.

Chinese mining in this region has already caused severe environmental damage, and that damage comes at the sole expense of the local residents in this area because this is the area that grows much of the coffee, rubber and so forth in Vietnam. So, now, with the runoff from these mines and the way in which it's polluting the local lakes and the way in which it's killing off the vegetation, basically, you've created a no-man's area. It is absolutely incapable of supporting any crops in the future in much of this area.

Dieu Cay, another prominent blogger, also knows the lesson well, as he was sentenced to 2 years for running a series of articles, exposing what? Exposing government corruption.

Now we have another introduction of Chinese bauxite mining on top of what is already occurring that is going to cause further environmental damage in the central highlands. What you basically have is the state's cracking down in Vietnam, saying nobody can tell the people about what's happening to their land, that nobody can tell the people

about the health hazards to their children in this region as a result of the state's making this decision to invite the Chinese in to do this kind of bauxite mining.

Hanoi knows that its grip on power is shaky and that the ideas that these journalists spread carefully chip away at the monopoly on power which the state has. That's why they spend so much time trying to shut them out. The practice of detaining these bloggers for spreading ideas like freedom and democracy is very odious.

We are here today to call on the Communist Government to end this practice. That is what this resolution does. It calls on the Government of the Socialist Republic of Vietnam to release these imprisoned bloggers and to respect Internet freedom.

I urge my colleagues to support it.

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

Mr. BOOZMAN. Mr. Speaker, having no more speakers on the subject, I again thank the gentlewoman from California for bringing this important resolution forward, which I very much support, that of freedom in Vietnam; and I urge my fellow Members to lend their support, also.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of H. Res. 672, Ms. SANCHEZ's resolution calling on the government of Vietnam to release imprisoned bloggers and respect Internet freedom.

The resolution draws attention to the Internet-restrictive practices of the government of Vietnam. Often, when we speak of the Internet repression of the Chinese or Iranian government, we forget that many other nations suffer under Internet-restrictive governments, including, according to Reporters Without Borders, Vietnam, Cuba, Burma, Egypt, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan. The Vietnamese government is one of the most repressive of these, and models its apparatus of repression on that of China. According to the State Department's 2009 Country Reports on Human Rights, the government of Vietnam:

... monitored e-mail, searched for sensitive key words, regulated Internet content, and blocked many Web sites with political or religious content that authorities deemed "offensive." ... Authorities continued to detain and imprison dissidents who used the Internet to publish ideas on human rights and political pluralism ... The government continued to use firewalls to block some Web sites that it deemed politically or culturally inappropriate, including sites affiliated with the Catholic Church, such as Vietcatholic.net and others operated by overseas Vietnamese political groups.

Mr. Speaker, this excellent resolution also calls on the government of Vietnam to release all imprisoned bloggers and cyber activists, and provides the names of 18 men and women known to be held as political prisoners due to their use of the Internet. I have visited former Vietnamese political prisoners, including Father Ly and have heard first-hand about what they suffer in those prisons. These men and women need our help, and Ms. SANCHEZ's resolution will afford them a measure of protection.

Mr. Speaker, the issue of Internet freedom becomes more urgent every year. In February

of 2006 I held a major hearing that revealed the involvement of U.S. companies in enabling the Chinese government's Internet censorship and surveillance. I then introduced legislation, the Global Online Freedom Act, which would prevent U.S. IT companies from enabling repressive governments' Internet censorship and surveillance. The legislation was blocked in two successive Congresses, while, sadly, the tempo of repression increased, and the technology of repression improved. We saw this in the Chinese government's repression of Tibetan protests last spring. The government blocked Yahoo! and the video-sharing site YouTube, and ramped up its blocking of international news sites. We saw it again in that government's repression of protests in Xinjiang in June of this year. Again the government cut off Internet and phone service, and actively removed and altered comments about the protests on numerous Internet fora and Web sites. Then in Iran, when great numbers of Iranians protested the Ahmadinejad government's stealing of the election, the government responded by cutting off Internet access as well as, with mixed success, to social-networking sites like Twitter and Facebook.

Now every time a repressive government crushes a protest movement, or a movement for freedom or democracy, it also engages in cyber-repression—the Internet is such a strong force for freedom that dictatorships and repressive government can hardly exist without cyber-repression. In recent years cyber-repression has emerged as no less than one of the most dangerous threats to human rights, freedom, and democracy.

Congress has an obligation to better address this issue and help those who are suffering under Internet-restrictive governments. I want to draw members' attention to three other bills which, like H. Res. 672, deserve our support: Mr. WU's H. Res. 590, expressing concerns about China's Green Dam filtering software; Mr. SHERMAN's HR 3284, prohibiting federal agencies from entering into procurement contracts with anyone who exports computer technology to Iran; and HR 2271, my own Global Online Freedom Act. All of these bills speak strongly, responsibly, and constructively to cyber-repression. The Global Online Freedom Act, in the last Congress, passed all of its committees and was ready for an up or down vote on the floor; I have improved the bill and re-introduced it in this Congress, and ask colleagues to consider sponsoring it.

I strongly support this resolution in support of the persecuted bloggers of Vietnam, and thank my friend for introducing it.

Mr. MORAN of Virginia. Mr. Speaker, I rise here today in support of House Resolution 672, which calls for the release of imprisoned bloggers and Internet freedom in Vietnam.

It is estimated that over 20 million Vietnamese use the Internet to organize around environmental issues, blogger freedom, labor rights, and anti-corruption. Yet, in 2008, the Government of Vietnam launched a new entity—the Administration Agency for Radio, Television and Electronics Information—to restrict Internet freedom, censor private blogs, and compel information technology companies to cooperate with authorities.

The Socialist Republic of Vietnam is a signatory of the International Covenant on Civil and Political Rights adopted by the United Nations, UN, General Assembly. However, this move to censor the Internet by the Govern-

ment of Vietnam is an extension of Article 88 of the Penal Code which criminalizes free speech. All these restrictions violate the above international covenant.

Despite abundant evidence to the contrary, Vietnam has asserted that it has no "so-called 'prisoners of conscience'"; that no-one is arrested for criticizing the government, only for violating Vietnam's laws; that its national security laws "conform to international law"; and "there is no practice of torture or degrading treatment of law offenders and those under detention for investigative purposes."

Vietnam—a member of the U.N. Security Council—has made a charade of its engagement at the U.N. Human Rights Council. Vietnam rejected even the most benign recommendations based on the international covenants it has signed, such as allowing people to promote human rights or express their opinions. Despite Vietnam's denials that it arbitrarily arrests and imprisons peaceful government critics, human rights defenders, political bloggers, and independent church activists, the government has arrested scores more since May of this year.

Vietnam's ongoing arrests of peaceful dissidents and church activists—conducted even as the U.N. was evaluating its human rights record—shows its flagrant disregard for its international human rights obligations. Member states should deliver a clear message to Vietnam that it needs to uphold its international rights commitments.

This resolution provides us with a chance to rekindle our role as a human-rights advocate around the world. It can show Vietnamese citizens that we notice when their rights are restricted, when their freedom is limited, and when their voices are silenced. I urge my colleagues to vote "yes" on this resolution. We have a moral responsibility to provide the Vietnamese with the same kind of freedoms we value in this country. And we have a moral responsibility to protect those who value what our men and women die for—freedom of speech.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today in support of H. Res. 672, a bill which I am proud to cosponsor. Introduced by my good friend, colleague, and co-chair of the Vietnam Caucus, Representative LORETTA SANCHEZ, this legislation calls on the Vietnamese government to respect Internet freedom and to release a number of jailed pro-democracy activists.

I am deeply concerned about Vietnam's human rights record, which shows no signs of improving. Just last month at its United Nations Universal Periodic Review, Vietnam rejected 45 recommendations from member states, including the release of peaceful prisoners of conscience and to lift internet and blogging controls and prohibitions on privately-owned media.

This situation is unacceptable. We need to send a message to the Vietnamese government that the United States Congress does not condone its repression of free speech and democracy. Using anti-propaganda laws to silence opposition and maintain one-party control is not democracy and should not be tolerated.

I strongly urge my colleagues to support this bill.

Mr. BOOZMAN. With that, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 672.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONDEMNING PERSECUTION OF BAHA'IS IN IRAN

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 175) condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 175

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, and 2008, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas in November 2007, the Iranian Ministry of Information in Shiraz jailed Baha'is Ms. Raha Sabet, 33, Mr. Sasan Taqva, 32, and Ms. Haleh Roohi, 29 for ostensibly "indirectly teaching the Baha'i Faith" and "engaging in anti-government propaganda" while educating underprivileged children and gave them 4-year prison terms, which they are serving;

Whereas Ms. Sabet, Mr. Taqva, and Ms. Roohi were targeted solely on the basis of their religion;

Whereas, on January 23, 2008, the United States Department of State released a statement urging the Iranian regime to release all individuals held without due process and a fair trial, including the 3 young Baha'is being held in an Iranian Ministry of Intelligence detention center in Shiraz;

Whereas in March and May of 2008, Iranian intelligence officials in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the coordinating group for the Baha'i community in Iran;

Whereas these seven leaders have been imprisoned for well over a year and are yet to stand trial, the trial having been delayed multiple times;

Whereas official Iranian media has announced they will face charges of "espionage for Israel, insulting religious sanctities and propaganda against the Islamic Republic";

Whereas these seven Baha'i leaders were targeted solely on the basis of their religion; and

Whereas the Government of Iran is party to the International Covenants on Human Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders and all other prisoners held solely on account of their religion, including: Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi; and

(3) calls on the President and Secretary of State, in cooperation with responsible nations, to immediately condemn Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi.

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

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

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

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

There was no objection.

Ms. WATSON. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and I would like to thank my good friend, the gentleman from Illinois, Congressman MARK KIRK, for his leadership in introducing this important resolution.

H. Res. 175 condemns the Government of Iran for its state-sponsored persecution of its Baha'i minority and of its continued violation of the international covenants on human rights.

Mr. Speaker, resolutions in support of the much persecuted Baha'i communities in the Middle East have a long and proud tradition in the House of Representatives and in the other body. While past resolutions have chronicled the abuse and harassment Baha'is have experienced in several Middle Eastern countries, nowhere is the situation as dire or does it require more urgent action than in Iran, where Baha'is are routinely arrested and face the death penalty.

Iran's Baha'i community forms that country's largest religious minority. It is difficult to know the exact number because Iran has banned communal Baha'i institutions since 1983, but it is estimated that they number over 300,000.

Since 1979, some 200 Baha'is have been executed, and thousands have been imprisoned. They have been systematically denied jobs, pensions, access to higher education, and the right

to inherit property. All Baha'i cemeteries, holy places and other community properties were seized soon after the 1979 revolution. Many sites of the greatest historical significance to the Baha'is have been destroyed, and the graves of Baha'is have been desecrated throughout the country.

In the spring of 2008, seven individuals who had been serving as leaders of the Baha'i community on an ad hoc basis were arrested and were put in Tehran's notorious Evin prison. Their trial date has been repeatedly postponed, and it is still unclear if and when they will face trial.

Official Iranian news agencies have reported that they are charged with espionage for Israel, insulting Islam and with propaganda against the Islamic republic. Family members have been informed of a fourth charge, that of spreading corruption on Earth. Some of these charges could carry the death penalty. The circumstances of this possible trial are particularly worrying because the Government of Iran has arrested and executed the Baha'i leadership on three previous occasions.

In addition to the seven Baha'i leaders, some 25 other Baha'is also remain in prison, including three young people in Shiraz who were arrested in 2006 for indirectly teaching the Baha'i faith and for engaging in antigovernment propaganda while merely carrying out a literacy program for underprivileged youth. These young people are currently serving 4-year sentences under very harsh conditions.

As the United States and the international community seek to engage Iran on the crucial issues of non-proliferation, we must not forget about the basic human rights of the Iranian people. International attention to the persecution of the Baha'is in Iran has been critical to preventing an even worse deterioration of their situation.

As large sections of the Iranian population are now being increasingly repressed and denied the opportunity to have a voice in their own country, it is crucial that others in the international community speak out on their behalf and support them. I urge all of my colleagues to support this important resolution.

I reserve the balance of my time.

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

Mr. Speaker, first of all, I want to thank the gentleman from Illinois (Mr. KIRK) for bringing forward this important resolution.

I rise today in strong support of House Resolution 175, which condemns the Iranian regime's continuing persecution of members of the Baha'i faith, Tehran's notoriously cruel regime, which for decades has denied the people of Iran their fundamental human rights and civil liberties.

While the most recent demonstration of the regime's brutality and authoritarianism was the crackdown in the aftermath of the June leadership selection process; for years, Iran has

made a special example of the Iranian Baha'is, oppressing them without respite.

In addition to seizing Baha'i communal property, the Iranian Government prohibits the community from officially assembling; bans them from practicing or teaching their religion; excludes them from the national pension system and from public universities; prevents them from inheriting property; and jails them on account of their faith or on trumped-up charges of espionage.

Accordingly, I urge my colleagues to adopt this resolution, which condemns the Iranian regime's despicable conduct.

Mr. Speaker, totalitarian regimes everywhere, hiding behind the false excuse of state sovereignty, are eager to combat any progress in human rights and freedoms and are eager to expand their repression as far as others will allow them to do.

The Baha'is and countless other Iranians have been robbed of a better future for almost 30 years by a regime which offers nothing but more misery. Therefore, the United States must continue to make clear in both word and deed that the spread of religious freedom and human rights worldwide is not merely an ideal but an imperative. Now is the time for all responsible nations to stand four-square with the Baha'is of Iran in their moment of need.

With that, I reserve the balance of my time.

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

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), a member of the Committee on Appropriations and the author of this measure.

Mr. KIRK. Mr. Speaker, as the author of this important resolution, I rise in strong support, and I urge its adoption.

I want to thank the chairman and ranking member for bringing up this resolution on the floor today, and I want to thank Mr. MCGOVERN for helping garner bipartisan support for this effort.

As many of my colleagues know, my district is home to the North American Baha'i Temple located in Wilmette, Illinois. The Baha'i faith was founded in Iran 165 years ago on principles of peace and tolerance. Baha'is are a gentle and nonviolent people. They follow the teachings of Baha'u'llah, who taught respect for Moses, Jesus and Mohammad, teaching respect and tolerance around the world.

Yet, since the Iranian revolution of 1979, the Government of Iran has committed a deliberate campaign of discrimination, harassment, detention, arrests, imprisonment, and the execution of one of their largest religious minorities. Based solely on their religious beliefs, Baha'is in Iran are now denied jobs, are robbed of pensions, are stripped of property rights, and are forced to endure the barbarous desecra-

tion of their holy sites as well as forced to watch their leaders being imprisoned and executed.

□ 1300

Last spring, seven leaders of the Baha'i community were arrested and detained in Tehran's notorious Evin prison. Their trial date has been repeatedly postponed as they languish in prison without legal resource. Although no charges have been publicly filed, Iranian news agencies report that these individuals will be charged with "espionage for Israel, insulting Islam, propaganda against the Islamic Republic, and spreading corruption on Earth." Conviction of these crimes carries a penalty of death.

We know what happened the last time the Iranian regime struck the Baha'i community leadership. In August of 1980, all of the members of the National Spiritual Assembly of the Baha'is were executed. We should do all we can to prevent such a crime against humanity from being committed again.

As the President pursues his negotiation policy with the brutal Iranian dictators, we should not forget the kind of people we are dealing with. Iran denies its citizens basic human rights and is persecuting its minorities and executes what they call apostates. If our diplomats ignore Iranian Baha'is and silence the voice of Iranian human rights activists, America will have failed a great moral test in Iran.

Today, the House of Representatives sends a signal to the Iranian regime, and it contains an important message. The U.S. Congress will expose this regime that murders innocent women and children in the streets and denies citizens basic human rights. To the dictators in Iran we say, release your political prisoners, especially release your Baha'i prisoners, and end your ignorant and uncultured persecution of the peaceful Baha'is.

Mr. Speaker, I want to thank Ken Bowers, the secretary general of the National Spiritual Assembly of the Baha'is, and Juana Conrad, the deputy secretary, for their steadfast devotion to their fellow Baha'is worldwide. I also want to thank the Local Spiritual Assemblies in Arlington Heights, Deerfield, Glencoe, Glenview, Northbrook, Palatine, Vernon Hills, Waukegan and Wilmette for contributing to our community and calling attention to this human rights abuse.

Thank you also to Hans Hogrefe from Chairman BERMAN's hardworking staff and Jeff Philipps and Richard Goldberg of my staff for bringing this to the floor. A special thanks to Kit Bigelow and Shastri Purushotma from the National Spiritual Assembly of Baha'is of the United States for their dedication and pursuit of religious freedom and human rights for Baha'is worldwide.

I cannot for the life of me think of what's going on in Iran that she would commit such crimes against 330,000 peaceful Baha'is in Iran. I am worried that the Iranian intelligence service

and ministry has now registered the address of every Baha'i and every Baha'i business in the country. I am worried that they have already labeled Baha'i businesses as ineligible for government contracting.

We have seen the bureaucracy of a new Kristallnacht formed in Iran. I worry that with this bureaucracy now fully formed, we could see a tremendous human rights abuse occur against hundreds of thousands of peaceful individuals. That's why this resolution is so important, not just to call attention to crimes that have been committed, but to a potential crime against humanity, which, in my judgment, the dictators of Iran are fully capable of committing. That's why this institution rises to its fullest potential, underscoring the point that America is not the most powerful, best nation in the world because we are rich or have a large military, but because we represent the moral authority of a democratic people representing the dignity of each individual on this planet.

I urge adoption of this resolution and thank the Members.

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

Mr. BOOZMAN. Mr. Speaker, having no more speakers on the subject, again, I want to thank the gentleman from Illinois for bringing forward this very important resolution and urge my fellow Members to adopt it.

Mr. KUCINICH. Mr. Speaker, I rise today in support of defending the human rights of everyone throughout the world. The United States must seek to uphold and protect human rights here at home as well as abroad. I stand in solidarity with the people of the Baha'i faith and all faiths that endure persecution based on their religious beliefs. As such, I strongly support the stated intention of this resolution.

As we aim a critical eye to the Iranian government's human rights violations, we can only do so with credibility if we turn the critical eye on our own country. For example, institutionalized discrimination based on gender and sexual orientation persists throughout the U.S. All human beings deserve security and equal protection under the law.

Furthermore, supporting the Baha'i faith by condemning Iran is antithetical to principles that are central to the Baha'i faith. The Baha'i teachings are built on the values of peace and unification. Condemnation, or the act of placing blame, separates and antagonizes. Condemnation of Iran with intent to rattle the sabers of war would not be something I support; nor do I believe it would be supported by those of the Baha'i faith.

In the spirit of honoring the Baha'i faith we, should work to end persecution. Rather than condemning Iran in order to forward an aggressive agenda, this body would do better to support the efforts of the Administration to engage Iran in high-level diplomatic negotiations. Engaging Iran diplomatically honors the spirit of unity that is central to the Baha'i faith and brings us closer to peace.

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

Ms. WATSON. Mr. Speaker, I have no further requests for time.



I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 175, as amended.

The question was taken.

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

Mr. KIRK. 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.

#### EXPRESSING CONDOLENCES REGARDING ATTACK ON UNITED NATIONS WORLD FOOD PROGRAM OFFICE IN ISLAMABAD, PAKISTAN

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 823) expressing deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009, and support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 823

Whereas the United Nations World Food Program (WFP) was established in 1962 with the goal of providing every man, woman, and child with access at all times to the food needed for an active and healthy life;

Whereas the WFP seeks to save lives and protect livelihoods in emergencies, prepare for emergencies, restore and rebuild lives after emergencies, reduce chronic hunger and under-nutrition everywhere, and strengthen the capacity of countries to reduce hunger;

Whereas WFP operations in 2008 reached just over 102,000,000 hungry and poor people in 78 countries with 3,900,000 tons of food;

Whereas 84.6 percent of the population of Pakistan earns less than \$2 per day, which is an indication of poor human development, especially among women and children;

Whereas since 1968, the WFP has invested more than \$1,500,000,000 in assistance to the most food-insecure people in Pakistan, including those in remote areas and those affected by conflict;

Whereas WFP operations in Pakistan include school feeding, mother and child nutrition, and socio-economic development programs that improve school enrollment rates for girls, access to health care services, and economic opportunities for rural women;

Whereas the WFP is providing vital food assistance to as many as 10,000,000 people across Pakistan, including emergency relief to as many as 2,000,000 Pakistani civilians who were displaced by conflict in the Swat Valley region earlier this year;

Whereas, on October 5, 2009, a suicide bomber attacked the WFP office in Islamabad, Pakistan, killing five employees,

Botan Ahmed Ali Al-Hayawi, Farzana Barkat, Abid Rehman, Gulrukh Tahir, and Mohamed Wahab;

Whereas the Executive Director of the WFP, Josette Sheeran, called the attack "a tragedy—not just for WFP—but for the whole humanitarian community and for the hungry"; and

Whereas support for food aid and other forms of humanitarian assistance in Pakistan is in the moral and national security interests of the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009;

(2) recognizes the critical role the WFP plays in helping alleviate poverty, which can be exploited by extremists to create instability, in Pakistan and the greater South Asian region;

(3) reaffirms its support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world; and

(4) commends the approximately 10,000 people of the WFP directly serving the hungry and poor across the world for their invaluable contribution to bringing relief to those most in need.

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

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 California?

There was no objection.

Ms. WATSON. Mr. Speaker, on October 5, 2009, five dedicated humanitarians were killed and four others injured by a suicide bombing inside the World Food Program's office in Islamabad, Pakistan. The victims of this senseless attack were impartial civilian aid workers devoted to feeding the hungry and providing a lifeline to millions of the most vulnerable people in Pakistan.

The United Nations World Food Program has been on the front lines of fighting hunger worldwide since its inception in 1962.

I want to recognize, and I want to thank the sponsor of this resolution, my distinguished colleague and good friend from Connecticut, Ms. ROSA DELAURO, for taking the lead in introducing this resolution.

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

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

I stand in strong support of this resolution, which expresses our sympathy and deepest condolences for the vic-

tims and families of this month's deadly suicide bombing at the U.N. World Food Program offices in Islamabad, Pakistan.

We mourn the loss of five humanitarian aid workers who were killed in a senseless act of violence while they were simply trying to supply food to the millions of vulnerable and hungry people of Pakistan. This deadly attack by a Taliban suicide bomber on October 5 forced the U.N. to temporarily close its offices, which resulted in the disruption of food assistance to nearly 10 million starving people in Pakistan who are dependent on the World Food Program.

Mr. Speaker, we should not allow such cowardly acts of violence to overshadow the vital work of the World Food Program, whose efforts have relieved the suffering and hunger of millions of people in Pakistan and around the world.

Since 1968, the U.N. World Food Program has invested more than \$1.5 billion in assistance to the poor citizens of Pakistan alone.

The World Food Program has also carried out food security efforts and has developed nutritional and socio-economic programs that have improved access to health care, increased school enrollment for women and girls, and advanced economic opportunities for the poor. In fact, amid recent violence in Pakistan's North West Frontier Province, the World Food Program courageously pushed forward to provide emergency and hunger relief to 2 million displaced Pakistanis.

Today, it is important not only to recognize the crucial role of the World Food Program in the fight to alleviate poverty and world hunger, but to reaffirm our appreciation for its mission to feed the world's poor. It's also important to pause momentarily to remember those aid workers who sacrificed their lives this month in the course of their work to relieve human suffering and hunger.

Mr. Speaker, I strongly urge the passage of this resolution condemning this heinous attack and reinstating our support for the work of the World Food Program.

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

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the gentlelady from Connecticut, Representative ROSA DELAURO.

Ms. DELAURO. I thank the gentlewoman for this time. I thank Chairman BERMAN for moving so quickly in this effort. I also want to thank Congressman JIM MCGOVERN and JO ANN EMERSON for co-leading this bipartisan effort with me.

Mr. Speaker, I rise in support of House Resolution 823. It expresses deep condolences to families, friends, and colleagues of those who were killed and injured in the attack on the U.N. World Food Program at their offices in Islamabad, Pakistan, on October 5, 2009.

We offer our support for the World Food Program's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world. We condemn this reprehensible attack in the strongest of terms. All acts of terror are contemptible, but the murder of civilian workers engaged in humanitarian aid is particularly vile.

Fighting hunger and deprivation around the globe is a cause to which people give more than just a daily effort. It's an all-consuming responsibility. As we saw in the horrible tragedy, it can even be the struggle in which people lose their lives.

Our thoughts and our prayers go out to the families of those U.N. World Food Program workers who perished in this terrible bombing. Through their efforts and the efforts of countless others, WFP feeds 10 million Pakistanis, including 2 million displaced by violence each year. For the people who have sacrificed so much to alleviate suffering to be struck down by a wanton act of terrorism, it is unjust and senseless.

We remember the fallen in our thoughts. This resolution represents a small way of honoring them as we continue the struggle for which they gave their lives: to put an end to global hunger around the world.

For the first time in history, over 1 billion people—one in six—are undernourished worldwide. Every 6 seconds a child dies because of hunger and related causes. Because of higher food prices, the number of undernourished people in the world increased by 75 million in 2007, 40 million in 2008. Even in America there are 12 million children facing hunger and uncertainty right now.

The continued existence of such famine in our day and age, even within our borders, is a moral outrage. We have the resources and the ability to confront this kind of suffering in the world. What we need is the conscience and the will to put an end to it.

The brave and the compassionate aid workers who perished in Pakistan had this in spades. They knew that prosperous nations cannot just remain an island of plenty in a sea of want. They stepped up. They met their responsibilities. We must meet our responsibilities.

This is a moral imperative that's shared by workers in the World Food Program, in the Sudan, in Somalia, where they provide 43 percent of the population with its basic food, and in places all around the world where women and men give their all to be able to ensure that starving people have enough to eat. It is also shared by many of us here in the Congress.

We are in a season of political turmoil and economic uncertainty. It's particularly important that we reaffirm the memory of these murdered workers and renew our commitment to ending global hunger. Put simply, this is a national security issue.

Hunger, gnawing, unyielding, forces people into desperate acts and dan-

gerous pacts. Famine and starvation create the conditions for militant extremism around the world, the very extremism that killed these five in Pakistan.

We fight hunger, and we undercut the recruiting base of those who would threaten us. As former National Security Adviser Sandy Berger recently reminded us in the L.A. Times, "Ensuring that no child goes to school hungry is the single greatest investment we can make in building prosperous, healthy and stable societies."

The World Food Program has long understood this. For 50 years, it has worked to feed the suffering and malnourished citizens of our planet. In 2008, their operation reached over 102 million poor and hungry people in 78 countries with 3.9 million tons of food.

□ 1315

They have worked to eliminate not only hunger but its root causes. In short, the world food program is doing wonderful work for the people of Pakistan, the people of the United States and the people of the world. We laud their humanitarian efforts, as we condemn the cruelty and the malice that perpetrated such a deplorable atrocity in Islamabad on October 5.

For the fallen, for their families and their friends, and for hungry men, women and children all around the world, our fight against global hunger will go on.

I strongly urge my colleagues to support this resolution and reaffirm their commitment to this cause.

Mr. BOOZMAN. Mr. Speaker, we very much appreciate Ms. DELAURO bringing the resolution forward, and at this time, we continue to reserve our time.

Ms. WATSON. Mr. Speaker, I would like to yield 2 minutes to my good friend, the gentleman from Massachusetts, JAMES MCGOVERN.

Mr. MCGOVERN. I thank my friend for yielding.

Mr. Speaker, I rise in support of H. Res. 823, and I want to thank my good friend and colleague, Congresswoman ROSA DELAURO, for her leadership in bringing this resolution before the House for its consideration.

Mr. Speaker, we often forget, or take for granted, that thousands of humanitarian workers provide food, water, shelter, medicine and essential services to tens of millions around the world. Many of us don't even think about how perilous are the situations in which this compassionate work happens. But we were reminded, in the worst possible way, on October 5, when a bombing attack was carried out against the World Food Program in Islamabad, Pakistan.

This resolution adds to what I am sure others have also conveyed to the WFP, the deepest condolences and sympathies to the families, friends and colleagues of the WFP staff who were killed in Pakistan. I also want to add that my own thoughts and prayers are with those who were wounded and who

were injured in the bombing attack, and we hope for their speedy recovery.

Mr. Speaker, the bombing underscores the often precarious situation in which the WFP, and so many other humanitarian and aid workers around the globe, find themselves. And I, for one, can only thank them for their important and too often unrecognized service to humanity.

Mr. BOOZMAN. Mr. Speaker, having no other speakers on the subject, again, I want to thank Ms. DELAURO for bringing this very important resolution forward. I also want to thank Mr. MCGOVERN for his leadership in the hunger issues that he has given all of us.

With that, I yield back the balance of my time.

Ms. WATSON. I would like to yield 1 minute to the gentleman from Ohio, Mr. Dennis Kucinich.

Mr. KUCINICH. I thank the gentle-

lady. I want to join my colleagues in expressing condolences to those who were killed in connection with the attack on the United Nations World Food Program in Islamabad, Pakistan. It is so important that the world community rally behind this program and other programs like it that are really aimed at providing the kind of social service that is so urgently required in areas around the world that are economically depressed, and that is, to feed the hungry. If we make a concerted effort in feeding the hungry, there's less of a chance that we're going to be looking at the kind of social conflagration that has affected nations around the world.

This program in Pakistan is urgently needed. Those who risk their lives to deliver it should be remembered now, and we should stand by them and their families in their moment of grief. But we also have a responsibility to continue to take a stand against hunger. And wherever an effort is made to try to knock those out who are trying to serve the public, we stand behind those who serve, and we stand behind our moral obligation to feed the hungry of the world.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 823.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

- S. 1793, by the yeas and nays;
- H. Res. 811, by the yeas and nays;
- H. Res. 837, by the yeas and nays;
- H. Res. 660, by the yeas and nays;
- S. Con. Res. 43, by the yeas and nays.

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

**RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 1793, 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 1793.

The vote was taken by electronic device, and there were—yeas 408, nays 9, not voting 15, as follows:

[Roll No. 793]

**YEAS—408**

Abercrombie Capito Emerson  
 Aderholt Capps Engel  
 Adler (NJ) Capuano Eshoo  
 Akin Cardoza Fallon  
 Alexander Carnahan Farr  
 Altire Carney Fattah  
 Andrews Carson (IN) Filner  
 Arcuri Cassidy Fleming  
 Austria Castle Forbes  
 Baca Castor (FL) Fortenberry  
 Bachmann Chaffetz Foster  
 Bachus Chandler Frank (MA)  
 Baird Childers Franks (AZ)  
 Baldwin Chu Frelinghuysen  
 Barrett (SC) Clarke Fudge  
 Barrow Clay Gallegly  
 Bartlett Cleaver Garrett (NJ)  
 Barton (TX) Clyburn Gerlach  
 Becerra Coble Giffords  
 Berkeley Coffman (CO) Gingrey (GA)  
 Berman Cohen Gonzalez  
 Berry Cole Goodlatte  
 Biggert Conaway Gordon (TN)  
 Bilbray Connolly (VA) Granger  
 Bilirakis Conyers Graves  
 Bishop (GA) Cooper Grayson  
 Bishop (NY) Costa Green, Al  
 Bishop (UT) Costello Green, Gene  
 Blackburn Courtney Griffith  
 BlumenaUER Crowley Grijalva  
 Blunt Cuellar Guthrie  
 Boccieri Culberson Gutierrez  
 Boehner Cummings Hall (NY)  
 Bonner Dahlkemper Hall (TX)  
 Bono Mack Davis (AL) Halvorson  
 Boozman Davis (CA) Hare  
 Boren Davis (IL) Harman  
 Boswell Davis (KY) Harper  
 Boucher Davis (TN) Hastings (FL)  
 Boustany Deal (GA) Hastings (WA)  
 Boyd DeFazio Heinrich  
 Brady (PA) DeGette Heller  
 Braley (IA) Delahunt Hensarling  
 Bright DeLauro Herger  
 Brown (SC) Dent Herseth Sandlin  
 Brown, Corrine Diaz-Balart, L. Higgins  
 Brown-Waite, Diaz-Balart, M. Hill  
 Ginny Dicks Himes  
 Buchanan Dingell Hinchey  
 Burgess Doggett Hinojosa  
 Burton (IN) Donnelly (IN) Hirono  
 Butterfield Doyle Hodes  
 Buyer Dreier Hoekstra  
 Calvert Driehaus Holden  
 Camp Edwards (TX) Holt  
 Campbell Ehlers Honda  
 Cantor Ellison Hunter  
 Cao Ellsworth 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)  
 Nunes  
 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  
 Lujan  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Marchant  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McClintock  
 McCollum  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 Brady (TX)  
 Broun (GA)  
 Duncan  
 Ackerman  
 Bean  
 Carter  
 Crenshaw  
 Edwards (MD)  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MD)  
 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  
 Murtha  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Oliver  
 Ortiz  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Paulsen  
 Payne  
 Pence  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Rodriguez  
 Roe (TN)  
 Schultz  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Roybal-Allard  
 Royce  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 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  
 Stark  
 Stearns  
 Stupak  
 Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Velázquez  
 Visclosky  
 Walz  
 Wamp  
 Wasserman  
 Schult  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Roskam  
 Westmoreland  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (FL)  
 Lummis  
 Paul  
 Poe (TX)

**NAYS—9**

Flake  
 Foxx  
 Gohmert  
 Etheridge  
 Hoyer  
 Lofgren, Zoe  
 Price (GA)  
 Richardson  
 Rothman (NJ)  
 Shadegg  
 Van Hollen  
 Walden  
 Young (AK)

**NOT VOTING—15**

□ 1347

Messrs. BRADY of Texas and POE of Texas changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**NATIONAL PRINCIPALS MONTH**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 811, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 811, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 794]

**YEAS—411**

Abercrombie Capuano Fallon  
 Aderholt Cardoza Farr  
 Adler (NJ) Carnahan Fattah  
 Akin Carney Filner  
 Alexander Carson (IN) Flake  
 Altire Cassidy Fleming  
 Andrews Castle Forbes  
 Arcuri Castor (FL) Fortenberry  
 Austria Chaffetz Foster  
 Baca Chandler Foy  
 Bachmann Childers Frank (MA)  
 Bachus Chu Franks (AZ)  
 Baird Clarke Frelinghuysen  
 Baldwin Clay Fudge  
 Bartlett Cleaver Gallegly  
 Barton (TX) Clyburn Garrett (NJ)  
 Becerra Coble Gerlach  
 Berkeley Coffman (CO) Giffords  
 Berman Cohen Gonzalez  
 Berry Cole Goodlatte  
 Biggert Conaway Gordon (TN)  
 Bilbray Connolly (VA) Granger  
 Bilirakis Conyers Graves  
 Bishop (GA) Cooper Grayson  
 Bishop (NY) Costa Green, Al  
 Bishop (UT) Costello Green, Gene  
 Blackburn Courtney Griffith  
 BlumenaUER Crowley Grijalva  
 Blunt Cuellar Guthrie  
 Boccieri Culberson Gutierrez  
 Boehner Cummings Hall (NY)  
 Bonner Dahlkemper Hall (TX)  
 Bono Mack Davis (AL) Halvorson  
 Boozman Davis (CA) Hare  
 Boren Davis (IL) Harman  
 Boswell Davis (KY) Harper  
 Boucher Davis (TN) Hastings (FL)  
 Boustany Deal (GA) Hastings (WA)  
 Boyd DeFazio Heinrich  
 Brady (PA) DeGette Heller  
 Braley (IA) Delahunt Hensarling  
 Bright DeLauro Herger  
 Brown (SC) Dent Herseth Sandlin  
 Brown, Corrine Diaz-Balart, L. Higgins  
 Brown-Waite, Diaz-Balart, M. Hill  
 Ginny Dicks Himes  
 Buchanan Dingell Hinchey  
 Burgess Doggett Hinojosa  
 Burton (IN) Donnelly (IN) Hirono  
 Butterfield Doyle Hodes  
 Buyer Dreier Hoekstra  
 Calvert Driehaus Holden  
 Camp Edwards (TX) Holt  
 Campbell Ehlers Honda  
 Cantor Ellison Hunter  
 Cao Ellsworth Inglis  
 Capito Engel Inslee  
 Capps Eshoo 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  
 Loeb sack  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lummis  
 Lungren, Daniel E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Marchant  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McClintock  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McMahan  
 McMorris  
 Rodgers  
 Mc Nerney

NOT VOTING—21

Ackerman  
 Bean  
 Becerra  
 Boren  
 Carter  
 Crenshaw  
 Edwards (MD)

Etheridge  
 Hoyer  
 Lofgren, Zoe  
 McCollum  
 Price (GA)  
 Richardson  
 Rogers (AL)

Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 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  
 Stark  
 Stearns  
 Pascrell  
 Stupak  
 Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Akin  
 Alexander  
 Altmire  
 Andrews  
 Arcuri  
 Austria  
 Baca  
 Bachmann  
 Bachus  
 Baird  
 Baldwin  
 Barrett (SC)  
 Barrow  
 Bartlett  
 Barton (TX)  
 Becerra  
 Berkeley  
 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)  
 Bracey (IA)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)

Rothman (NJ)  
 Rush  
 Shadegg  
 Van Hollen  
 Walden  
 Young (AK)  
 Young (FL)

□ 1354

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall 794. If present, I would have voted “yea.”

RECOGNIZING KENTUCKY WESLEYAN COLLEGE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 837, 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 California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 837.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 795]

YEAS—415

Abercrombie  
 Aderholt  
 Adler (NJ)  
 Akin  
 Alexander  
 Altmire  
 Andrews  
 Arcuri  
 Austria  
 Baca  
 Bachmann  
 Bachus  
 Baird  
 Baldwin  
 Barrett (SC)  
 Barrow  
 Bartlett  
 Barton (TX)  
 Becerra  
 Berkeley  
 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)  
 Bracey (IA)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)

Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Heller  
 Hensarling  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hodes  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hunter  
 Inglis  
 Inslee  
 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  
 Loeb sack  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lummis  
 Lungren, Daniel E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Marchant  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McClintock  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McMahan  
 McMorris  
 Rodgers  
 Mc Nerney

Ackerman  
 Bean  
 Carter  
 Edwards (MD)  
 Etheridge  
 Hirono

NOT VOTING—17

Hoyer  
 Israel  
 Lofgren, Zoe  
 Miller, Gary  
 Price (GA)  
 Richardson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Rothman (NJ)  
 Shadegg  
 Van Hollen  
 Walden  
 Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1401

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GARY G. MILLER of California. Mr. Speaker, on rollcall No. 795 I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING LAURINBURG NORMAL INDUSTRIAL INSTITUTE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 660, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 660, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 796]

YEAS—418

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

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

NOT VOTING—14

Ackerman	Hoyer	Shadegg
Bean	Lofgren, Zoe	Van Hollen
Carter	Price (GA)	Walden
Edwards (MD)	Richardson	Young (AK)
Etheridge	Rothman (NJ)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes to vote on this bill.

□ 1408

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EDWARD BROOKE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the concurrent resolution, S. Con. Res. 43, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

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 concur in the concurrent resolution, S. Con. Res. 43.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 797]

YEAS—417

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

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

Wittman	Woolsey	Yarmuth
Wolf	Wu	Young (FL)

## NOT VOTING—15

Ackerman	Etheridge	Rothman (NJ)
Bean	Hoyer	Shadegg
Carnahan	Lofgren, Zoe	Van Hollen
Carter	Price (GA)	Walden
Edwards (MD)	Richardson	Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas) (during the vote). There are 2 minutes remaining in the vote.

□ 1415

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1415

## ABC/WASHINGTON POST POLL BIASED

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

Mr. SMITH of Texas. Madam Speaker, a poll is reliable only if its questions are unbiased.

A new ABC/Washington Post poll says that most Americans support a public option for health insurance, but the poll question was slanted and characterized a public option as a way to increase competition. There is no mention that a public option could increase premiums, reduce choices, and raise taxes.

In June, the same poll also asked respondents whether they would still support a public option if it made private health insurers go out of business. Support dropped to 37 percent. It's no wonder ABC and the Washington Post omitted that question from its most recent poll.

Furthermore, though it wasn't emphasized, the poll actually revealed that the American people oppose the Democrats' changes in the health care system by 48 to 45 percent. The media should present the facts, not slant the questions and the news.

## MIAMI-DADE GO RED FOR WOMEN EXECUTIVE WOMEN'S BREAKFAST

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

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to recognize the important work of the Heart Association of Miami-Dade and its October 29 Go Red for Women Executive Women's Breakfast.

The National Go Red for Women Campaign, to be held in February, was started in the year 2004 to raise awareness for this critical disease. As the leading cause of death in women, every

year 8.6 million women around the world die from heart disease. Unfortunately, many women do not realize that heart disease accounts for nearly one-third of all deaths in women. Through prevention, this number will be greatly reduced.

The Go Red for Women Campaign advocates awareness and prevention for this disease that affects so many of our grandmothers, our mothers, our aunts, and our daughters. With the continued efforts of the Go Red for Women Campaign and our local south Florida chapter of the American Heart Association, we can ensure that fewer women—and men—fall victim to heart disease.

I encourage all of south Florida to attend Miami-Dade's Go Red for Women Executive Women's Breakfast in October and get involved with the Go Red for Women Campaign in February.

## RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise in strong support of the Ryan White HIV/AIDS Treatment Extension Act.

The Ryan White Act is lifesaving legislation that funds a vast array of innovative and effective services that form the health care safety net for uninsured and underinsured Americans living with HIV/AIDS. Ryan White programs are a "payer of last resort" which subsidize treatment when no other resources are available.

The program provides medical care, drugs, and support services for 500,000 people a year. It has been a huge success in reducing sickness and death from HIV disease and helping people live longer, more healthy and productive lives.

The Ryan White programs also provide funding and technical assistance to local and State primary medical care providers, support services, health care providers, and training programs. Congress must extend this critical law to ensure that vital services are not withheld from people who so desperately need them.

We must pass this legislation so that Ryan's legacy lives on with his message of love, compassion, and hope.

## SUPPORT FOR HONDURAS

(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. Madam Speaker, I had the privilege a few moments ago to meet with three members of the Honduran Supreme Electoral Tribunal. Having the opportunity to speak with them, to ask them questions, and to match their words against the words of their Constitution just affirms in my mind the

fact that the Honduran people need to be respected, as does their Constitution.

When the people of Honduras, through their elected representatives, follow their Constitution, we should applaud, not decry it. When they have a system of laws based on their Constitution which allows free and open elections, we ought to do everything we can to support them rather than condemn them.

It is strange in this world, as we are looking at the possibilities, however fragile they might be, of elections in some other areas of the world, that the Honduran people stand ready to hold their elections pursuant to their Constitution. The United States Government, the United States State Department, and the people of the United States ought to respect that rather than criticize that.

Let us stand up for the Constitution not only in this country, but the valid constitutions of other countries.

#### HEALTH CARE IN AMERICA

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

Mr. KUCINICH. All across the Nation, people are watching this Capitol to see if we are going to have the ability and the courage to stand up to the insurance companies and the pharmaceutical companies who have had a stranglehold on our politics.

There is a reason why 47 million Americans are uninsured. It's because they cannot afford the rates that the insurance companies charge. There is a reason why 50 million Americans are underinsured. It's because the copays and the deductibles are so high they're driving people to the poorhouse. This is not just simply a matter of the health of our Nation and the health of our people, it's a matter of our economy and the economic well-being of the American family.

Congress rightfully should be debating a single payer plan right now, which shuts the insurance companies out of this grab that they've had here for years, but we're not going to do that. The best we can do and the least we can do is at least have a public option so that people have some faith that there is some bargaining agent in there to knock down the cost of insurance.

It's time we stood up for the American people and challenge these insurance companies and pharmaceutical companies.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 676 and H.R. 3012

Mr. MEEK of Florida. Madam Speaker, I would like to ask unanimous consent to withdraw my name from H.R. 676 and H.R. 3012.

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

There was no objection.

#### 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.

#### U.N. HUMAN RIGHTS COUNCIL AND ITS ROGUE GALLERY OF MISFITS

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

Mr. POE of Texas. Madam Speaker, for over 60 years, Israel has had to fight for its mere existence. No other nation has suffered more discrimination and outright threats from the United Nations itself. There have been more U.N. resolutions condemning Israel than any other nation, more than 20 a year.

Approximately 80 percent of country censures issued by the United Nations Human Rights Council are aimed at the nation of Israel, and last week they did it again, issuing another report self-righteously condemning Israel.

But let's just take a look at who some of the members of this so-called "human rights" council are. It's really a rogue's gallery of dictators and tyrants.

The Communist countries of Cuba and China have a seat at the U.N. human rights table. These two stellar threats to their own people are self-righteously condemning Israel. The whole world saw China's disrespect for human rights on display in Tiananmen Square. Religious persecutions, the one-child policy, forced abortions for people who already have one child, persecutions of political dissidents are rampant, and speech against the government is brutally suppressed. China is, yes, a truly shining example of human rights. Yeah, right.

And then there is the tiny Communist country of Cuba, you know, the Mario brothers, Fidel and Raul. They have over 250 prisons in that nation. Political dissidents are beaten and tortured in this island paradise of persecution. Some have died in prison from this abuse. Cuba is a nation that denies human rights to its own people.

And then there is Iran. Iran also sits on the United Nations Human Rights Council. Now, what a surprise that is. What legitimate human rights organization would want Iran as a member? Run by the mullahs and the little fella from the desert, Ahmadinejad, Iran systematically violates human rights. Unarmed men and women are still in jail today for peacefully protesting this summer's rigged presidential election. You know, Madam Speaker, the election where the government murdered unarmed students who wanted freedom. The ones who survived were beaten and tortured, they are denied medical care in jail, and some are sexually assaulted by the jailers as retribution. Some Ira-

nian human rights activists simply disappear, never to be seen again.

Amnesty International says that right now they know of eight women at risk of being stoned to death in Iran for adultery. Of course, if a woman is raped in Iran, that sometimes is considered adultery, too. And the male perpetrator, well, he's released.

In 2004, a 13-year-old girl, Zhila Izadi, was sentenced to death by stoning for being raped and impregnated by her 15-year-old brother. One news report says that the international outrage forced a reduction from death to 55 lashes. After Zhila gave birth to the baby, the government stole her child.

The people of Iran and Iranian Americans continue to cry out against their own government's crimes against the Iranian citizens and their violations of human rights.

Iran is also sending money and equipment to worldwide terrorist groups. To make matters worse, the tiny tyrant of Iran, Ahmadinejad, says he wants to wipe all of Israel off the map. He is making nuclear weapons and building intercontinental ballistic missiles. Now, who do you think these missiles are aimed at? And Iran sits on the United Nations Human Rights Council. This rogue's gallery of misfits has no moral basis to sit in judgment of Israel or anyone else for that matter.

Israel has been fighting for its existence ever since it came into being a nation.

□ 1430

In 1967, it was attacked by its neighbors. It gained territory in that defensive war, including in the West Bank, in Gaza and in the Sinai Peninsula. International law requires that land won in a defensive war must be returned when there is a negotiated peace.

Time and again, Israel has placed itself in jeopardy, has given back land and has traded that land for an empty promise of peace, and Israel is still committed to peace.

Israel and the Palestinians need to problem-solve their issues and need to establish a permanent peace for Israel and for the Palestinian community. There must be a mutual respect for Jews and Muslims. Solutions will occur when respect and honesty are present on both sides. What Israel asks in return is that her enemies merely stop trying to kill her people.

Yet the U.N. Human Rights Council continues to bash Israel. Some members of the council are themselves overwhelmingly guilty of human rights violations and of violent crimes against their own people. These hypocrites have no place at the judgment seat, deciding human rights violations for Israel or for any other nation.

And that's just the way it is.

FEED THE HUNGRY, STARVE  
TERRORISM

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

Ms. WOOLSEY. Madam Speaker, last week, the Hill newspaper here in Washington asked CRS, the Congressional Research Service, to provide information on the cost of the war in Afghanistan.

The CRS reported that it now costs the United States about \$3.6 billion per month, on average, or more than \$43 billion a year. The CRS also reported that it costs about \$1 million to send a U.S. soldier to Afghanistan for 1 year. So, if President Obama listens to the advice he is getting from some of those around him and if he sends 40,000 more troops to Afghanistan, the war will cost another \$40 billion a year, or nearly double.

Yet what have we been getting, I ask you, Madam Speaker, for all of that money? The answer is: Higher casualty rates, a growing insurgency and an Afghan public that increasingly sees America as an occupier, not as a liberator.

This is the result of a fatal flaw in our Afghan policy since the war began. We have relied far too much on the military option alone while, at the same time, putting very few dollars into what would really work in Afghanistan. Instead, what would work is better intelligence and better policing to disrupt terrorist networks; better governance, justice systems, economic development, and humanitarian aid. The Afghan people desperately need all of these to have hope for a better future and to have reasons to reject violent extremism.

The supplemental funding request for Afghanistan, which I opposed in May, was a lost opportunity to take a more successful approach to our relationships in Afghanistan as 90 percent of the funding went to purely military activities while only 10 percent of the supplemental funds was devoted to development activities and to the civilian surge, which are so badly needed. To correct this disastrous imbalance, Madam Speaker, America must have a foreign policy based on SMART security instead of military power alone.

One of the advantages of SMART security is that it works to eliminate the root causes of violent extremism by emphasizing economic development and debt relief to the world's poorest countries. The SMART Security Platform for the 21st century, which I have proposed in House Resolution 363, calls for these policies.

The need to increase aid to the Third World was underscored last week, Madam Speaker, when the U.N. Food and Agriculture Organization reported that a record 1 billion people worldwide are now going hungry. The world's poorest and hungriest nations are potential safe havens for violent extremists. The governments are too weak or

are too corrupt to keep them out, so the extremists are likely to find new recruits among the discontented populations, and those recruits become terrorists by training, and they are trained to attack the United States and other countries.

Even if the Taliban fighters in Afghanistan were to disappear into thin air today, a new terror threat is likely to pop up somewhere else in the world where people are hungry, where people are desperate. If we do a better job of feeding the hungry, we will do a better job of starving terrorism, and we will take an important step toward restoring our moral leadership in the world.

I know that President Obama understands this. I urge him to incorporate that understanding into his policies and to use the effective tools of SMART security to make our Nation and the world safer.

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.)

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

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

AMERICANS WITHOUT HEALTH  
INSURANCE ARE DYING

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

Mr. GRAYSON. Madam Speaker, I pointed out 2 weeks ago that a Harvard study published in a peer-reviewed journal established that 44,789 Americans die every year because they have no health insurance.

I was surprised to see the reaction in some quarters. On talk radio, people said, I don't believe it. It simply isn't true. Somehow, "I don't believe it; it simply isn't true," passes for logical, intelligent thought these days. But it is true. Just a few days ago, a U.S. Senator said that he wasn't sure whether it's true that 44,789 Americans die every year because they have no health insurance. Well, if it were me and I wasn't sure, I would err on the side of caution.

Be that as it may, since the health debate now turns upon whether we are willing to change things in order to make America a better place to provide useful, affordable and comprehensive health care and to stop this terrible national tragedy where 122 Americans die every single day because they have no health insurance, I make the following modest proposal.

I think it dishonors all of those Americans who have lost their lives be-

cause they have no health coverage—by ignoring them, by not paying attention to them and by doing nothing to change the situations that led them to lose their lives. So I make this simple proposal:

I propose that we identify them. I propose that we honor their memories by naming them. They, themselves, can no longer speak, but their families, the ones who love them, can speak. So I've established a Web site called [namesofthedead.com](http://namesofthedead.com).

I invite to it all of those people who've suffered the terrible tragedy of losing a loved one, whether it be of a son or a spouse or an uncle or a mother or a father. For all of us who've lost somebody close to us because they had no health coverage, because they had no health insurance and because they died, I propose that we all go to this Web site, [namesofthedead.com](http://namesofthedead.com), and that we name them, that we honor them, that we cherish their memories, and that we show our respect for their memories by simply naming them.

I also make the following modest proposal: that we all look forward to a day not too far in the distant future when we honor them further in this way, that we honor them further by making sure that no more names are added to this list, that we close it out for all time so that, in the future, it will be a historical artifact and so that no one will ever die in America because one can't see a doctor.

UNITED STATES POLICY TOWARD  
SUDAN

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

Ms. ROS-LEHTINEN. Madam Speaker, after 9 months of struggling to find its footing, the administration has finally unveiled its long-awaited policy toward Sudan. The policy looks remarkably familiar, and it has some merits. Unfortunately, those merits are overshadowed by the prospect of offering incentives and political legitimacy to one of the most manipulative and murderous regimes on the planet.

The administration's desire to bring peace and development to Sudan is without doubt, but the desire to strike a conciliatory tone without first requiring that the Butcher from Khartoum unclench his fist and meet certain conditions has placed the U.S. in a position of weakness against a regime that has proven time and time again that it only responds to concrete pressure.

This man, General Bashir, is a war criminal; and he is responsible for the deaths of over 2 million people. This regime, rooted in radical ideology, is responsible for the ongoing genocide which has claimed 300,000 lives and has displaced 3 million more. This cabal will never be a part of a real solution to the crisis in Darfur, and it must not be treated by the U.S. as a legitimate partner for peace.



There is no shortage of urgent priorities in Sudan, Madam Speaker. In formulating a comprehensive strategy, we must focus on improving humanitarian access and supporting the deployment of a fully equipped peacekeeping mission with robust rules of engagement to ensure civilian protection in Darfur; also, finding a lasting political solution to the crisis in Darfur so that the people languishing in camps can go home;

thirdly, ensuring that the Comprehensive Peace Agreement is fully implemented while fostering genuine reconciliation among southerners;

fourthly, resolving outstanding issues relating to contested areas, including a demarcation on the north-south border;

also, seeing free, fair and transparent elections in April of 2010, a referendum in 2011 and the results of each being respected.

We need to balance our efforts in Darfur with those in southern Sudan so that we do not sacrifice one region for the other. The conflicts in Darfur and in southern Sudan are linked, and they need to be treated that way.

Critically, the United States needs a comprehensive Sudan policy with the wisdom, the foresight and the teeth necessary to advance our own national security interests while facilitating viable peace efforts in Sudan. I don't doubt the administration has tried to accomplish this, but it is difficult to imagine a policy which presumes that the tiger will change its stripes simply because we asked. This is foolish at best and dangerous at worst.

The President's special envoy was all too quick to embrace as a policy victory the reintroduction of the three nongovernmental organizations that have been expelled from Sudan, but let's keep in mind the situation was created by the callous actions of Khartoum in the first place and that the campaign of intimidation and obstruction against NGOs continues unabated.

In rolling out this policy, Secretary Clinton stated, "Assessment of progress and decisions regarding incentives and disincentives will be based on verifiable changes in conditions on the ground."

Ambassador Susan Rice then warned that there would be "significant consequences" for those who failed to live up to their promises and that there would be "no rewards" for the status quo.

□ 1445

It will be incumbent upon Congress to hold the administration to these pledges. In the interim, the U.S. must maintain strong sanctions on the Sudanese regime. U.S. leaders must refuse to be duped by empty gestures and window dressing designed to make us forget about the horror which has taken place in Darfur and beyond.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

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

#### ECONOMY IS NOT DOING BETTER

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

Ms. KAPTUR. Madam Speaker, just this morning to a roomful of Members of Congress, Secretary of Treasury Tim Geithner said, and I quote, "Our economy is doing better." Boy, is he out of touch. Let him come to Ohio. Let him see where our people are living and what we are enduring.

Like many communities across our country, our region has been devastated by the irresponsibility of the big banks where he came from. We have local banking institutions that were prudent in their lending and had strict underwriting. They belong to the Federal Deposit Insurance Corporation, and they have for many decades. They adhere to real rules and regulation, and they have regulators in their banks frequently, and they don't look for special privileges or taxpayer bailouts.

Overall, these community banks did not contribute to the downfall of our economy, and they were not propped up by the Federal Government. Why is this important? Because locally owned and operated banks and credit unions create real economic opportunity in their communities across this country. They invest local capital. They fund local, small and medium-size businesses, and they are accountable to their customers. They know them by name.

Right now, in most economically depressed communities, because of what happened on Wall Street and the megabanks, credit is shut down. It's hard for our small businesses to keep their doors open. They don't want money from TARP and the Federal Government like the Wall Street banks. They just want to return to business as it used to be, prudent, responsible, innovative, creating local capital in the marketplace.

But in America, there is no business as usual right now. On Monday, I met with many of these local bankers and credit unions, and what I heard makes me sad and makes me angry, and it makes me troubled for the future of our Nation. One banker told how he worked his way up in one of the big banks and then saw how capital moved away from our community to where that bank was headquartered. He didn't want to leave our community, so he went to work for a local bank, where he has now become the head of that bank.

What's on the horizon for that institution? The FDIC fees that have to be paid by these local banks that didn't do anything wrong are going up astro-

nometrically, from maybe \$37,000 or \$40,000 a year to over \$450,000 a year, because of what the big banks did, not because of what they did. Why should our local banks be made to pay the price of the excess of Wall Street?

Credit unions, they told us one that had a \$20,000 fee in their share insurance fund. They are going up to over \$240,000 this year. That could shut down credit unions across this country. Why? Because the "too big to fail" banks are dipping into the coffers. What's happening at the local level is that as these higher fees have to be paid, those local institutions can't make loans.

I will tell you what's going on: A further concentration of our banking system in the hands of too few. Five banks in our country now have 37 percent of the deposits in our Nation. What does that say to you?

When will the price of credit be controlled by the very few? In fact, it is right now. Smaller banks are drying up. The FDIC has had to resolve dozens and dozens of them, and more are on the chopping block. Nearly 100 banks have been resolved this year alone, and the FDIC fund has taken a serious hit. It is going to take a bigger hit. Now they are going to the healthy banks to try to pay for the ones that didn't do it right in the first place.

So, who should step in? Where's Congress? What are we doing? We are diddling at the edges rather than dealing with the reality of what's happening in communities across this country.

You know what? It's time to break up these big financial institutions. We ought to take them into receivership like other Presidents have done in prior years in prior decades. We ought to resolve the loans on their books, and we ought to incentivize the part of our economy and those banks and credit unions that didn't do anything wrong.

That isn't happening. "Too big to fail" has to leave our financial vocabulary. It's time to return to Banking 101.

Wall Street was rewarded for bad behavior, and they have been rewarded for the last 15 years. They will do it again, and they are being rewarded again. So what do you think they are going to do again?

No more rewards.

Madam Speaker, the culture of greed and excess has to go if America is to survive this terrible meltdown. The big banks should be taken into receivership, their books resolved, and their burden taken off the rest of us, our financial system and the good actors in it, our taxpayers, so our economy can grow again. Nothing else should be acceptable to the President, the Congress and this country. It's long overdue to stop the billion-dollar bonuses and restore finance as usual in our country.

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.)

#### NASA SPACE MOMENT AND PERILS OF CHINESE DRYWALL

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

Mr. POSEY. Madam Speaker, it's a critical time for NASA and our Nation's leadership in space, as you well know.

With the looming retirement of the space shuttle and the risks of a growing space gap, we are losing tens of thousands of additional jobs across the United States. These are jobs in industries that develop the cutting-edge technology that raises our standard of living and helps American businesses compete.

NASA has been at the cutting edge of technology, leading to so many devices and luxuries that we use every single day. Imagine what a day without NASA products would be like.

First, you may not have had a good night's sleep if you normally sleep on one of those temper foam mattresses or pillows, which were originally designed by NASA as a shock absorber. You may have even overslept without NASA's quartz timing in your alarm clock.

Being green won't help you get ready for work in the morning if you have a solar hot water heater installed in your roof, because cosmetics, toothpaste and many perfumes find their roots in NASA.

Before you head out the door, you may have difficulty getting an accurate weather forecast due to the lack of weather satellites coming out of our Nation's space program.

Better use a landline telephone to call work and let them know you are running a little behind, because cell phones and other wireless devices will be out of service on a day without NASA-derived technology.

Getting to work might be a challenge as well, particularly if you drive a hybrid. The lithium-ion battery in your hybrid was developed with NASA engineering expertise and tested at the Kennedy Space Center. Get rid of that temper foam seat on your motorcycle that you might ride to work.

Don't plan on flying to that vacation or important job conference. NASA-developed flight tracking and management software is used by air traffic controllers. It probably won't surprise you that flight safety software was developed by NASA. Just in case you find yourself on an airline, it may be a bumpy ride without NASA software that informs the pilots of turbulent conditions.

Work may be a little difficult too without access to NASA computer technology and their wireless headsets.

These are just some of the reasons we must also support the President's promise to close the space gap between

the shuttle and the Constellation Program and keep America first in space.

I will share more about NASA technology with you in our next space moment.

In the meantime, on an unrelated but another important topic, as a member of the Contaminated Drywall Caucus and a representative of an area impacted by contaminated drywall, I wanted to take a few minutes to draw the attention of my colleagues to this also very important issue.

Between 2004 and 2008, many homes were built using what has turned out to be organically contaminated drywall. Homes in 26 States and the District of Columbia are affected. It is particularly problematic in areas like Florida where we have high humidity.

A little over a year ago, it was discovered that the source of a number of corrosion issues and health symptoms were likely due to contaminated drywall originating in China. Since then, we have been working hard to find a solution, and what we have discovered is pretty disturbing.

The contaminated drywall consists of toxic and semi-toxic substances which release harmful gases. Many of these homes are filled with a pungent sulfuric odor which has since been linked to adverse health conditions. Some families have already been forced to move out of their homes for fear of long-term health effects.

These gases are also responsible for devastating corrosion to many standard household materials such as copper and brass fittings, air conditioner coils, electrical systems, and even fire alarms. We don't know if there is a valid remediation protocol short of pulling all of the contaminated boards out and replacing them.

The Consumer Product Safety Commission has been tasked as the lead Federal agency and is working with the Department of Housing and Urban Development and the Environmental Protection Agency to find solutions. The Consumer Product Safety Commission will soon release a study to answer some of the questions. They are also working on a remediation protocol.

The Consumer Product Safety Commission must work closely with all parties, seriously consider the results of private studies and share the results of their own studies with all stakeholders. We need all parties to be part of a quick and permanent solution.

I ask all of my colleagues to join me in thanking all those who are working so hard on this issue and in calling on the CPSC to bring forward their study results quickly.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman 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.)

#### IN MEMORIAM: DR. RITA HOCOG INOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. Madam Speaker, in the Northern Mariana Islands, as in any developing area of the world, there are very few people who achieve the highest of academic distinctions, the doctorate degree. Even fewer are the individuals who reach this achievement and then are willing to return home with their knowledge and skills. So it is a sad day, indeed, and a terrible loss to the Northern Mariana Islands when death takes from us such a person.

Dr. Rita Hocog Inos was born on the island of Rota. She grew up in Songsong Village there, attending elementary and junior high school. At the age of 18, she began teaching at Rota Elementary School. It was not uncommon a generation ago for persons without college degrees to be teachers in the Northern Marianas. We had to make do and lift ourselves up by our own bootstraps.

But Rita Inos was not satisfied to be an educator lacking in education. After 4 years of classroom teaching, she returned to school as a student and completed her bachelor of arts degree in bilingual education at the University of Hawaii of Manoa in 1979.

She brought her new education and skills home, working as principal in Rota schools for 10 years. At the same time she continued her own education with a determination that was an inspiration to all who knew her. By 1983, Rita Inos had completed her course work towards a master's degree in educational anthropology from California State University and had been awarded the master of arts in school administration and supervision degree from San Jose State University.

Throughout this time she was, of course, a role model, not only to the students of Rota but to her professional colleagues as well. Rita Inos seems to have had an unquenchable thirst for knowledge and an undeterrable determination to reach the highest level of education and achievement. That was clear to all.

Her influence spread. She was asked to first work for the Center for Advancement of Pacific Education and later in the Pacific Region Educational Laboratory in Honolulu, beginning as director of programs and services and then becoming deputy director of PREL overall as a whole.

Of course, all the while, Rota Inos was pursuing her doctorate. She earned

that coveted final degree in 1994. The University of Southern California bestowed on her the title of doctor of education in educational planning, policy, and administration.

Dr. Inos immediately placed those three areas of expertise in the service of students and the educational system in her home. The newly minted doctor of education became commissioner of education responsible for all of the public schools in the Northern Marianas.

Her list of accomplishments in that position is considerable.

She established a data-driven assessment system of student achievement that anticipated the requirements of No Child Left Behind.

She implemented a standards-based curriculum and method of instruction, and set rigorous graduation requirements for students in the core curriculum areas.

She secured the funding to build new schools—Sinapalo Elementary, Dandan Elementary, Chacha Oceanview Junior High, Saipan Southern High and Kagman High—in response to a 30 percent growth in student population.

□ 1500

She helped found two alternative education settings for Marianas students, the Advanced Development Institute at the three Saipan high schools and the Linala Malawasch Academy at Hopwood Junior High School. And she set the guidelines for the public school system that continue in use today: high student performance, safe and orderly schools, quality teachers, administrators and staff; and effective and efficient operation.

Dr. Rita Hocog Inos was an incredible source of good for the Northern Mariana Islands and for every student in our public schools, throughout her life and surely for many years to come. She left us too soon. But she left us so much, including one final gift, for in her final days, Dr. Inos had returned to her first love, preserving the indigenous language of the people of the Northern Mariana Islands. Even as her body failed her, her mind remained sharp, and her will unbending. I am told that she learned the revised Chamorro dictionary that was her final project was ready for publication the day before she died. And, I am told, then she was at peace.

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

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

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

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

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

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

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

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

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, it's a treat to be able to join my colleagues today here on the floor of the U.S. Congress talking, once again, about a subject that has absorbed the attention and energies of Americans now for a number of months, the subject of American health care.

This is a big subject. It involves 18 percent of our entire gross domestic product. If you take a look at the hospitals, health care providers and doctors and all, you're looking at 18 percent of the U.S. economy. So from an economic point of view, it's a big deal. But we know it's a bigger deal than just that. We know it's a big deal because it's dealing with our personal bodies. It's a personal issue. And it's something that has to be done, and it has to be done the right way.

There are many different ways of looking at and talking about the subject of health care, and I'm going to be going through those. I anticipate being joined by some of my colleagues and friends here talking about this issue, but I thought I might start a little bit differently this week than I have in some past weeks on health care and read excerpts from a letter that I have received from a lady I have known for a good number of years. It turns out that she works in Europe, Eastern and Western Europe, has had a family over there for more than 10 years and has had access to the health care in a number of different Eastern and Western European countries.

So I thought I would share some of her comments as she hears about our debate here in the United States on the subject of health care and has shared some of her personal experiences from having lived there. She starts by saying, The first thing I note about the system of health care is that people who want really good health care travel to the U.S. if they can at all.

It's interesting, isn't it? People in Eastern Europe or Western Europe, if they want really good health care, they travel to the U.S. So regardless of what

we say may be broken about our system, certainly they prefer to do that if they can. In fact, some of the immigration to our Nation is based upon older people wanting better health care. And when you observe that with government-regulated health care, older people can get two free cancer treatments, and then they must consent to go home and prepare to die, you understand why the world envies our tradition of health care in America.

She continues: My family have had surgeries, transplants, various tests and medical maintenance checkups in facilities in a number of countries where medicine has long been regulated by the government. My first introduction to this was hearing a national friend express her joy, and others, by this statement: God has been so good to my mother. She got in a hospital where the staff mops the floors and changes the sheets. For an American used to even community health clinics that surpass some of the westernized, that is, these European specialized clinics, that I have seen in Europe, this was a shocking first revelation that government-run health care was not all that it had been cracked up to be.

Then she goes on and talks about some different people that might be getting health care. The first category she talks about is the elderly. She goes on: Later as I became a regular visitor in middle-class hospitals, I saw firsthand how very fortunate we are in America. I speak here of hospitals and clinics to speak of care for the elderly as almost too sad to describe, she says. But I can tell you that whereas once I was incensed by a low-budget nursing home my aunt was placed in—now she says in America she had an aunt that was placed in a low-budget nursing home. She was very upset about that kind of care in America. Now that I have ministered to elderly people lying in narrow beds in the back corner of dingy two-room apartments because nursing homes or assisted-living programs are beyond the hopes of the people who supposedly have free access to their nation's health care system, I think of my aunt and am grateful she had a comparatively luxurious environment. So much for the elderly.

Let's talk a little bit about children. As for the care of children in a government-regulated system, let me give one example. As a public school teacher in a capital city, I was not allowed to help the orphan girl who lived with me to get glasses, though she obviously needed them. According to the school nurse in charge of the health of the children in that school, she did not qualify. Unfortunately, I did not realize then that this was my cue as caregiver to offer the nurse financial incentive to write the recommendation to request an eye exam at the government clinic. In other words, here is a little girl in a school that can't see properly, and you have to bribe someone in order to get an eye exam. So much for government care for children.

Here's one for women. This is from her own personal example: No woman enjoys her gynecological annual check-up. I would ask American women to imagine a scene where in one of the best clinics you sit in a stark, icy cold room, naked from the waist up as folks walk in and out until you learn to bring your own cover-up when awaiting a mammogram. Imagine that one of the best clinics in your city cannot give you more sophisticated testing for a suspicious spot, and after seeking a clinic in a neighboring country, you end up in another stark clinic where attitudes and expectations are demeaning to any woman's dignity. Eventually, you are sent where for reliable testing? To America.

These are just some of the impressions of someone that in a number of countries has dealt with government-run health care systems. And they are not very pretty pictures.

That's what we're going to talk about once again, and that is, what happens when our government tries to do too much, when the government decides that we are going to take over 18 percent of the economy. Now, there are those who are going to tell you that what's being proposed by the Democrats is not a government takeover of health care. Well, it all depends on what version you're looking at. But in essence, most of the versions of the Democrat-proposed health care plans have the idea that the government is going to get into the business of bidding for government health insurance. And so if you have the government get into the business to start with, what happens is typically that the government tends, over time, to take the thing over.

We've seen the same thing in student loans. There were government-assisted student loans a number of years ago, but there were a lot of private people offering student loans. Now after a bill that was just passed, essentially the Federal Government, while it just had its toe in the door before, now it has 80 percent of all the student loans in America.

And so what happens if the government does too much? It goes beyond what it's effective at doing. Well, we have seen some of these kind of things—inefficient allocation of resources, bureaucratic rationing, degraded quality and excessive expense. This has led people to quip in the case of health care, "If you think health care is expensive now, just wait till it's free."

And so let's take a look at some of these areas and see this if there is real cause for concern. The first chart that I have here is an attempt to try to put on a flowchart the proposal that NANCY PELOSI has set forth in the House plan. And it's about a 1,000-page bill, so this chart, to try to reproduce 1,000 pages, what they're doing is all of these colored boxes are new agencies or some new structure which is going to start taking over this 18 percent of our econ-

omy. This is the House Democratic health plan. There are several others in the Senate. But this is the House picture. And what you see here, in a sense is, if you're a consumer, if you're ill, you're over here, you've got doctors on the other side and you've got to somehow get through this maze. I was thinking about creating a cartoon with all these little paths and you would find that, unfortunately for many people, there is no path through this morass of government bureaucracy.

Now there are some people who have a tremendous faith in Federal Government, have a lot of faith in government in general, and feel the government could run this process better. But when you think about it, it's your body. And if you're sick, do you really think the government is going to provide you with a level of care?

So the first thing here is there is a complexity. It's very hard for the government to reproduce our free enterprise system of health care. And so this gives you a picture as to what the Democratic bill would look like. Now what I would suggest to you is that if you take a look at American health care, there is a lot of talk about it being so bad. And yet foreigners, if you're sick, if you're a multimillionaire sheikh from Bahrain and you're sick, guess where you're going to go with your money to get your health taken care of? You're going to come to the good old U.S.A.

So in America, we realize that there are some problems in health care, but we also realize that we still have the best health care in the world. So the idea that we just have to have change, let's change it to make it like all these other countries, doesn't make a whole lot of sense.

What is broken about American health care? If you stand way, way back and look at it from a distance, what you see is that it's not so much the care that is being provided for people, although there is always ways you can improve that, what is more broken is the way we pay for it. That is the more complicated question. And the reason that's complicated is because about one-third of Americans don't pay anything for health care, and the other two-thirds have to pay for the one-third that aren't paying. So that's part of the nature of the problem.

But the question is, is the solution to that problem to have the government take it all over, either directly or de facto by getting into the business of selling health care until nobody else sells it except for the government? That's what this proposal would suggest.

Now there are other problems as we have seen. Excessive expense is one of the things you have to worry about when the government takes over something. Do we have any reason or basis for being concerned about an aggressive government takeover of the medical area? Well, take a look here at three of the large, large entitlement

programs created some many years ago. One you know is Social Security, which is not so much medical. But Medicare and Medicaid are. If you take a look at the projected growth, particularly in Medicare here over a period of time, you realize that the government is not doing a good job of controlling cost. It's almost impossible, in fact, for the government to try to control the cost. They've written the program, written all of this law, and the law just ticks away and people collect their benefits. It's called an entitlement program. These entitlement programs—these graphs are agreed-to numbers by liberals and conservatives alike—are showing that these programs are financially out of control. In fact, if you really want to take a look at understanding the real challenges to the American economy and the biggest challenges to the solvency of our government, certainly the major component parts are the tremendously ballooning increases of Medicare, Medicaid and Social Security.

□ 1515

Now, this red line here is about what the historical average of tax revenues are. You think, well, shoot, if these things go up, we just raise taxes more and everything will be okay. But that doesn't necessarily work, because what happens when you raise taxes too high, you kill the economy. You may have a very high rate of taxes, but the amount of money that the government takes in is not very good.

That may seem strange to you, but if you really think about it, let's say you are king for a day and your job is to raise taxes by taxing a loaf of bread. And you think to yourself, well, I could charge a penny a loaf and make some tax revenue on that. Then you think, ha, maybe I could charge \$100 a loaf on bread. But maybe people wouldn't buy so much bread then. Somewhere between a penny and \$100 there is some optimum level of taxing where you are going to get the most tax revenues.

What we found historically, when the Federal Government runs its taxes too high, it just kills the economy and we end up not making too much money. So you can't fix this problem by constantly taxing people more and more.

So, with this experience, this would give us a lot of confidence to say we want the government running our health care. I would suggest now that that is an optimistic way of looking at things, if you want the government to do that.

This is a statement made by our President. "Most of this plan can be paid for by finding savings within the existing health care system, a system that is currently full of waste and abuse."

It is as though we had some government document in our ledger books that said "waste and abuse," and we can just subtract some money out of waste and abuse and we have all this extra money in here.

Well, where was it he was going to go to get all of this “waste and abuse”? Well, he was going to go to Medicare. And how much money was he going to take out of Medicare? Oh, at one time the estimate was \$500 billion being taken out of Medicare, particularly the Medicare Advantage program which is enjoyed by many seniors all over this country.

So here he says, “Most of this plan can be paid for by finding savings within the existing health care system.” What sort of savings? Taking it out of Medicare. That is one of the reasons why these health care proposals have been not too popular. The senior population enjoys Medicare Advantage and other parts of Medicare, and they are not so sure that this is the way to pay for socialized medicine.

Another statement by our President: “Here is what you need to know. First, I will not sign a plan that adds one dime to our deficits, either now or in the future. Period.”

Very emphatically. I am not going to add one dime to our deficit, says the President; yet, if we take a look at the last 6 months, we kind of wonder whether he is really very serious, or maybe whether he was joking. Because if you take a look the Wall Street bailout, \$250 billion we spent; economic stimulus, which was really an expansion of welfare and a lot of other programs, \$787 billion; SCHIP, another \$66 billion; another \$410 billion for appropriations in the IMF bailout here. When you get all done, we are looking at a spending of \$3.6 trillion, which we don't have.

In fact, by the time we got to about March or April of this year, we had spent all the money that was coming in in taxes. In other words, it would be like you and your family budget, and you are sitting there, you have one year you are supposed to make your budget over, and you get through the first 4 months and you have spent all the money for the year. That is what happened here federally with the trillions of dollars of debt and deficit that is being piled up under the Pelosi and Obama leadership.

We were told that George Bush spent too much money, and he did. That is why I voted against a bunch of his proposals even though I am a Republican. But he is a mere piker when it comes to spending. So when we say we are not going to add one dime for a health care plan that isn't paid for, this record that has been established over the last 9 months certainly is one that leads us to be just a little bit skeptical about that promise.

We have had some other promises from the President. Here is one: “If you are among the hundreds of millions of Americans who already have health insurance through your job, Medicare, Medicaid or the VA, nothing in this bill will require you or your employer to change the coverage or the doctor you have.”

Boy, I am sure glad to hear that. One thing, if I knew the Congress were

going to be having the government take over health care, if they told me I could kind of keep the program I have and the doctors that I am comfortable with, I would think that is a good promise. I really like that. But is it true? Is it true? Let's take a look at what other evidence there is to see if this is true or not.

This is an MIT health economist. “If you like it, you can keep it?” with a question mark. Is that really true? If you like your health insurance today, can you keep it?

Here is what Jonathan Gruber said. “With or without reform, that won't be true,” said Gruber. So he is basically saying the President is wrong, it is not true. His point is that the government is not going to force you to give up what you have, but that is not to say other circumstances won't make that happen.

So, what you have going on here is that by having the government involved in health care, what is going to happen is the government will continuously exert an influence. It will change the way that the private insurance companies write their health care, and you will not be able to continue with the care that you currently have. So this is another promise which is a bit misleading.

One of the things that is particularly important I think for most Americans in health care overall, and that is they want that doctor-patient relationship protected. When you go to see your doctor, most of the people who practice medicine do so because they like to heal people, they like to help people, and they will take time with you. They will try and diagnose what is wrong with you, and they are going to say, you know what I think you should do, you ought to do this, this and this.

They are going to make a recommendation. You may or may not choose to take their advice. You may get a second or third opinion if it is something that is very serious, but you are going to check it out. Then, when you and the doctor eventually come up with a plan as to what you are going to do if you have a problem, you don't really want somebody in an insurance company telling you, No, you can't do that. You want to be able to have the doctor-patient relationship to be intact and that you can proceed on that track. You certainly don't want somebody that works for an insurance company getting in the way.

But there is one thing worse than some big insurance company getting their nose in the relationship between you and your doctor, and it is much worse, and that is when a bureaucrat gets his nose in and says, Sorry, you are not qualified to get that care.

You see, there is nothing about the way the bureaucrat is going to figure out who is going to get care, because this is basically a law of supply and demand. It is a basic law like the law of physics, and that is, if you have an unlimited demand and a limited supply,

things aren't going to work. So you have everybody in the country wanting absolutely free health care and you have got a limited number of hospitals and doctors, something has got to give.

So what is the solution? Well, the government bureaucrats are going to get these big old calculators and they are going to figure out whether you are the right age to get this particular health care or not, or maybe use other parameters to determine do you get service or do you not. It is called bureaucratic rationing.

You know, the trouble with their calculators, those big old calculators, they don't know anything about health care. They are just counting dollars. So, if you are the wrong age, too bad. You get a bottle of aspirin and get to go home and just wait to die.

Anyway, one of the things that is very important to Americans is the idea that you and your doctor's decisions about health care should be protected and final. So this is something that never can happen here on the floor of the House, because people wouldn't want an embarrassing vote to happen here on the floor. But they do allow amendments in committees.

Here was an amendment that was offered by a good friend of mine, Dr. GINGREY from Georgia, an amendment in a committee. Here is what the amendment says: “Nothing in this section shall be construed to allow any Federal employee,” you can translate that bureaucrat, “or political appointee,” an appointed bureaucrat, “to dictate how a medical provider practices medicine.”

That is, we want to leave the doctor-patient relationship intact. That is what this is about. This is kind of a simple little amendment. You may think we pass thousand-page bills on the floor here that we haven't had read or printed. That is true. We don't like it. We have a bill to try to fix it. That does happen. This isn't any 1,000 pages.

This is a simple little sentence. You can read it off this chart. This amendment was offered in committee, and guess what? This amendment failed. People voted on it. Do you like this? Do you want to keep the doctor-patient relationship sacrosanct?

Here is the votes. The Republicans, 23 of them, voted for this amendment that Dr. GINGREY proposed. The Democrats, 32 of them, voted against it, and one voted for it. So it was almost a straight party-line vote, and this amendment failed. This amendment failed.

So if we start talking about some bureaucrat dictating whether you are going to get care or rationing of health care, don't be surprised. A lot of politicians say a lot of things. This here is a written sentence in English, and this here is an historic vote total. People can have opinions, but they don't have the right to their own set of facts. This is a fact. This is what happened in committee, and this should give you some concern if you don't want the government rationing your health care.

Here is another statement by our President: "There are also those who claim that our reform effort will insure illegal immigrants. This, too, is false. The reforms I am proposing would not apply to those who are here illegally."

Well, I am glad to know that the people who are paying for health care in America wouldn't be having to pay for people that aren't even American citizens. And that is what the President is assuring us of. We are not going to be paying for people who are here illegally.

Well, again, like a lot of these other statements, instead of just taking it at face value, you probably better take a look at the fine print to see if he is telling the truth, because the last couple of statements he made, I don't believe him at all. Do we have any reason to believe this statement? Let's take a look and see.

This is an amendment that was offered by Congressman HELLER, and it is going to clarify this question. This is an amendment that is going to go on to the Democrat health care bill. It was tried in committee. What he wanted to do was, Congressman HELLER, who is a Republican, he wanted to take Obama up right on this promise right here that he made that no illegal immigrants are going to be getting any of this government-paid-for health care; translated, that means you and I pay for it.

So, he says, well, fine. If that is what you mean, we are not going to have illegal immigrants getting health care, what I am going to do is write up a sentence here just to make that absolutely clear. Here is the sentence: In order to utilize the public health insurance option, an individual must have had his or her eligibility determined and approved under the Income and Eligibility Verification System, IEVS, and the Systemic Alien Verification for Entitlements, SAVE, program.

In other words, using other parts of our government law, you have to prove that you are here legally if you are going to get any of this health care provided courtesy of the U.S. Government, provided courtesy of the U.S. taxpayer.

So here is an amendment that just makes clear that what the President was saying is true. And how did this amendment go in terms of voting in committee? Well, here we have it again. The Republicans voted 100 percent; that is, 15 of them voted for this amendment. They said, yeah, we don't want illegal immigrants getting this socialized health care. And the Democrats voted 100 percent, that is 26 noes, and they don't want this in the bill.

Now, does that give you a sense of confidence that what the President said is really true? If we didn't want illegal immigrants to be getting this health insurance from the government, wouldn't the President say, hey, Democrats, vote for this amendment so we can make it clear to the public that we don't have any illegal immigrants getting this? No. Of course, this is voted.

So we hear one thing from the President, and yet, in fact, when we actually put an amendment up in committee, we find a straight party-line vote.

Some people say there is no difference between Republicans and Democrats. If you worked down here, my friends, you would know there is a very big difference. A very big difference indeed.

I am joined by a good friend of mine, Congressman HOEKSTRA, and you have joined us before as we have talked about health care, just kind of running through a whole series of different aspects of what is involved in this huge debate that is taking place. Apparently, at some period of time there is going to be a big vote on this subject. I don't know if we will get a copy of the bill or not, but there is going to be a big vote.

I would yield time to my good friend from Michigan to let us know what your thoughts are.

Mr. HOEKSTRA. I thank my colleague for yielding and talking about health care.

You know, we can go through all of the different issues that are out there on health care, what is going to be covered, what is not going to be covered, but I will tell you, the more that I look at this and the more that I study, the more that I am coming to the conclusion this is not about the quality. It is not about the quantity of health care in America today. This is becoming more and more about who is going to control your health care, my health care, my family's health care. It is about control. Because health care is 18 percent of the economy, and it is going to be about whether you and I are going to be in power to make those decisions, whether our families and others.

Someone called me after I did the Special Order last night and they said, you know, it is not you and I empowering people in the private sector. They already have the authority. They take a look at the Constitution. The Constitution gives them that authority to make these kinds of decisions for themselves.

□ 1530

It empowers the States. It is the States that have the power to do it. The only thing that may happen here in Washington is we may take that authority and that opportunity away from them and say, I'm sorry, the choice of health plans that you may have, we're going to restrict that. We're going to restrict that. You're not going to be able to choose a health savings account. You're not going to be able to choose a high deductible account. Everyone's going to have to purchase from a narrow range of options of more Cadillac-type of plans that have all kinds of benefits into them, many that people don't want. So it's about control rather than quality and quantity of health care.

Mr. AKIN. So basically what you're really saying is one of the things that's

going to be lost, one of the big things that's going to be lost is the person who's sick having some say over the direction of which way they're going. I think this big blue button here, this is the nerve center. And if you want to be in the right place in health care, you want to be this health care—I don't know if this is a czar or not.

Mr. HOEKSTRA. If the gentleman will yield.

Mr. AKIN. I do yield.

Mr. HOEKSTRA. Yeah. We're not only taking the authority and the opportunity to control your health care when you're sick, but it's more important. It's like for our young kids, for our kids. What we're doing is for the young person who is saying, you know, I might want a high deductible plan because I want low premiums because I've got a dream of starting a new business and I need all the cash that I can to funnel into that start-up business because, you know what? I've got the belief and the dream that my business is going to be the next Apple computer, and I want to use all of my available resources after I've got, you know, after I've bought this health insurance plan because I do recognize that I want to be covered if I get a catastrophic illness or whatever. But I want to put that money into my business. They're not going to have that opportunity anymore.

Mr. AKIN. Just reclaiming my time. Gentleman, you're talking about a situation, you're 30 years old, bullet proof, but you say, yeah, it's possible. If I got the really bad part of the statistic, I could get something I couldn't afford to pay for so I'm going to get that catastrophic plan that fits me in my situation. I don't need OB-GYN coverage because I'm a guy, and so I don't need that part of the plan. I'm just going to get this catastrophic thing and take the rest of my money and I'm going to put it into my small business because I've got a dream.

Mr. HOEKSTRA. If the gentleman will yield.

Mr. AKIN. Go ahead.

Mr. HOEKSTRA. I think what we're taking a look at here—because what happens is we're shifting the authority from individuals to make those kinds of decisions, and we're moving it right into that chart that's next to you and saying, your health care decisions are now going to be made by the people in those charts, the people who fill those boxes. You don't know their names. You don't know their background. You don't know their values. All you know is that the health czar, I guess that blue box there—

Mr. AKIN. If you push this button, it'll make the whole thing go, I think.

Mr. HOEKSTRA. But you push that button 181 times I think in one of the bills here in the House, we've instructed the czar to, you shall, you will, you must and every time that health czar has the opportunity to make that kind of a call, that's a little bit more of an erosion of the power from you and me and our constituents.

The other thing is it's an erosion of power from our States. There's lot of States that are experimenting with how to fix health care, how to issue, address some of the concerns that are out there. And so they're experimenting and they're working, and now we're saying, Sorry, it'll be one size fits all. It'll be the size that comes out of Washington. Where in the Constitution, this right now, our colleague, you know him well, JOHN SHADEGG, and I wrote a series of op eds, one of which says we have a vision for health care which is about markets and it's about personal authority. That was the first thing.

The second op ed we wrote was one that said, here's what's wrong with the Baucus plan. Actually, the Investor Business Daily that ran that op ed, they put their own title on it. They called it, "Lies, earmarks and corruption all in one bill." If you read the op ed that Congressman SHADEGG and I wrote, I think the title aptly fits the content that we have in it.

Then the third op ed says, we've got a vision as to empowering individuals or not empowering. We have a vision of leaving the power and authority with individuals. We have identified what's wrong with the Baucus plan and H.R. 3200. The third op ed says and here are the specific things that we would do. Seven specific things.

Mr. AKIN. You're talking about freedom.

Mr. HOEKSTRA. Freedom. This is why we need the TEA Party movement, why we need the 10th Amendment groups that are out there that are fighting for State sovereignty and fighting for us to go back to the Constitution. That's why we need them to reenergize to bring the momentum back that we saw in August, to have them fight for freedom and to stop this massacre.

You know, people are now saying it's going to happen. The question is, how bad will it be? And whatever form it will be, it will be very, very bad because it's going to be an erosion of power and a shifting of power here.

Mr. AKIN. Gentleman, I don't accept that and I know you don't accept that, that we just roll over and say we're going to have this government takeover of everything. I don't accept that.

Mr. HOEKSTRA. We know government takeover doesn't work. It doesn't work in transportation. Michigan, in the 50 years that we've had a highway transportation bill, we've gotten 83 cents back on the dollar for 50 years. I call that legalized Washington corruption because other States have stolen that money from us. And as one of my constituents said the other day—my friend from California must be smiling, he must be getting some of that money in California. But you know—

Mr. AKIN. He's looking too happy over there.

Mr. HOEKSTRA. They're stealing from us. And one of my constituents said that they had just been—they

went through West Virginia. And they said, West Virginia has gorgeous roads and all we've got is potholes.

Mr. AKIN. Well, I think somebody's getting their fist in some of that Federal money. You know, you talk about free enterprise. One aspect is in free enterprise you can fail, and we even allow some of our States to fail. You talked about their examples, Massachusetts and Tennessee have been pioneers in this system. And what have we learned from them? It's like Thomas Edison making light bulbs. He made 100 light bulbs. The first hundred, none of them worked. Well, these light bulbs don't work either. They not only have mercury in them, you turn them on, they just cost you money and don't work.

Mr. HOEKSTRA. And this will be the first light bulb that we try, and we will impose it on all of America. As a matter of fact, we'll impose the taxes to pay for it really, really soon; and we won't be able to implement this for about 4 years. It's interesting. Of course, it won't be implemented until after the next election. Interesting point.

Mr. AKIN. We are joined by your good friend from California. I see he has a little something he wants to say. But, Congressman LUNGREN, I would just be delighted if you'd join our conversation here.

Mr. DANIEL E. LUNGREN of California. Well, I thank the gentleman. I was noticing as I looked at the chart that outlines the 53 different departments, agencies and new programs that are in this bill that there's at least one box missing. Can you tell me where the box for litigation reform is?

Mr. AKIN. Oh, litigation reform box. It's got to be here somewhere. Could it possibly be forgotten?

Mr. HOEKSTRA. It's not there.

Mr. DANIEL E. LUNGREN of California. Well, see this is the problem. I have had these town hall meetings, not just in August, I started back in June on the subject of health reform, and saw all the people coming out in my district not to organize, but coming out as individuals. And one of the first things they said to me, and actually, I did a little test later on when I held some of my town hall meetings, I didn't mention litigation reform and immediately people jumped on me and said why didn't you talk about litigation reform? Well, I happen to think, having experienced medical malpractice litigation while I was practicing law, mostly defending doctors and hospitals—

Mr. AKIN. You're admitting to being a lawyer here on the floor. I appreciate that.

Mr. DANIEL E. LUNGREN of California. But I was on the right side for most of those cases. And I listened to what the people at home said. And they were saying they thought that we were wasting a good deal of money adding to the total cost of health care because of frivolous lawsuits. And now that it's been borne out by study after study

after study talking about the billions, tens of billions, of dollars which we are wasting because we have frivolous lawsuits.

And there are ways of dealing with that, but I have noted that it is not in the bill that came out of Energy and Commerce. It is not in the bill that came out of Ways and Means. It is not in the bill that came out of the other committee here in the House. It is not in the bill that came out of the Senate Finance Committee. It is not in the bill that came out of the Health Committee on the Senate side. In other words, it's not in any of the bills that we're going to dealing with.

And that prompts this question: What happened to August? Did August actually occur? Did those town halls come together? Was that imaginary, or, like the President did in his speech to us, are we to forget about it or pretend it didn't occur? And if we can do that, can we forget about the possibility that litigation reform may be an essential part of bringing the overall cost down and produce better medicine because defensive medicine, that is, unnecessary tests will not be done.

And so, I again, ask the gentleman, are you aware of litigation reform being a part of any of the bills that have come through the committees in the House or the Senate or part of that display that you have before you?

Mr. AKIN. Well, gentleman, as a way of trying to answer that question, I do recall the President saying earlier, and repeatedly, that the Republicans don't have any ideas on this. And so this must be one of those ideas that's not an idea because that's why they didn't put it any of their plans. Of course most people that know anything about medical care know that some of the excessive costs are created by things that are done just for the purpose of attorneys.

Actually, I would like to defer your question to the good doctor from Georgia who's here, who has had 20 years or so in practice. Well, we've got two doctors actually. Just a second, now. Congresswoman FOXX, are you trying to escape on us here? We've got two doctors. I'm going to go to my most beautiful doctor who's here joining us this afternoon. Would you please share for a minute, and then I am going to go to you, Dr. BROWN.

Ms. FOXX. Well, I want to thank the gentleman from Missouri for the yeoman work that he has done on leading these Special Orders to explain to the American people what's wrong with these plans that are being presented by our colleagues across the aisle, and pointing out that Republicans do have alternatives to what is being presented here.

This morning, during 1-minutes, at least two of our colleagues got up and said, Republicans have no alternatives. And I think it's very important that we continue to point out that we are not just here to be critical of what has been proposed by the Democrats, but to

say, yes, we have alternatives. Our alternatives don't cost any money. We can do whatever needs to be done.

Mr. AKIN. Congresswoman FOXX, let's just hold right there for a second. What you just said is so very, very important. We've already mentioned one Republican alternative that is not in any single Democrat plan, which is tort reform, isn't it?

Ms. FOXX. That is correct.

Mr. AKIN. And so our good friend from California, who is an attorney who came in here and warned us about this, there's one. Okay, now why don't you name another one or two.

Ms. FOXX. Well, we have bills that talk about accessibility and portability. Portability, meaning we would all own our own health care insurance. If we lost our jobs, we take it with us. We want to give tax deductions to individuals.

Mr. AKIN. So that's usually called by the word "portability," isn't it? And that's something that Republicans largely support; is that your understanding?

Ms. FOXX. That's right. And the American people support that. We also support accessibility for people who have preexisting conditions. We support groups being able to band together and form larger groups to bring down the cost. So we support all those things the American people say they want.

Mr. AKIN. So, in other words, another proposal would be that if you got a bunch of small businesses, if they want to pool their employees and get a better deal on health care, they can create these health care pools. Now that's an idea. Do you know any Republicans that are opposed to that?

Ms. FOXX. I don't know any Republicans that are opposed to it; and, frankly, I don't know any Democrats who've signed on. But what we need to point out again is that what the Democrat plans do is to cut existing Medicare programs to come up with sham funds to put in their new program.

And with that I'm going to yield back, because the Rules Committee is currently meeting, and I'm going to have to go back there.

Mr. HOEKSTRA. If the gentleman would yield for a minute.

Mr. AKIN. Well, we appreciate very much your good work on the Rules Committee, and Congresswoman FOXX it's just a treat to have you. And I yield to my good friend, Congressman HOEKSTRA.

Mr. HOEKSTRA. I just want to build on what my colleague was talking about. You know, there's a very fundamental difference between how Republicans are approaching this problem and how Democrats are. Democrats have taken the approach that says we're going to create this massive new bureaucracy, 53 different organizations and panels and these types of things, and we are going to change health care for every single American. It is going to change.

Now, when I was in the private sector, I was a marketing guy, but I spent

a lot of time working with engineers. And at one of my first town hall meetings an engineer said, you know, Congressman, why don't you take the approach that we take in the engineering world and that you would have taken at your career at Herman Miller? Let's identify what's broken in the system and let's fix those pieces. And that's exactly what the Congresswoman was just talking about.

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On my Web site, we've put up seven solutions for health care that address the issue of accessibility, they address the issue of cost, and tort reform. Seven specific bills that go after those three areas that almost everybody agrees are the things that need to be fixed in health care and can be implemented today—not in 4 years, not at a massive cost—and the effect upon those who have issues with the current system and the rest of the 85 percent of Americans, most of whom are pretty satisfied with the health care they've got, is, we leave them alone.

Mr. AKIN. In the State of Missouri we have the same sort of principle. It may be not quite as much defined by engineers, and we say, "If it ain't broke, don't fix it." And you've got a hundred million people with health care that they like pretty well, everything is chugging fine, and you want to destroy and throw the whole thing overboard because you may have at the most 10 or 12 or 15 million that aren't getting the care that you think they ought to get. That's one of those, "if it ain't broke, don't fix it."

And that really does raise a question. It almost seems that we're starting with the premise that we want the government to run all of health care and just looking for an excuse to try to do that.

We got a little bit off track.

The question was, are there really legitimate savings and costs through some reform in terms of tort reform?

We have a doctor here. He's practiced medicine 20-some years.

Dr. BROUN, what do you think about tort reform? Does it make sense? Do we have some savings there? And can we improve the quality of medicine in America by making some adjustments in that area?

Mr. BROUN of Georgia. Mr. AKIN, as you know, I've practiced medicine. I am a family doctor. I've done general practice for almost four decades.

The problem with defensive medicine, overutilization of testing and services in the health care industry is a huge part of the expenditure. Patients are actually demanding these things, and doctors are complying with that because of the possibility of a medical malpractice suit being filed against the doctors.

So something needs to change because we are overutilizing tests, we're overutilizing services.

In fact, I was talking to the administrator of one of my local hospitals in

my district recently. And the day I was talking to him, just that day the lady who runs the CAT scan unit at their hospital was asking for some more help at night, and he couldn't understand why she would need more help. And the lady said, Well, we've run 10 CAT scans through the night through the emergency room. He said, Well, how many of those were positive? Zero. How many were really indicative? If you look at the medical indication for those, it's zero.

So the overutilization of very expensive testing is rampant within the system. So you're exactly right. If we do something to stop the doctors from having to practice this medicine—

Mr. AKIN. Let me ask you a specific question, Doctor.

You picture yourself—and maybe you're the emergency room doctor that night or you're practicing medicine—and somebody comes to you and they say, I think I need this such test, and it's vaguely related to something that might have happened to them. You look at them and in your medical opinion, there isn't one chance in a thousand that they need that test. So if you deny them getting that test, then do you have some risk?

Mr. BROUN of Georgia. Absolutely. It is a tremendous risk.

Mr. AKIN. Even though it doesn't make any sense at all to do it?

Mr. BROUN of Georgia. Absolutely.

Mr. AKIN. You have a big liability because if you don't do the test, then what could happen?

Mr. BROUN of Georgia. Let me give you a good example of that exactly.

I've worked in emergency rooms many times throughout my career and sometimes was even a full-time emergency room director.

But if a patient comes in with a headache that they've never had before, comes in with a severe headache and—well, maybe, it's not even a severe headache. Maybe it's in the front part of their face and it's typical of a sinus infection. A doctor has a tremendous pressure on them to get a CAT scan or a CT of the head, or both, because if they don't and several years later that patient is found to have something such as a brain tumor, they could come back and sue the doctor for failing to diagnose, even though frequently in these cases the patient's history and the physical examination will not indicate any medical need, any medical indication of a brain tumor. But the doctor has to do that to prevent the suit.

Mr. AKIN. If you do order the test, what does that cost you?

Mr. BROUN of Georgia. It doesn't cost the doctor anything. It doesn't cost the patient anything either. It costs the whole system.

Mr. AKIN. So it runs the cost up on the system so the incentive for the doctors is, take the fallback, it's safe. I don't care. Let the cost go up. I'm not going to stick my neck out, right?

Mr. BROUN of Georgia. The patients will come and say, I'd like to have an



MRI on my head or a CAT scan on my head or belly or something, and their attitude is it doesn't cost them anything. It doesn't cost them anything. It costs the insurance company.

Just like a lot of people think the government can provide all of this free health care and the government just pays for it. Well, where does the money come from?

Mr. AKIN. It violates the law of supply and demand, doesn't it, Doctor?

Mr. BROUN of Georgia. Absolutely.

Mr. AKIN. My good friend from California would like to jump in here.

Mr. DANIEL E. LUNGREN of California. I was recently at a meeting with a number of doctors in my district at one of the local hospitals. And this one doctor said, Look, Congressman, I want to tell you about something that just happened. This fellow happens to be a plastic surgeon. They had sent somebody over for him to sew up this fellow's head. He had fallen down and split his head open. He had gone to an urgent care facility. And there they looked at him. They had him have either a CAT scan or MRI, I'm not sure which.

I said, What was the problem with that? He said, There was no medical indication of that.

He said what should have happened is—worried about a subdural hematoma, I believe—he said what should have happened is that you tell the patient the chance is one in a thousand you might have that. Here's the situation: If over the next 6 hours these sorts of things are evident, then you come back and at that point in time we do it.

He said they took it. Of course it showed nothing positive whatsoever before it came to him. Then he sewed the person up.

He said that expense to the system is one of those kinds of things that was exactly the defensive medicine that we ought to stop. He gets nothing out of that. That's paid into the system. I don't know if it's \$900 or something like that for one of these.

He said, I would have been doing my job as a doctor to sit down with the patient and tell him the chances are about one in a thousand that this might be the case, but here's what you can do to make sure that the indications are such that we would have to do it. That's just simple, commonsense medicine and a relationship between the doctor and patient, which is interfered with now because of the specter of the possibility of a lawsuit. It is that kind of real stuff, real occasions that adds tremendously to the cost of medicine.

Now, there's no medical malpractice lawsuit. There probably is never going to be one filed in that case. So some people say well, the cost you're talking about in terms of defensive medicine are not that large. Yes, they are if you talk with the doctors who actually do this.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. Yes, I yield.

Mr. BROUN of Georgia. Let me add to your discussion about this one particular case.

The doctor is going to give them that counsel anyway with or without the CAT scan or MRI or whatever it was. The doctor—it's incumbent upon them to do so because the doctor, if they do ever develop trouble—and they may very well—a good physician is going to give that sort of counsel anyway. And if their level of consciousness starts going down, if the pupils become different sizes, if the headache lasts for longer than 24 hours, the vomiting lasts for 24 hours, these are the types of things that we tell patients anyway.

So doing this expensive radiological study is not medically indicated. The doctor is going to give that counsel anyway.

Mr. AKIN. We've got just about maybe 5 or 6 minutes to go.

We've been accused, as Republicans, as not having any ideas. You started by saying, Yeah, we sure do. You want to take a look at one thing, you can avoid getting into this kind of mess. If you're worried about the cost of medicine, you can deal with tort reform. That's one piece.

The lady who was here from the district before, Ms. Foxx, talked about the idea of treating pools of people, small businesses coming together and getting a better buy on their insurance. She talked about portability, so that when you leave one job, you can take your insurance along with you. All of these things are things that we talked about that we agreed to. And there are a couple of other things.

Mr. DANIEL E. LUNGREN of California. One very important one that we talked about is to allow people the opportunity for employers or individuals to purchase their policies across State lines. The reason for that is you will multiply tremendously the number of opportunities people have to make choices about what kind of policy would serve them or their employees better than any other.

Mr. AKIN. More choices equals freedom, doesn't it, gentlemen?

Mr. DANIEL E. LUNGREN of California. That's what I grew up hearing in this great country of ours.

Mr. AKIN. So if you have some insurance companies that may have a little bit of a monopoly in one part of a market and you allow people to buy insurance across State lines, you're breaking up monopolies, allowing prices to come down and giving people more choice, which is more freedom. Is that right?

Mr. DANIEL E. LUNGREN of California. That is correct, and those contracts—which that's what insurance policies are—would be enforced in the State in which the person lived. So we're not talking about the insurance companies getting a free ride; we're talking about giving much more choice—the essence of freedom—to the average citizen. That is another major

proposal that is contained in a number of different bills that have been introduced by Members on this side of the aisle.

Mr. AKIN. Do you know if that is included in any of the Democrat bills at all?

Mr. DANIEL E. LUNGREN of California. Not the major bills that have been introduced that we have been talking about.

Mr. AKIN. None.

So we don't have any malpractice reform. We don't allow the competition of—of course, they don't need to worry about that in their bill because their plan is, they're not going to have any private insurance companies in a period of time because the government is going to run it all.

Mr. BROUN of Georgia. Mr. AKIN, if you'd yield?

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. The American people should look at what the real purpose behind H.R. 3200 is, and we can see what their real purpose is by going to people like the President, Barack Obama, and the leadership in this House. They have said that the public option is the way to go to a single-payer health care system administered by government bureaucrats. Socialized medicine. That's their stated purpose.

Mr. AKIN. That's the end goal.

Mr. BROUN of Georgia. That's their stated purpose. That's their end goal, and the public option is the way to get there. And it's going to cost jobs. It's going to cost millions of people their jobs because it's going to put a high tax on small business.

Mr. AKIN. Not to mention \$500 billion out of Medicare, taxing small business when we already have close to 10 percent unemployment.

Mr. BROUN of Georgia. Plus the seniors are not going to be able to get the care that they need because they put in there a cost-effectiveness research that was in the stimulus bill, and there's a cost-effectiveness decision panel that is created with this atrocity there that's going to make medical decisions according to patient's age.

And when they make the decision according to the patient's age, they're going to compare spending \$100 here or \$100 there, and they're going to spend \$100 on a 40-year-old and not an 80-year-old.

Mr. AKIN. Now you're getting off to preaching and getting on to meddling a little bit.

Mr. BROUN of Georgia. Well, it's factual.

Mr. AKIN. I just hit 62, and I was just reading that in Canada—I've got a bad hip—I wouldn't be able to get that hip replacement that Dan got because I am too old, I'm an old geezer now, and it's not worth it for a government bureaucrat to pay me to get my hip fixed.

Mr. BROUN of Georgia. Mr. AKIN, you're a young pup. I'm 63, but I've practiced medicine for almost four decades, and I already see the rationing

that Medicare and Medicaid puts into place today. And what the Democratic bills will do is going to ration care much, much, more. Seniors are not going to get the care that they need and deserve, and thus it's going to be detrimental to their health.

Mr. AKIN. So we've been talking a little bit bad about these Democrat proposals. This is something that Congressman LUNGREN's been hitting, and that is it reduces health choices. Freedom is about increasing health choices, not reducing them. It raises premiums as long as there's even going to be premiums, it delays and denies care, \$500 billion in Medicare cuts.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield?

Mr. AKIN. I do yield, yes.

Mr. DANIEL E. LUNGREN of California. On the \$500 billion. As part of that \$500 billion is at least \$133 billion taken out of Medicare advantage. I have 42,000 seniors in my district who are enrolled in Medicare Advantage. What is Medicare Advantage? It is the private option put into the Medicare system when the Republicans were in charge. There's a new idea that actually was implemented. It is tremendously successful across the country. Yes, they've got some imperfections that we need to work on, but their bill would destroy it.

There is no better evidence that they want to destroy private options than the fact that this bill destroys the only private option that currently exists in the Medicare system, Medicare Advantage.

Mr. AKIN. In our last minute or two, what I might do is share something personal because I came to this Congress 9 years ago, and they have a little medical clinic that's downstairs, and the medical clinic gives you—if you want to spend about \$400, you can get a test, you can get a physical.

□ 1600

I hadn't had a physical in years because I had some sort of State HMO policy. I never could see my primary care doctor. I don't even think he existed. I could never get an appointment.

So I go down there and find out I was bulletproof, as I thought, except for one detail. I had cancer. So when you use the "cancer" word around me, my ears pick up a little bit. I take a look at how does it work when these governments run and deal with cancer. Here's your survival rate for men in the United Kingdom, 44.8 percent. It jumps up here quite a number percent to 62.9 among men in the United States. And we want to go over and make ours like that? I don't think so.

I yield to my friend from Georgia, last minute.

Mr. BROUN of Georgia. Well, you are exactly right. The reason that the survival rates—these are 5-year survival rates for people with cancer. Women with breast cancer, you look at your chart, which is accurate. This comes

from independent data. Five-year survival rate for cancer. Actually, for breast cancer, it's over 90 percent, where in Great Britain it's much less than that. But all cancers for women on your chart is 66.3 percent for women, 5-year survival rate, and in the United Kingdom, 52.7 percent. Why is that? The reason it's that way is because they have delayed diagnosis because of the ration of care because of the constraints.

Mr. AKIN. So you have rationed care. Rationed care means you've got to wait longer in line. Waiting with cancer is not a good deal.

Mr. BROUN of Georgia. You don't get that evaluation, so you have delayed diagnosis. So people have late diagnosis, and then their treatment outcomes are not as good.

So, as a physician, I can tell you that ObamaCare is going to cause people to have to wait for all treatments, wait for the diagnosis, and they're going to have poor outcomes. So it's going to hurt everybody.

Mr. AKIN. And "poor outcomes," that's doctor's talk for you're going to die, isn't it?

Mr. BROUN of Georgia. Well, that's correct. There is going to be a greater percentage of people that are going to die because of it.

Mr. AKIN. Thank you, Madam Speaker.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the majority leader.

Mr. STUPAK. Madam Speaker, thank you for allowing me time to speak on the floor on health care.

I couldn't help but listen to the last group, my colleagues on the other side of the aisle, talking about health care and calling it all kinds of names, about everything but what it is.

The health care in America, the bill that we're marking up, H.R. 3200, is America's Healthy Choice Act. There is no such thing as "ObamaCare." I guess we use that just to try to scare people, like much of the rhetoric I heard in the few minutes I was here.

I can't help but notice that the folks who were speaking on the floor were not in the committee of jurisdiction where H.R. 3200, the House health care bill, actually went through; those of us who spent months working on this legislation and over 2 weeks in committee considering amendments and making sure that this is a bill that actually helps America and all Americans.

As we Democrats look at health care, we take a little different perspective. My colleagues in the last hour said, Well, if it ain't broke, don't fix it. Well, for the American people, health care is broken and it does need fixing. That is why we are bringing forth this legislation, H.R. 3200.

In fact, I have a picture here of a family from Colorado who actually came and testified—and I will talk more about them during this next 60 minutes—on their concerns. But these are the folks that we are trying to help: Average Americans who work hard, play by the rules, pay their bills, think they have good health insurance until someone gets sick, and then they are left financially ruined.

I sit as chairman of the Energy and Commerce Subcommittee on Oversight and Investigations. For the last 2 years, we've been taking a look at the private insurance industry. We have held hearings on the insurance industry's practices on nursing homes, long-term care insurance, Medicare Advantage that the group spoke of, and most recently, we've been looking at hearings on the private health insurance market.

The findings of these hearings really highlight the need to address the abusive practices, terms such as "rescission." That's when the insurance company takes a look at your insurance policy when you get sick and finds any excuse to rescind your policy. Or "purging." That's when the insurance companies for small businesses in particular, they jack up the price, because under Federal law, if you're a small business, they can't cancel you, so they jack up the price so bad that you can no longer afford it. It's called purging. Or the problem of uninsured, which millions of Americans are facing.

So in June, July, and August, we spent a lot of time looking at the most egregious practices found in the insurance industry: abuse of consumers, the practice of rescission in the individual insurance market, and, as I said, underinsurance.

Take a look at rescissions. Every night when Americans go to sleep—more than 45 million Americans do not have any health insurance—they do so with the nightmare scenario that if they develop a catastrophic illness or are unable to pay for their treatment, what happens to them? This fear causes many hardworking Americans who are not covered by an employer or government-sponsored health care to purchase an individual insurance policy. But those Americans fortunate enough to be able to even afford an individual policy—an individual family policy now is about \$13,000 a year. But if you're fortunate enough to be able to buy individual health care coverage, you're not immune from this nightmare scenario of health care, not having it there for you and facing financial ruin, and that's because of a little thing called rescission.

Let me tell you quickly about what happened to Otto Raddatz. Otto Raddatz was a 59-year-old gentleman from Illinois. He owned a restaurant. He had insurance all his life. He was diagnosed with an aggressive form of non-Hodgkin's lymphoma. That's a cancer of the immune system. He underwent intensive chemotherapy and

was told that he had to have a stem cell transplant in order to survive. He had insurance coverage. He said, no problem, my insurance will cover it. It should be provided by my individual policy.

He was scheduled to have the procedure performed, and the weekend before he was scheduled to have his transplant, the insurance company suddenly told him it was going to cancel his insurance. Otto could not pay for the surgery without his health insurance, and the surgery was therefore canceled because the hospital wasn't going to perform the stem cell transplant without payment.

The insurance company told him that it found out that when he applied—now, this is years later—he applied for his health insurance. Years later, once they found out he has to have this stem cell transplant, they go back and look at his application. On his application, the insurance company said it showed that he might have gallstones and he might have an aneurysm, which is a weakness of the blood vessel wall. In fact, testimony showed Otto's doctor never told him he had gallstones, never told him he had an aneurysm. Otto told the truth on the application, but the insurance company heard nothing of it. They said, You didn't tell the truth on your application; therefore, we're canceling you. The insurance company was going to rescind his policy, effectively tear up the contract as if it never occurred, and Otto would be left without a stem cell transplant.

Otto made a desperate plea to the Illinois State attorney general, and also his sister was an attorney. They went after that insurance company to reverse the decision. Here's what Otto said when he wrote to the insurance company:

"I was diagnosed with non-Hodgkin's lymphoma . . . It is a matter of extreme urgency that I receive my transplant in 3 weeks . . . This is an urgent matter! Please help me so I can have my transplant as scheduled. Any delay could threaten my life."

What did the insurance company say after that plea? Too bad. You falsified your application, even though Otto never knew he had gallstones or an aneurysm.

The Illinois attorney general launched an investigation, confirmed that Otto's doctor never told him about the test findings, and the attorney general sent two letters to the insurance company saying reinstate his policy. The company relented, Otto received his stem cell transplant, and he was able to live 3 more years before he died earlier this year. Otto was one of the lucky ones. The attorney general went to bat for him, and his sister, who was an attorney.

In our Oversight and Investigation Subcommittee, we have looked into this investigation into the practice of health insurance rescission and the results are alarming. Over the last 5

years, almost 20,000 individual insurance policyholders have had their policies rescinded by the three biggest insurance companies who testified at our hearing. These 20,000 individuals lost their insurance because of some honest mistake, or they did what the agent told them to put on their application only to have the parent company rescind them when they got sick. They saved the insurance industry \$300 million. That's not counting all the follow-up tests. That's just what they saved by canceling these 20,000 people.

So these big insurance companies, like Assurant, UnitedHealth Group, and WellPoint, when we looked at it, here's what we found out:

These three companies, they conducted investigations with an eye toward rescinding in every case in which a policyholder submits a claim relating to leukemia, breast cancer, or a list of 1,400 serious or costly medical conditions;

they rescind policies based on an alleged failure to disclose a health condition entirely unrelated to the policyholder's current medical problem;

they rescind policies based on the policyholder's failure to disclose a medical condition that their doctors never even told them they had;

and they rescind policies based on innocent mistakes by policyholders in their applications. And they not only rescind for the applicant, but they will rescind the policy for the whole family, leaving all the family members without health insurance.

Our investigation also found that at least one insurance company, WellPoint, actually evaluated their employees' performance based in part, and put reward systems in, on the more you rescind, the more money you save the company, the bigger bonus you receive. In fact, the starting point was you had to save \$10 million for WellPoint and you got a pretty good bonus. You're rated on a scale of one to five.

These practices reveal that when an insurance company receives a claim for an expensive lifesaving treatment, some of them will look for any way, any excuse to avoid having to pay for it. This is eerily similar to what we found last year in our investigation on long-term health care insurance where sales agents for the insurance companies would sell policies to seniors and then change the policies once the enrollee was locked into a plan and making payments.

These insurance companies who engage in this rescission practice argue that it's entirely legal, and, in part, they are, but that goes against the whole point of insurance. When times are good, insurance companies are happy to sign you up and take your money in the form of premiums, but when times are bad, or if you happen to get diagnosed with one of these 1,400 different little characteristics they have in their computer program and you're afflicted with a cancer or some

other life-threatening illness, that's the time when the insurance company is supposed to honor their commitments to you based on the premiums paid, and in your time of need they should be there to help you. Instead, some of the insurance companies use a technicality to justify breaking its promise at a time when patients are too weak to fight back.

I asked the three CEOs of these big insurance companies, I said, Look, we've had this hearing today. We've had extreme conditions where you've rescinded people who made honest mistakes on their application. Will you commit today that your company will never rescind another policy unless there was broad misrepresentation in the application? Every one of the insurance companies' CEOs said, No, we will continue the practice.

So that's one of the reasons why we need to pass comprehensive health care reform. Congress can and must curb this abusive practice, put an end to this unconscionable practice of rescinding people. We should not have caps on how much insurance has to pay or caps on how much you're covered. Coverage in your health care shouldn't depend on your ability to pay; it should depend on the illness you're suffering from, that you get proper treatment.

In H.R. 3200, our health care bill, there are no preexisting conditions. If you have a preexisting condition, you can't be denied insurance.

Last week, our subcommittee revisited the private health industry practices on underinsured. Let me just show you what underinsured is. Underinsured are people who have health insurance. Unfortunately, when they get sick, and because of high deductibles or copays or a limitation on policy, lifetime cap, or a limit on number of services or specialists you can see, when they get sick, their insurance is almost worthless. It doesn't cover anything.

More than one-quarter of adults under the age of 65 with medical bill burdens and debt were unable to pay for basic necessities. So, if you're one of the underinsured—and according to testimony, 116 million adults in this country, 42 percent, 116 million of them have problems paying their health care bills. Sixteen percent are unable to pay for basic necessities—food, heat, rent—because of medical bills. Another 39 percent used up all their savings trying to pay their medical bills. Another 10 percent took another mortgage out on their house to try to pay for medical bills.

□ 1615

Thirty percent put it on credit cards. With the interest on credit cards, I don't know how you could afford to pay off your credit cards, let alone the interest on the credit cards. Sixty-one percent were insured at the time care was provided.

These people are uninsured because they can only afford to purchase a limited policy. Policyholders believe they

have adequate coverage only to find out that there are limits buried within the fine print of that policy, such as caps. So, regardless of how you define this fragile financial group, the sad consequences of being underinsured can be devastating, leading to financial ruin, to bankruptcy, and to making medical decisions based on cost rather than care.

If you take a look at it, as the health insurance skyrockets, more Americans are finding they can only afford bare-bones policies. According to the Journal of the American Medical Association in 2007, they said 62 percent of all bankruptcies in the United States were related to medical costs. This was 62 percent of all bankruptcies. Of those bankruptcies in 2007, 78 percent of them had insurance. So, of all of the bankruptcies, 62 percent were related to medical costs, and 78 percent of those people actually had insurance. They were the underinsured. Many of them were well-educated, and they owned their own homes. They were the middle class. Unfortunately, they were underinsured, and their health insurance did not cover their medical costs.

The Commonwealth Fund reported and testified at our committee that more families are experiencing medical bill problems or cost-related delays in getting medical care. In 2007, two-thirds of all adults, 116 million people, who struggled to pay medical bills and who went without needed medical care because of cost, were uninsured for a time or were underinsured.

Let me show you this picture. This is Catherine Howard. She testified at our hearing. At 29 years old, Catherine had breast cancer and survived to tell her story. Being young and healthy, with a limited income and just starting out in her professional career, she chose a low-premium, high-co-pay health insurance that left her in financial shambles after her breast cancer.

At the time of her illness, she was earning just \$20,000, but at the time of her illness and when she got done, her outstanding medical bills were \$40,000. Catherine was unable to work through the surgery, through the chemotherapy and through the radiation for 2 years. So, when you put it all together, she was in a very tough financial situation. To her credit, she did not declare bankruptcy. She survived her breast cancer, but she is paying \$1,800 a month on her medical bills.

Let me go back to the original picture. This is the Null family from Colorado. The young lady right there is Tatum Null. She was diagnosed with liver failure at the age of 7. David had bought health insurance, an individual family policy, to cover them in emergency situations.

He told the agent, I don't want one for the common cold. I need a policy that will take care of my girls and my family if something serious happens.

They sold him a policy. Then, while away on vacation, suddenly Tatum's kidney started shutting down, and they

had to rush her to the hospital. They put her on life support. They told David Null, Tatum's dad, that she needed a \$560,000 kidney transplant. They looked at his insurance policy. The insurance policy would cover \$25,000 to \$30,000 in hospital costs.

They said to David Null, Before we can save Tatum's life with a transplant, you have to put down \$200,000.

His daughter is on life support. He is at the hospital. They find out their insurance policy is no good. They say you have to come up with \$200,000 or your daughter is going to die. What are you going to do?

Well, without really much of a hope or a prayer, David and the hospital officials got together, and they decided that if they could put David and the Null family on Medicaid, the government-run, government-sponsored Medicaid health care, the entire hospital bill would probably be paid retroactively. The catch is, once you go on Medicaid, you have to have low income. The Nulls could only earn \$1,614 a month; or they would lose their Medicaid coverage, which paid for Tatum's medication to prevent organ rejection and which can cost thousands of dollars each month.

Let me show you another person. This is Thomas Wilkes. His dad, Nathan, had an employer who provided health insurance with a \$1 million limit for each family member. \$1 million. Unfortunately, \$1 million doesn't go very far when you're 6 years old and when you're diagnosed with severe hemophilia.

Even though the Wilkeses paid another \$25,000 each year out of pocket, in just over a year young David here would go through the \$1 million cap on their medical expenses. The Wilkes family is now on their third insurance policy. They're bumping up against the cap, and he doesn't know what he's going to do for his son, who needs expensive medical treatment because he's a hemophiliac. He does not know how he is going to be able to afford his son's life-saving medical treatments, once again, when they hit the \$1 million cap.

Each of these individuals, the Wilkes family and the Null family, did what they thought was right for their families. They purchased health insurance. They worked hard. They paid their premiums, but they're still left in financial ruin.

Each of us knows a family member, a relative, a friend who did not go to the doctor when sick or who skipped a dose of medication, who failed to fill a prescription, who intentionally missed a medical test or a follow-up appointment or who didn't see a specialist because he couldn't afford the service, the medication or the test he needed.

I would hope every American, as we debate health care, would take time to look at their own insurance policies and would really understand what medical conditions those policies cover or don't cover. What's your co-pay? What are your potential out-of-pocket ex-

penses? Do you have a lifetime cap or are services limited underneath that policy?

In a couple of weeks, we hope the U.S. House of Representatives will vote on H.R. 3200, America's Affordable Health Choices Act of 2009, because H.R. 3200 does not allow the insurance companies to rescind your policies when you get sick. It does not have a lifetime cap on benefits. It puts a limit on what you have to pay out-of-pocket. It covers all Americans, and you can't be discriminated against because of preexisting injuries or illnesses.

Only with the passage of meaningful health care reform, then and only then will Americans not have to worry about how to obtain medical care for their families while remaining financially secure.

Yesterday, our subcommittee, again, did another investigation of the private insurance market. We focused on the challenges faced by small businesses. I said earlier that, in small businesses, you can't cancel. Once you have a small business, underneath the HIPAA provisions, you can't cancel. You're guaranteed a renewal every year; but insurance companies, because they feel they're not making enough money, can jack up their rates. There is no limitation on how much you have to pay.

Small businesses are really the cornerstones of the American economy. As one of them testified, when the businesses testified the other day, they really are the American Dream. Small businesses employ 59 million Americans, and they have created a quarter of our Nation's jobs from 1992 to 2005.

Our subcommittee sent documents to the six leading health insurance companies that all sell policies to small businesses across the country. We wanted to know how they set their premium rates and what some of the largest premium rate increases have been in recent years. Here is what we learned:

The insurance companies take advantage of lax State laws and regulations, and they purge out small businesses because they're unprofitable if someone gets sick. Because Federal law guarantees small businesses can't be denied insurance once they have it, they impose unpredictable, increasingly unaffordable premium increases. These unsustainable premiums force the small businesses to drop their health insurance because it's no longer affordable. Thus, a small business is really purged. Their premium increases are based on factors that are beyond the control of the small business, such as: every covered employee and their families, what are their health statuses? What's the size of the small business? What's the age? What are the genders of these employees? As a result of these discriminatory practices, small group premiums are subject to unpredictable and enormous increases. Here is what we learned:

In January 2008, one insurance company offered a 232 percent premium

rate increase to an engineering services company in Kentucky. The number of employees in the plan had dropped down from eight to one, so its policy went up 232 percent.

This year, another insurance company offered a small technology firm in Georgia to renew its current HMO insurance policy with a 214 percent increase in their premiums. The basis for the rate hike was that the average worker in the firm had become older because they had laid off so many younger workers, and most of the workers were going to be female. The size of the company decreased, and the workforce was older.

By the way, if you're in a small business, you pay more for female workers than you do for male workers.

These large annual premium increases can devastate these small firms. Businesses are struggling to stay afloat in this economic downturn. Health insurance costs consume even a greater portion of a company's profits, and they make it harder every year to cover their employees.

Yet, even before the most recent economic downturn, the costs of employer-sponsored health insurance was the primary concern of small businesses. The average family premium for a small business, if you're going to cover your family, is nearly \$13,000. That has gone up 123 percent since 1999. Meanwhile, the median family income only grew 29 percent. Because of these high costs, nearly a quarter of all small businesses are making difficult decisions on whether or not to provide health care. Small businesses are shouldering a greater burden of the cost.

Over the last 10 years, workers' contributions for health care premiums have doubled while their deductibles have greatly increased. Less than 50 percent of the smallest firms, those with fewer than 10 employees, offer coverage. As a result of reductions in small group coverage, more than half of all small businesses in 2007 were uninsured or underinsured. It's clear that the high cost of health insurance is crippling our businesses.

You know, when we take a look at small businesses and at the group that testified before us this week, one was a Mick Landauer. He is from Iowa. He owns a muffler and brake shop, and he has owned it for 30 years. He has shops in Iowa and Illinois. At his shops, he employs 11 workers. This year, he was quoted an increase in his premium of 42 percent. It went up 42 percent from last year. Mr. Landauer believes that the increase is due to his own congenital heart condition which has required three surgeries in the past and will require possibly more in the future. This year, instead of accepting the 42 percent increase, he negotiated with his insurance company that the deductible will go up.

So, if you're under a plan and if you're a single person, besides paying your monthly premium, your out-of-

pocket cost is \$8,000 before you can access it. If you're a family, your out-of-pocket cost is \$16,000 before you can access the health care plan. Plus, you've got to pay your monthly premiums.

Now, next year, he's telling us his company can't afford this anymore. He wants to provide his employees with health insurance. He is probably going to drop himself off his business plan since he is the one with the congenital heart condition. He believes the right thing to do is to provide his employees with health care. He's trying to do the right things.

Mr. Bruce Hetrick is from Indianapolis. He testified the other day. He had 15 employees. His company has received double-digit increases every year from his health carrier, Anthem. His insurance plan also covered his late wife, who developed breast cancer. In her last year of life, she ran up bills of \$300,000. Unfortunately, she died. In that year, when his wife was so sick, they increased his health insurance by 28 percent.

After his wife passed away, since they were still in that policy year, he asked Anthem, What will it cost now that my wife is no longer on?

They said, Instead of a 28 percent increase, we're only going to increase it 10 percent.

Then there was Fred Walker from St. Petersburg Glass and Mirror in St. Petersburg, Florida. It is a company he started 15 years ago, and he has always offered health insurance because he wanted to have good employees. His carrier, United Health, has increased his premium rates every year, including a 14.6 percent increase this year.

To keep his business afloat during this downturn, he was thinking about dropping his health care coverage because he could no longer afford it. It was a 15 percent increase from last year, and he just couldn't afford it. He was talking to his employees about it. One of his employees, the secretary, went to have a breast examination, and she found out she had breast cancer.

To his credit, Mr. Walker decided to do the right things, and he maintains the health care coverage for his workers and especially for his secretary so she can get treatment. To afford the coverage, they had to take out a plan which has a \$6,000 deductible. So, before you make any claim, you've got to pay \$6,000 out-of-pocket plus your monthly premiums. Because the group coverage was renewed, the secretary has been able to maintain some treatment for her cancer.

Again, we're going to vote on America's Affordable Health Care Choices Act of 2009, H.R. 3200. It contains critical insurance reforms that will end these abusive insurance company practices that we see. Under the bill, insurance companies can no longer rescind policies after people get sick based on minor mistakes or on technicalities. The bill prohibits an annual lifetime cap on coverage. You will no longer be denied insurance because of preexisting

injuries, and insurers will no longer discriminate against small businesses based on how small they are or the health statuses of their workers.

□ 1630

We must reform health insurance so small business can compete and American businesses and families can be secure.

In the Energy and Commerce Committee we had the main jurisdiction on the health care bill and spent months looking at it. These are just some of the examples we found and why we need health care. When my colleagues on the other side of the aisle talk, well, it ain't broke, don't fix it. For the American family, health insurance is broken. We do need to fix it.

My friends were saying on the other side of the aisle, we need more competition, we need more choice, you need more choice. Our investigation again shows, there really is no choice.

The market share for large insurance companies by largest health plans in the State, the darkest States, there's only two health plans to choose from, not a lot of competition there. In these lighter blue, it's 70 to 79 percent are covered, like my home State of Michigan, by just two of the large health insurance plans.

Where is the choice? Where the competition? How do you drive down these costs when there is no competition. Actually, there are really only about six main insurance companies, there are about 1,300 of them on the books, but they are owned by about six of the major companies that we talked about here tonight, the lack of competition.

But these are the faces that we are fighting for every day when we try to look at health care. These are the people that we are trying to help out. Like Thomas here, through no fault of his own, a hemophiliac, in just over a year his dad plows through their policy, \$1 million, that is the cap on it and they go through it within about 14 or 16 months. They go through it. Who is sticking up for these people?

Take a look at some of the things, here is one I like looking at, what we have found. Look at this. This is a joke in one of the magazines, one of the newspapers here. It's not really much of a joke for the American people though. Here is the guy who is sick. He has got his oxygen mask on. He has got his denied paper here.

It must be rescinding his individual policy. It says, "Denied." Why? "Look, it costs us nearly \$120 million in deceptive ads to fight health care reform, so there is not enough money left to pay for your stupid little claim."

It's a joke, but it's really not for people who have their insurance policy rescinded. It's really not for the small businesses who are seeing 30, 40 percent increase each year. It's really not for the underinsured who pay their premiums and then they don't have enough money to cover their medical costs.

It's really talk about \$120 million in deceptive ads to fight health care. They are spending over \$1 million a day on ads to defeat H.R. 3200.

I hope that the Members of the House of Representatives will remember people like Thomas here or like Tatum or these families who play by the rules, work hard, pay their premiums, and, when they get sick, are abandoned by the health insurance industry. That's why we need health insurance reform in this country. That's just one of the many reasons.

It's one of the reasons why we hope to have a bill on the floor later this month or early in November so we can vote on this.

We have to bring back some sanity to this health insurance industry. We have got to end their abusive practices, and we must make sure that all Americans and their businesses are secure, not only in their health security but also financially secure as they try to do the right thing, play by the rules, work hard, pay their insurance. Let's make sure there is coverage for them when they get sick.

Mr. WAXMAN. Mr. Speaker, the premise of health insurance is that if you buy a policy, and then get sick, your insurance company will protect you.

But what we heard at the committee's hearing last week on underinsurance—and what we have been hearing throughout our investigations of the private insurance industry—is that that is not how the system works. In reality, we have learned, private health insurance companies have become expert at collecting premiums and then, denying claims.

Our witnesses on Thursday were normal people who had done the right thing and had bought health insurance. But each of them found that, when they needed coverage the most, their policies came up short.

We heard from Nathan Wilkes, who had an insurance plan through his employer. Then, his son, Thomas, was born with hemophilia, an expensive and life-long blood-clotting disorder. Thomas is six years old now, and thankfully, his condition is well-managed. But, he has already exceeded the million-dollar lifetime caps of two separate insurance plans, and the Wilkes' current plan has a \$6 million cap that Thomas is sure to meet soon. As Mr. Wilkes put it, the insurance companies have turned the hourglass over on Thomas again—this time with just a little more sand.

Catherine Howard testified about how, as a healthy 29-year-old, she bought a basic policy that she thought would protect her if she fell while snowboarding. When it was discovered that she had breast cancer, Ms. Howard found out that her plan asked her to pay 30% of the cost of treatments, like radiation, that she needed to survive. Though she feels lucky to be alive, Ms. Howard's coinsurance payments put her into deep debt that she continues to pay off to this day.

David Null bought what he thought was a catastrophic coverage plan. But when catastrophe struck—and his daughter, Tatum, needed a liver transplant—he found out that the plan had a lifetime cap of \$25,000. The Nulls were saved from crushing medical bills only after Mr. Null's small company turned away business so that the family's income was low

enough to qualify for Medicaid, which covered the surgery retroactively.

These stories are not unique. In 2007, there were 25 million underinsured Americans, up 60% from 2003. Underinsurance often causes debilitating medical debts, and a recent study found that 62% of all personal bankruptcies are medically related.

In recent years, insurance companies have been asking Americans to pay more, but are providing them with less. In the last decade, the average cost of a family's premium has risen 131%, but average wages have risen less than a third of that. At the same time, insurance companies are imposing more limits on what their policies will provide. Some policies, like the Nulls' or the Wilkes', have caps that limit the amount the insurer will pay in a lifetime, or a year. Other policies have expensive co-insurance provisions, like Ms. Howard's, that overwhelm the policyholder.

And caps and coinsurance are just some of the problems people face in the private insurance market.

This past summer, our committee held a hearing on the health insurance companies' practice of rescission. This is when insurance companies attempt to cut costs by cancelling policies after people get sick and make claims. The companies go back through their policyholders' application forms, looking for any tiny mistake or omission for an excuse to cancel the policy and deny coverage.

Rescission is unconscionable because it cuts policyholders loose when they need coverage the most. But even worse, when we had insurance company executives sworn in before our committee, we asked them if they would commit to ending the practice of rescission except in cases where the policyholder had intentionally hidden a health condition. The executives refused to make that promise. I think that speaks to the insurance companies' motivations.

Just yesterday, we held a hearing on the small group insurance market. We found that insurance companies sometimes raise small businesses' premiums an astronomical amount—up to 250% in a year—based on factors like the ages and genders of employees, if a single employee had made a large claim the previous year, or if the business had too few employees.

What is so disappointing in our examination of these issues is that, even where small business owners want to do the right thing for their employees, and provide them with access to quality health care via insurance, industry practices and policies today punish their desire to provide proper benefits for their employees and their families. This is wrong, and this is why we need health insurance reform in America.

Indeed, what all of this shows is that the private insurance system is broken. The way insurance is supposed to work is for the insurance companies to spread risk among their policyholders so that, while most people will remain healthy and cost little, the company can pay when other policyholders get sick.

But schemes like rescission, preexisting condition exclusions, lifetime caps, and the way companies are gaming the small group market show that private insurers are not interested in spreading their risk. Rather, they want no risk at all. The companies are happy to insure healthy people who will pay premiums and make few claims, but they want to

exclude, rescind, or purge anyone whose health care costs they might actually have to cover.

Well, that's not how health care works.

The House reform bill, H.R. 3200, would restore the proper balance to the health care system. It would end rescission, preexisting condition exclusions, and lifetime caps. It would place limits on out-of-pocket costs and create a required basic set of benefits so that people know what they are signing up for, and so that they will get what they need. And it would prohibit the problems small businesses face in terms of discrimination based on gender and group size, and in terms of lack of choice.

At Thursday's hearing on underinsurance, Mr. Null told the committee that to him, the biggest tragedy that came out of his daughter Tatum's liver failure was not his family's resulting financial hardship. It was that, under the current system, Tatum's preexisting condition limits her future. He said, "When she asks me what she should be when she grows up, I can't tell her the same thing that you probably tell your kids. I can't tell her she can be anything she wants, and you guys need to fix that for me."

On Thursday, I looked at Tatum and told her that if we enact health care reform legislation, neither her future, nor anyone else's in America, will be hindered by an inability to get health insurance. Please join me in that promise.

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#### GENERAL LEAVE

Mr. STUPAK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on my special order.

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

There was no objection.

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#### REPUBLICAN ALTERNATIVES TO OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. BROUN) is recognized for 60 minutes.

Mr. BROUN of Georgia. Mr. Speaker, it is a pleasure to come and talk about health care tonight. I expect other physicians to come and discuss this extremely important issue to the American people.

We keep hearing over and over again from our Democratic colleagues that Republicans have no alternatives. Well, we have got a bunch of binders here. Each one of those contains a Republican alternative to ObamaCare that the Democrats are proposing.

As the staff brings these forward, every single folder is a Republican plan. Every single folder is a different Republican plan. Every single folder offers suggestions and solutions to the cost of health care for all Americans.

Almost every one of those folders, if not every one of them, we could get bipartisan agreement on, if any of these

bills would ever see the light of the day. Let me repeat that. I believe that we could get bipartisan agreement on most, if not all, of these Republican bills that will affect health care costs for every single American and will offer some solutions to Americans' concern about the rising cost of health care.

It's untenable that health care costs are rising like they are today. It's unsustainable the way health care costs are rising like they are today. But we ask why. Well, there are many reasons why.

I have practiced medicine in Georgia for almost four decades now. I am a general practitioner, a family doctor. I have seen in my medical practice the marked amount of government intrusion and how it runs up the cost of health care.

I will give you a good example, Mr. Speaker. When I was practicing in rural south Georgia, I had a small automated lab with quality control to make sure that the results I got from my lab were accurate, because I wanted to give good quality care to my patients.

Well, Congress passed a bill called CLIA, the Clinical Laboratory Improvement Act, which outlawed mine as well as every doctor's lab in the country. Prior to CLIA, if a patient came in to see me with a fever, red sore throat, white patches on the throat, coughing, runny nose, headaches, aching all over, I would do a CBC, or a complete blood count, to see if they had a bacterial infection which needs an antibiotic treatment, or a viral infection, which is not helped by antibiotics. The patient doesn't need to expend the money on those antibiotics and doesn't need the exposure with the possible side effects and the consequences of being on the antibiotics.

I could do that test, CBC, in 5 minutes. It cost 12 bucks. CLIA shut my lab down. I had to send patients over to the hospital across the way. It took 2 to 3 hours and cost \$75 for one test. The test goes from 5 minutes, 12 bucks, to 2 to 3 hours, \$75, for one test.

Now, the American people, if they look at the math there and just extend it over the course of everything that comes into play in the health care financing in this country, would see that the health care insurance costs went up for everybody because of that one government intrusion into my office and my ability to give the kind of quality care that I am trained to do and that I want to do.

Another example, Congress not long ago passed HIPAA, the Health Insurance Affordability and Accessibility Act. The HIPAA bill has cost the health care industry billions and billions of dollars, billions of dollars. That's passed on down through the insurance companies and through pricing to the consumers.

It has to be, because people have to make a living. It has cost the health care industry billions of dollars and

has not paid for the first aspirin to treat the headaches that it has created. It's government intrusion into health care. That's what's caused a marked rise in the cost of care.

Mr. Speaker, let me tell you something else where this bill that is being written in darkness or in secrecy now by the Speaker, we don't even have the bill that we are going to see here on floor, if we ever see one, because it's being written in secrecy.

Democrats nor Republicans can see the proceedings. We can't put any of our ideas into the writing of that bill. It's being hidden from all of us. It's being hidden from the public view, and that is not right.

We have been promised transparency by this Speaker, but we have had everything but transparency and fairness. Both of those things were promised, but we are not getting them.

The bill that Speaker PELOSI is going to present at some time, whenever she takes a notion to do so and gets it finished, that she is writing in secret currently, is going to have a tremendous amount of more intrusion into people's lives. Experts tell us that it's going to cost millions of people their jobs.

In fact, in my home district of Georgia, I have talked to small businessmen and women that tell me if the mandates that we already know in H.R. 3200 are put in place or the mandates that the Senate bills—that are already being written in secrecy also on their side—but the mandates that we know that they want to include in those bills will cost millions of people their work and put people out of work. Why? Because they are mandates on small business that small business is going to have to either not hire people or they are going to have to let people go.

In fact, I have talked to small businessmen and women, and they tell me that with the 8 percent mandate that's in the House bill that's going to fall upon them if they don't supply health insurance for their employees, it's going to put that business out of business. Millions of people in this country are going to lose their job with ObamaCare. The American people need to understand that, Mr. Speaker.

Not only that, it's going to be extremely expensive. We don't know what the ultimate cost is because we haven't seen the bill. Nobody can see it except for the few handpicked minions of the Speaker and the majority leader of the Senate. We don't know how much it's going to cost, \$1 trillion, \$2 trillion, \$3 trillion.

We know this, Mr. Speaker: When Medicare was brought into being, the cost estimates of Medicare missed the mark terribly. Medicare has cost many, many times over what it was projected to cost by the Congressional Budget Office. I think that's exactly what we are going to see with us today.

Congress, Mr. Speaker, is spending money that it doesn't have. We hear people over and over again say, well, government will provide free health

care for me. There is nothing that's free, Mr. Speaker, and health care is not going to be free. Who is going to pay for it?

Mr. Speaker, our children and our grandchildren are going to pay for it. It's going to cost them their livelihood. It's going to cost them their standard of life, their standard of living, because they are going to live at a lower standard than we do today because of this outrageous spending that this Congress and this President have been doing since January.

□ 1645

It's got to stop, Mr. Speaker. The American people need to understand exactly what ObamaCare is going to mean to them. It's going to cost jobs. It's going to cost our children's future. And seniors need to know that it's going to cost them tremendously.

In the nonstimulus bill, and I call it a nonstimulus bill because where are the jobs? The President promised us that if we passed his stimulus package, we would not reach an 8 percent unemployment. Well, it's approaching 10 percent. In my district in Georgia, in many counties, it's nearing 14 percent. In many communities around this country, it's even higher than that. I have already said that ObamaCare is going to put more people out of work. We are going to have more joblessness throughout this Nation.

We cannot continue to spend. You cannot spend yourself into prosperity. It's impossible. And that's exactly what we seem to be doing. In fact, the President came to the Republican Conference when he wanted us to vote on his stimulus package, and he said he wanted bipartisanship, which is laudable. But then he went on to say he wanted bipartisanship but we needed it and must vote for his bill. He didn't want any input from us.

He's said that his door is open for Republican ideas on health care, but he won't listen to us. We've tried and tried, but he doesn't listen, because with the President, with the Speaker and the majority leader, it's their way or no way.

In the nonstimulus bill, there was funding for what is called comparative effectiveness research. And in medicine, as a doctor, what we'll do is look at comparative effectiveness of different treatment programs. We will decide, for instance, for prostate cancer if surgery alone is more effective than radiation therapy alone or chemotherapy alone. And we will compare the effectiveness of those treatment modalities, those treatment options, or maybe surgery plus radiation, surgery plus chemotherapy, surgery plus all three. This is what we do in health care. This is what we do in medicine today. We compare the effectiveness of treatments: one medicine for high cholesterol versus another medicine for high cholesterol; one medicine for diabetes versus another; one medicine for high blood pressure versus another. We do

this comparative effectiveness. But that's not what the Democrats put into the stimulus bill with their comparative effectiveness research. And in the new bureaucracy created by ObamaCare here in the House, there is a comparative effectiveness panel that is going to make decisions about seniors and what they can get in the way of treatments, medicines, surgeries, everything. And it's going to be age related. So they are going to use an age-related cost comparative effectiveness of looking at spending dollars, not treatment outcomes, not whether one treatment saves lives over another, but how to best spend the limited dollars that the Federal Government has.

We don't have unlimited dollars, Mr. Speaker, and we cannot continue to print dollars like we're doing today. It's got to stop. We've got to stop printing money. We've got to stop borrowing from our children's future. We've got to stop this outrageous spending, Mr. Speaker, and we've got to give people choices.

Republicans have offered many bills. Over 40 Republican bills, alternatives to ObamaCare, to H.R. 3200, have been introduced in the U.S. House of Representatives. Each folder contains a separate bill. Republicans are offering folks in this country options, options to lowering the cost of health care, options to make sure that patients have the ability to choose their own doctor, and that in that doctor-patient relationship, that's how health care decisions are made, not by some bureaucrat that H.R. 3200, ObamaCare, is going to put between the patient and their doctor.

In fact, just today, I introduced my own bill. It's in this stack, one of them. Mine is a little over 100 pages. By the way, I have read my own bill. I doubt NANCY PELOSI ever read her own bill. But I read my own bill. We call it the OPTION Act. The OPTION Act stands for "Offering Patients True and Individualized Options Now Act." My bill will make the purchase of health care more affordable to more people because it drastically expands the individual markets available for all of us and gives us many options.

Right now, most people in this country only have one option, and that's the insurance that their employer provides to them. About 85 percent of America has that one option. Medicare and Medicaid patients only have those two government options, one each. Also my bill increases pooling options. What my bill will do is it will allow what we call associations to be formed, if they are not already there, to offer health insurance to their members. For instance, I'm a Rotarian. Rotary International could have one or more health insurance plans that they offer to all Rotarians and Rotarian families around the country. I'm also an alumnus of the University of Georgia. We can have a UGA health care option that people could buy into. I'm a hunter. I'm a fisherman. We could have

a hunters' option and a fisherman's option. We could have a bricklayers' option and a carpet layers' option. This will increase the options and thus increase the marketplace for all Americans. And the more options you put on the marketplace, the lower the cost is going to be. Plus, it will help to drive down some of these outrageous salaries that the insurance companies are offering their executives.

Mine will lower the overreaching cost of health care for everyone through the tax system, because what my bill will do is give 100 percent tax deductibility—let me repeat that—100 percent tax deductibility for everybody for every health care expense. And this is above a standard deduction. So it will allow an income tax deduction on all health care premium costs for everybody. It will allow individuals to make tax deductions to any health care expense, including their expenses that are funded through a health savings account.

My bill markedly expands the health savings account and gives people the ownership of that where they can turn their health savings account into their estate so that their beneficiaries, their family, will receive the benefits. In fact, it even creates a Medicare health savings account and allows Medicare patients to buy health insurance, private health insurance, on top of the health savings account. It gives them ownership. It will be funded through Medicare. But it will be such that they will own that, and that will go into their estates, too, if they don't spend all the funds.

The AARP can, for instance, sell them supplemental insurance on top of their Medicare health savings accounts, and all the insurance companies will be able to continue to do business. But it creates a marked amount of market forces in the health care field.

My bill will also repeal and reform the barriers that currently exist for physicians to donate their services to people who don't have health insurance or can't afford to pay for their health care. And many others things are in my bill, H.R. 3889, the patient OPTION Act.

Republicans offered many alternatives. The American people, Mr. Speaker, need to know that what they hear from our Democratic colleagues, that Republicans don't have a plan, is absolutely false. It's trying to mislead the American people. And the American people should call them on that and say shame on you for making these outrageous statements because they know it's not factual.

We have many plans. I have been joined tonight by several other physician colleagues here in Congress. We are offering many alternatives. Another family doctor is a freshman who has been very vocal in this from Shreveport, Louisiana, Dr. JOHN FLEMING.

I welcome you, Dr. FLEMING, to this discussion tonight. I know you have a lot to say, and I will yield to you.

Mr. FLEMING. I thank the gentleman, Dr. BROUN from Georgia, whom I consider a mentor of mine, a family physician who has preceded me into Congress. And it's important that we physicians speak out on this important issue. We've come to a point now where the Democrat version of this, or versions I shall say, are about to be put together and put to a vote. And I think that we have an idea about what's going to come out on the other side of this, whether it's a hybrid or some sort of combination or one or the other, the Baucus bill, which mainly emphasizes increased premiums, taxes on health plans, on medical devices, if you will; and then on the House side, a plan with a so-called robust public option which we know to be a very robust takeover by the government of health care which will lead to a number of taxes.

Every one of them finance this program basically in two ways: one, raising taxes or a cost on premiums or both; and the other is gutting Medicare to the tune of a half trillion dollars. On top of that, it gets a running start by taking in revenue for about 3 years before actually spending it on anything to, again, cook the books and make things look better. And then on top of that is an impending decline in reimbursements to physicians of 21 percent in their Medicare reimbursements, which, again, adds another \$250 billion of cost on this, which can be hidden. They're trying to hide it, but it's not successful.

Mr. BROUN of Georgia. I want to reclaim my time just 1 second because there's an extremely important point, Dr. FLEMING, you just made, and I think the American people need to understand that. So I would like for you, if you would please, to repeat the statement that you just said, and then I want to ask you a question about that statement, if you would. Please repeat that statement.

Mr. FLEMING. That at the end of the day, this thing is going to be financed by a combination of increased premium costs—significantly increased premium costs—or taxes or both, and gutting Medicare to the tune of a half trillion dollars, and on top of that, another \$250 billion of impending cuts to the tune of, at this point, of 21 percent, if not greater, to physician reimbursement, which if it ever goes into effect will basically collapse the Medicare market and accessibility of care to physicians.

Mr. BROUN of Georgia. The physician reimbursement rate is the point I wanted you to really focus upon, Dr. FLEMING. I know you've talked to a lot of doctors in Louisiana, just like I've talked to a lot of our physician colleagues from Georgia, and really from all over the country. The doctors' reimbursement rate is what doctors are paid. That is now below what it costs them to deliver the care. I think most physicians would agree with that, wouldn't you?



Mr. FLEMING. Absolutely. It's only a fraction of the real cost.

Mr. BROUN of Georgia. Then if doctors are cut more, that's through Medicare and Medicaid today, if doctors' payments are cut even more, what's going to happen to a senior's doctor who is out there trying to take care of folks now and being underpaid by Medicare? What do you think is going to happen? What is the doctor's response going to be? What does it have to be?

Mr. FLEMING. Again, to look at the fundamentals of economics, today doctors are paid on average 80 percent of the cost of the care they provide. The rest is made up on private insurance. And if you cut that further, then physicians will find not only can they not break even on providing care to Medicaid recipients, they are going to lose money. And they can't afford to do that. They can't make payroll. They can't pay their light bill, their rent and so forth if they can't make enough money from their patients.

So the bottom line here is the basic dishonesty of this bill. It says that a half trillion dollars will be cut out of Medicare and it's going to come out of fraud, waste and abuse. After 40 years, no one has been able to figure out how to do that. No one advances a methodology for doing that today. And so if you add already the fact that physicians are paid less than their costs, an impending cut of 21 percent of their reimbursement and perhaps more in future years, and then another half trillion dollars, which is going to go against them and hospitals, what we're basically doing is telling seniors, Forget it; we're taking your health care, and we're giving it to other people.

□ 1700

Mr. BROUN of Georgia. That is right, and that is what the Cost Effectiveness Panel is going to tell seniors is you just can't get that surgery, you just can't get that test you need. But doctors are going to quit seeing Medicare patients is what is going to happen. I have talked to a lot of physicians. So seniors particularly are going to lose, because they are not going to get the medical services that they need to keep them healthy and keep them living, plus they are going to lose their doctor that they have trust in today.

In fact, in some communities, some patients have difficulty finding a doctor who will take Medicare, and a lot of communities, even in my own community, patients are having a hard time finding a doctor that will take Medicaid, or PeachCare, which is the Georgia SCHIP, State Child Health Insurance Program payment.

Doctors are going to be forced to abandon their acceptance of these patients. They want to see these patients, but they are not going to be able to do so because of the economic squeeze upon the doctors. Right now doctors are being paid less than what it costs them to actually give the service.

Mr. FLEMING. If the gentleman would yield, I would like to extend that

another step. Remember that I said earlier the only way doctors are making it now is that private insurance is making up the difference, it is making up the gap, on average \$1,800 per family per year that is insured.

Mr. BROUN of Georgia. That is not fair either to the private side.

Mr. FLEMING. No. Absolutely. What this bill will do is not only gut Medicare and reduce the reimbursements to physicians already, but it is going to deliberately push people from private insurance, because this so-called competition is going to be an artificial market, which is really a low-ball, and it is going to force employers to push their employees onto this. So you will see Medicare enlarging. And when I say that, I don't necessarily mean in a generic way.

Just today, the Democratic Party released a trial balloon, saying, well, instead of calling it a public option, let's call it Medicare for everyone. Every physician will be paid at the Medicare rates for all these new patients.

So what you have in the end, just to summarize, is a growing Medicare pool or universe and a shrinking private insurance, which will drive insurance costs up steeply, and you will be left with basically a collapsed private insurance market.

Mr. BROUN of Georgia. That is the reason we know that millions of people are going to lose their private health insurance, because they are going to be forced off of it and forced into this so-called public option, this government, bureaucrat-run, socialized health care system. And we already see we have several government, bureaucrat-run health care systems, Medicare being probably the most notable one, which is already rationing care.

It tells me as a doctor and you as a doctor when we can put a patient in the hospital or not and how long they can stay there or not, whether they can get a medication or other types of treatments or not. And they want to put everybody in that kind of system? I think not. That is not what is in the best interests of the American people. The American people need to understand this.

We have also been joined by another good friend of mine, also from Louisiana. We are blessed in the Republican Conference with three excellent physicians from the State of Louisiana. Dr. BILL CASSIDY is a gastroenterologist, and he has been working in a public hospital for years and taking care of patients that have had problems with health insurance.

Dr. BILL CASSIDY is one of the sages of the freshman class and an excellent physician from Louisiana. We are blessed to have him here tonight, and we are blessed to have you, Dr. CASSIDY, in the Congress to help us discuss the issues about health care finance reform.

This whole discussion is not about health care reform. We have got the best health care system in the world.

Some of the Democrats will refute that statement, but, factually, people come from all over the world for our health care because it is the best in the world.

Dr. CASSIDY, thank you for joining us tonight. I will be glad to yield to you for a while.

Mr. CASSIDY. Thank you, Dr. BROUN. I am pleased to be here.

Let me start off by saying I actually totally agree with our Democrat colleagues on the goals of health care reform. We have to control costs. By doing so, you can create access to high quality care.

As you mentioned, I have been working in a hospital for the uninsured for 20-something years, a public hospital in Louisiana, part of our safety net system, so it occurs to me that I know firsthand the need to control costs. In our budget, there is a fixed budget, if you will. If we exceed that, then we don't have the ability to provide more access. We do have to form those long lines. And I kind of applaud the President because he recognizes the need to control costs.

For example, he has more than once said that the price of failure is that costs will double over the next 10 years. In fact, I think the President has said that without his reforms or the reforms he agrees with, that we know that the costs will double over the next 10 years and they will be out of control. I think he recognizes that cost control is one of the three legs of the stool. Again, we must control costs in order to ensure access to high quality care.

But we on the Republican side, I think, have continually pointed out that his programs will lead to higher costs, not lower costs, and that is of concern to me, who has worked in a public hospital, that knows that once costs are out control, then you inevitably have a decrease in access.

I was struck today that there is an independent article that just came across the Associated Press that under the proposed overhauls, the U.S. health care tab would grow. That is the headline. And this is an analysis by the Health and Human Services Department looking at the impact of H.R. 3200 upon overall health care costs.

Mr. BROUN of Georgia. Tell me it is not so. It is going to go up? The health care costs are going to go up?

Mr. CASSIDY. You know, in one sense, in one sense it is almost humorous, and in another sense, it is almost tragic. Because what we have been saying all along is that under these proposals, costs actually go up, and we know in our practice when that cost goes up, inevitably there is some sort of squeeze-down on people's access to high quality care.

By this, which is an independent government economist, this is the Medicare Office of the Actuary, it says that the report found that health care would account for 21.3 percent of the U.S. economy in 2019 under these reforms, slightly more than an estimated

share of 20.8 percent of the economy if no bill passes.

Additionally, it says that with the exception of the proposed reductions in Medicare, the legislation would not have a significant impact upon future health care gross costs. It adds, it is doubtful that the proposed Medicare cuts will stay in.

What we are seeing is that when the President says that reform must be done or costs will double, indeed, under their reform plan, costs more than double.

Another report by the Congressional Budget Office suggests that under the reform plans before us, including the Senate Finance Committee, that the rate of inflation will be 8 percent per year. That is compounded. That more than doubles costs. At a minimum, reform should not be more expensive than the status quo if cost is the issue.

So, Dr. BROUN, I want to return, I think you are right on when you spoke earlier about your bill, and, of course, I am a cosponsor of H.R. 3400, which includes things such as Health Savings Accounts, that actually can bend the cost curve.

I was speaking to a woman back home who does small group insurance. I called her up and I said, If you have a family of four with an HSA and a wraparound catastrophic policy versus a family of four with the traditional insurance policy, what is the rate of inflation?

She said, Well, with the Health Savings Account and the wraparound catastrophic, about 6 percent per year. Now, that actually begins to bend the cost curve down. She said, though, for the traditional insurance policy, it is more along the lines of 9 to 11 percent per year.

So I think what we in this delegation, this conference, have found is that if we empower patients, if we do what a Health Savings Account does, which is take a portion of that health insurance premium, puts it into an account, and if the patient has money left over at the end of the year, it belongs to the patient, she can roll it over into the account the subsequent year, as opposed to a program which empowers government, which is a top-down, central planning Medicaid-Medicare type of program, which, as good as they are, nonetheless have inflation rates which are higher than the inflation rates for even traditional insurance policies. If we go with the patient-empowered process, we control costs. If we go with the same paradigm as this report states, we actually increase costs, the kind of government paradigm.

If I can defer to my colleague from Shreveport, Dr. FLEMING actually has a very nice story about how they brought Health Savings Accounts into their small group and indeed lowered costs.

Mr. FLEMING. I appreciate your yielding for a moment.

Absolutely true. Apart from being a family physician for over 30 years, I

have owned small nonmedical businesses for a number of years, over 20 years, and we ran into this same escalation problem, 9, 10, 12, 15 percent, really, per year. Finally we said, What can we do to resolve this? And the Health Savings Account had been enacted again by the Republicans just shortly before that, and I studied it.

I used my background as a physician in the economics of medicine and I said, You know what? This, in effect, connects the patient, in this case me and my employees, back to the real cost of care. It should have a remarkable impact bending the cost curve down. We didn't use that term then because it hadn't been used. But to make a long story short, we implemented it. We are about 7 years down the road now, and our net increase in inflation cost has been less than 3 percent per year.

Mr. BROUN of Georgia. That is outstanding.

Let's go back to something we said with both of you, Dr. FLEMING as well as Dr. CASSIDY. H.R. 3200, the Pelosi-ObamaCare bill, is going to raise overall costs of health care in this country. It is not going to lower the cost; it is going to raise the cost. Not only do we have this administration estimate that it is going to increase the cost, but even CBO said it is going to increase the cost. CBO said it is not going to cover everybody.

Mr. CASSIDY. CBO, if I may, the Congressional Budget Office, because I find sometimes we get used to these terms, but the independent arm of Congress that evaluates the fiscal matters, if you will, whether or not something costs more or less or is just right, the Congressional Budget Office says the rate of growth will be 8 percent per year under the plans before us from the House Democratic leadership and the Senate Finance Committee, and that more than doubles costs in 10 years.

Mr. BROUN of Georgia. Absolutely. So it is going to cost more money for everybody, and it is going to cost jobs. Millions of people are going to be put out of work by the ObamaCare bill. And we have got all these bills. Every folder has a different bill that the Republicans have introduced, many, many alternatives, that will lower the cost, let me repeat that, lower the cost for everybody and get more people on insurance.

We have also been joined tonight by another good friend, a freshman from Tennessee who has been very eloquent in telling us about the Tennessee experiment that is exactly the same experiment, the same program that NANCY PELOSI and Barack Obama and HARRY REID are trying to force upon the American public called TennCare. It didn't work in Tennessee and it is not going to work here. In fact, one of the definitions of insanity is doing the same thing over and over again and expecting different results.

We have already done it, haven't we, Dr. ROE?

Mr. ROE of Tennessee. Well, Dr. BROUN, we have. Let me say I was here this morning early, and I came to this Congress, I practiced medicine, OB-GYN, delivered almost 5,000 babies, and I came to this Congress with a non-partisan background as the mayor of Johnson City, Tennessee. That was my political background. So I came here to try to help be part of this great health care debate.

How I started my time off was I brought every think tank that I could find—Brookings Institute, which is a left-leaning think tank, Heritage Foundation, Cato, AEI—into my office and sat down and listened to them and said, What is the problem? How do we define the problem of our country right now as far as health care is concerned?

One of them was escalating costs. How do we deal with that? How do we deal with the uninsured and how do we deal with preexisting conditions?

I think the thing that troubles most of us out there, and me as an individual, quite frankly, is if you lose your job, you lose your health care. That is something that everyone in this country fears, and certainly in a bad job market. So I thought about that at great length and brought some basic principles which we have, and I stood on the House floor this morning and heard three different individuals say that there were no other plans out there.

□ 1715

That is absolutely false.

Mr. BROUN of Georgia. Let me interrupt you and just say that we hear that over and over again. We hear claims from the Democrats that the Republicans don't have a plan. Look at all these bills. Every folder has a Republican bill in it. I have my own there. Many other Members, all these are Republican plans, Republican bills to help rein in the costs and give people more options.

Mr. ROE of Tennessee. Well, Dr. BROUN, if you'll yield back.

Mr. BROUN of Georgia. Yes, sir.

Mr. ROE of Tennessee. And I heard my good friends, Dr. FLEMING from Louisiana and Dr. CASSIDY, both mention this. But I looked at it, and I thought How can we make insurance portable? How do you affect preexisting conditions? If you have a large group market, you don't have a problem with preexisting conditions.

For instance, in our city, where I was mayor, it didn't matter. How did we handle a preexisting condition? We took everyone in. Everyone paid the same rate, and we bought catastrophic coverage in case someone had a leukemia or a cancer or a severe heart problem and covered that issue.

We also used prevention and wellness. And I can tell you there are four organizations in my community, in my area, that have had minimal health care increases in the last 4 to 5 years. How do they do that? Well, they change the incentives from consumption to wellness. And let's say you

came in and you were hypertensive and you had diabetes and you smoked and you were overweight. Well, we would penalize you financially for that. These organizations—and there are businesses there that have been able to hold their costs down—but if you changed and modified your behavior, we rewarded you for that and you would actually earn money by changing your behavior.

And guess what that's done? That's empowered the patient to be in charge of their own health care. And we hear all the time about insurance companies. And I can tell you right now, I'm not sitting here defending an insurance company. And you and I—I'm a surgeon, and I've spent as much time on the phone trying to get an insurance company to approve care than I actually do in the cases. But in our own practice we have about close to 300 people who get their care from our group, 70 providers, 300 or so employees.

What we did, and what I've done, is use this as a health savings account card. And what Dr. CASSIDY was talking about, so people understand how this empowers the individual, is this: so much money, whether it's \$2,000 or \$3,000 and you go buy first dollar. You're going to shop. I do. If I go get a scan, I want the best price. At the end of that year, if I don't spend that money, it goes into an account, as Doctor FLEMING said. Now, how many people in our group chose to use this? Eighty-four percent, instead of traditional accounts, they used a health savings account.

Mr. FLEMING. Will the gentleman yield on that?

Mr. ROE of Tennessee. Yes.

Mr. FLEMING. On the subject of health savings account—and you heard me say our experience was less than 3 percent increase in costs per year. And you point out that it's the employer's dollars that are going into that account, not the employees. It's pre-tax or nontaxed, really; and it's used at the employee's discretion.

Just a quick example: had a lady who, when we first implemented this, she said, Well, I'm a little concerned because this means that I'll have to pay out of pocket, meaning out of the health savings account for my medications for my respiratory problems. And I said, Well, what is it that you take and how much does it cost? And she says, Well, I use several inhalers. It costs me \$100, \$150 a month for medication. And I suggested, Well, why don't you stop smoking and you'll save money on the tobacco, and you can stop your inhalers, probably. And sure enough, she did: came back 3 months later and thanked me. She felt better. She had a lot more money in her pocket, and it all had to do with the health savings account.

Mr. BROUN of Georgia. Reclaiming my time, as a family doctor, it's always been a problem for me to get patients to comply with these wellness suggestions that I make that Dr. ROE

is taking about. I talked to a hospital administrator in my district Monday, and he told me that their health insurance plan for their employees has a \$2,500 deductible. But what they put in place was, if a patient smoked, they would pay a \$2,500 deductible. If they have high blood pressure, they pay a \$2,500 deductible. Diabetes, if they didn't lose weight and control their sugar, they had a \$2,500 deductible for everybody.

But if you don't smoke, they'd give you a \$500 credit. If you controlled your blood pressure, they'd give you another \$500 credit. If you controlled your blood sugar, another \$500 credit. If you lose weight, another one. And people could actually, by doing these things that we all suggest to our patients to make them healthier, and make them less liable to expend health care dollars, people could actually get credits so they had no deductible. And if an employee didn't have those problems, then they didn't have the deductible because they were already under control, their blood pressure was controlled, their sugar was controlled, et cetera.

So going back to what Dr. ROE said, it was an excellent way of getting their employees to help take care of themselves and lower the cost for them as a company, plus it lowered the cost for all of their employees too. We've also been joined by my good friend, ROY BLUNT from Missouri; and we welcome you, Mr. BLUNT, anytime for, not only this Doctors Caucus Special Order, but you've got—you're very sage on these issues and I yield to you, sir.

Mr. BLUNT. Well, I thank the gentleman for yielding. It's good to be here on the floor with so many of our Republican doctors. When you're in a debate on health care, and you can say, Doctor, Doctor, Doctor, Doctor, you'd probably better be in a discussion on health care. And I want to say that our Republican doctors have really been doing a great job leading on this issue. Many of them were on the health care solutions group that I led and, you know, we haven't produced an 1,100-page bill or a 1,500-page bill. But there's lots of legislation out there that Republicans are for that would change health care in the right way and a lot of it that you as individuals are supporting as well.

And one thing I've heard, Dr. BROUN, all over the summer, throughout the summer and now into these early months of the fall, is why do we have bills that nobody can read, that nobody can understand and certainly, in health care? I suppose if you're on the other side of this issue and you're trying to come up with a health care plan that costs \$1 trillion, maybe it all has to work together. You have to have the taxes, you have to have the mandatory insurance for every American, you have to penalize small businesses that don't create insurance for their employees, maybe it all does have to come together.

Certainly in our plan, you can take the bills that we're individually involved in and collectively involved in, for medical liability reform, nothing else has to pass for that medical liability reform bill to save \$54 billion. Nothing has to pass for our associated health association health plans bill to be out there and suddenly allow lots of people to have access to health care that they don't have right now. Nothing else that I'm for has to pass for fair tax treatment so that if you get your insurance on your own, you have the exact same tax treatment that the biggest company in America has if they give insurance to people.

So we've got lots of bills out there. There are Republican solutions. The biggest misleading thing said in this debate, which has lots of misleading elements to it, is you can either do what the administration wants to do, or you can do nothing. There are lots of choices between what the administration wants to do and nothing. They reform health care without devastating taxpayers. And that's what we're doing. And, again, nobody has been better on talking about the doctor/patient relationship and what you do to be sure that doesn't become the bureaucrat/patient relationship than our doctors, and I'm glad to be here on the floor with you and look forward to being part of this discussion for a few minutes.

Mr. BROUN of Georgia. Mr. BLUNT, I want to point out here we have all these folders here on the desk. Each one contains a Republican bill to help reform the health care financing. Every single one of these, these are all Republican bills that have been introduced in this House of Representatives. Not one will see the light of day if NANCY PELOSI wants to bury them as she has thus far. Every single one of these is a plan that I think we could get a lot of Democrats, if they would ever have the ability to look at them and consider them.

But it's unfortunate that this leadership is saying it's either the Obama way or no way. And then they come and literally lie about us not having a bill. Just this morning during Special Orders, Democrats came in and said we don't have a bill. Here they are. The American people need to understand that.

Mr. BLUNT. If the gentleman would yield, we have plenty of alternatives, and I'm absolutely confident that if you ask the American people would you rather have one 1,500-page bill—I actually heard today that the Senate bill, the Baucus bill, is over 1,500 pages. Would you rather have one 1,500-page bill, or would you rather have 15 bills that were all less than 100 pages that you could debate one at a time, that you could change the system in a way that people understand exactly what you're doing, and that you don't devastate future generations with a health care plan that just simply can't be paid for when we have reforms that would

create a lower cost of health care generally, lower cost of taxpayer-provided health care specifically, and not add to the Federal deficit.

And I know the answer to that, doctors. I know the answer to that and you do too. You all were at the town hall meetings. You've been on telephone town halls. And people are tired of bills where the answer, where the problem is hidden somewhere in the bill and nobody can find it. And believe me, if there's a 1,500-page bill, if this Congress stays true to form, there will be a 1,500-page substitute put on the table the day we're asked to vote on it, and nobody will have possibly had time to read it.

The bills right behind you are not only the Republican solutions to this problem, but they're also the way the American people would like to see this problem solved, and we're working hard to do that. We'd just like to have an opportunity to present these bills. We'd like to have an opportunity to have a hearing on these bills. We'd love to have an opportunity for these bills to be debated on the House floor. So far nobody's given us that opportunity at any level.

Mr. BROUN of Georgia. Thank you, Mr. BLUNT. I appreciate it and appreciate your chairing the task force to look at the health care from the Republican Conference side. We've also been joined by my dear friend and colleague, one of my mentors actually, Dr. PHIL GINGREY, OB-GYN from Georgia. He grew up in Augusta, Georgia, that I represent. He was slightly ahead of me in medical school at the Medical College of Georgia, and we're just very honored to have you, Dr. GINGREY. I yield to you, sir.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate my colleague, Dr. BROUN, for yielding and for controlling the time and my colleagues Dr. ROE and Dr. FLEMING. And plus we just heard, Mr. Speaker, from ROY BLUNT, former majority whip, long-term member of our leadership. And talking about wouldn't it be better to have fifteen 100-page bills that we could look at and study and understand and take up in a very deliberative manner rather than one 1,500-page bill, or in the case of the House bill, H.R. 3200, I think, Mr. Speaker, we're talking about maybe 1,200 pages.

But, again, you hear this over and over again, whether it's the Sunday morning talk shows or inside the beltway up here, people accuse even President Obama suggesting that we weren't bringing him any good ideas, any meaningful ideas or, you know, the party of "no." Well, Dr. BROUN and I and others have spoken about we'll accept that accusation if you spell it correctly, K-N-O-W.

And those bills behind him, behind my colleague from Athens, attest to that fact. And probably my colleagues have already mentioned this. But just in our GOP Doctors Caucus, there are about 12 of us, and I was just looking at

a list of bills on health care that have been introduced. Probably most of them are in those binders behind Dr. BROUN.

□ 1730

But Dr. BOOZMAN from Arkansas has three different bills, Dr. BOUSTANY from Louisiana—cardiothoracic surgeon—two bills; Dr. MICHAEL BURGESS, our colleague from Texas, OB-GYN, has six different bills, including a paid-for doctor fix elimination of that SGR. Dr. BROUN has a great bill himself, H.R. 227; Dr. CASSIDY has a bill; Dr. FLEMING has H.R. 615; Dr. JOHN LINDER; TIM MURPHY, our colleague from Pennsylvania, has two bills; Dr. RON PAUL from Texas has six different bills; MIKE SIMPSON from Idaho has a bill.

Let me just say real quickly, Mr. Speaker, because I know our time is running short, but you talk about a simple bill, an easy to understand, easy-read bill, my bill, H.R. 3700, here it is, Mr. Speaker. Here it is right here. This is easy. If you drop this bill, it just kind of floats down. But it is so important because H.R. 3700, Ten Prescriptions for Healthy America—I can run through them quickly and not take up too much of my colleagues' remaining time.

Number one, no government-run health plan. I hope my Democratic colleagues on the majority side haven't forgotten what people were telling them in August despite this recent poll they came out with. I think they need to think about that. People don't want a government-run health care plan. They certainly don't want cuts in senior care, that's \$500 billion out of a Medicare system and literally gutting Medicare Advantage.

No new deficit spending. And the President said, Hey, not a dime will we add to the deficit. No new taxes. No ration of care, particularly for our seniors. They don't want to get thrown under the bus just so we can spend \$1.5 trillion covering an additional 15 million people. That's what, 4 percent of the population—many of whom are young and healthy and really don't want that coverage. No taxpayer coverage for illegal immigrants.

So I could go on and on with these 10, but I know we're running short of time. But it's great to have an opportunity, Mr. Speaker, to let the Democratic majority and their leadership, let the President know we're here, we're ready. You say your door's open, we're knocking on it. We're ready to come in and present some of these ideas.

I yield back to my friend from Athens.

Mr. BROUN of Georgia. I want to go back to Dr. ROE for a minute because we've got about 5 more minutes.

In Tennessee, you all put in a government-run health care program, just exactly the same kind of thing that NANCY PELOSI's offering us here in H.R. 3200, or whatever she's writing. We know those things.

Bottom line, very quickly in 30 seconds, did it work, or did it fail, and what was the outcome?

Mr. ROE of Tennessee. Dr. BROUN, what happened was exactly as you point out. In 1993, we were spending \$2.6 billion. We had a lot in the State of Tennessee on our Medicaid plan. We changed to a plan called TennCare. By the year 2004, it was a \$7.5 to \$8.5 billion plan. It tripled the cost. Forty-five percent of the people who got on the plan had private health insurance and dropped it—exactly what's going to happen in the public option. And how did the governor, a Democratic governor, rein in costs? He cut the rolls. He rationed care in that way. And that is exactly what will happen in a public option that we're talking about. We'll go into it in more detail.

Let me take 30 seconds and tell you if we could agree on this and pass a meaningful health care bill, this is all you have to do. Eliminate State lines so you can form association health plans; give tax credits for low-income people to buy affordable health care; have a tax deduction for individuals. Last year I was an individual when I ran for Congress, and I couldn't deduct my health care premiums. It made them 30 percent higher.

Number four, let young people who don't have a job when they get out of high school or college, let them stay on their parents' health care until they're 25, 26 years old. It costs the government a big fat zero. You can cover 7 million young people doing that.

Tort reform and SGR fix. Those are not terribly expensive things to do. I think we can all agree on them. And I believe we can get a meaningful health care plan that doesn't blow up a system that's working for 80 or 85 percent of the people right now.

Mr. BROUN of Georgia. Thank you, Dr. ROE.

TennCare failed?

Mr. ROE of Tennessee. Yes.

Mr. BROUN of Georgia. ObamaCare is going to fail. It's going to wreck our economy, it's going to put people out of work, and seniors are going to be hurt the most by ObamaCare.

We've got just a minute left.

I would like to go back to Dr. FLEMING.

Mr. FLEMING. I just have 15 seconds of a thumbnail little summary I'd like to mention.

If ObamaCare passes, there will be increased taxes for the middle class—which the President promised wouldn't happen—and significantly increased private premiums. It will decrease services to senior citizens. It will explode the budget. And the bottom line is we will pay more for less.

Mr. BROUN of Georgia. You're exactly right, Dr. FLEMING. We'll pay more for less, we'll get poor quality care. It's going to destroy the quality of health care in this country.

CBO says it's not going to cover everybody, and we hear our Democratic colleagues say they want to cover everybody, but it's not going to. And it's going to hurt everybody. And it's really going to hurt the middle class.

When the President came and spoke to the joint session of Congress a couple of weeks ago, only one person told the truth, and that was JOE WILSON. JOE WILSON is the only person who told the truth.

The ObamaCare bill is going to give free health insurance to illegal aliens, it's going to pay for abortions, it's going to do a lot of things that people don't like. But the bottom line is people are going to be out of work that are working today. It's going to hurt our economy. It's going to hurt the elderly, because they're going to have their health care services cut, and they're not going to be able to get their services from the doctor or from the hospital that they need and deserve because of ObamaCare. And the American people need to understand these things. Millions of people are going to lose a job and be out on the street, and it's going to hurt our economy.

So the American people need to understand these things and rise up and say "no" to ObamaCare. Let us have a bipartisan debate on all of these Republican plans so that we can find commonsense market-based solutions for health care.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Mr. ARCURI (during the Special Order of Mr. BROUN of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 111-311) on the resolution (H. Res. 853) providing for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. RICHARDSON (at the request of Mr. HOYER) for today on account of business in the district.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of illness.

Mr. WALDEN (at the request of Mr. BOEHNER) for today on account of illness.

#### 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:)

Ms. WOOLSEY, for 5 minutes, today.  
Mr. DEFAZIO, for 5 minutes, today.  
Mr. INSLEE, for 5 minutes, today.  
Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.  
Mr. SABLAN, for 5 minutes, today.  
Ms. CHU, for 5 minutes, today.  
Mr. KAGEN, 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. POE of Texas, for 5 minutes, October 28.

Mr. MORAN of Kansas, for 5 minutes, October 28.

Mr. JONES, for 5 minutes, October 28.  
Mr. BURTON of Indiana, for 5 minutes, October 26, 27 and 28.

Mr. DEAL of Georgia, for 5 minutes, October 22.

Mr. POSEY, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 621. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 16, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 1016. To amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2997. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Lorraine C. Miller, Clerk of the House also reports that on October 21, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 3183. Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, October 22, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4192. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the Department's summary of response to the Special Inspector General for the Troubled Asset Relief Program's (SIGTARP) July 21, 2009 recommendations; to the Committee on Financial Services.

4193. A letter from the Under Secretary of Defense, Department of Defense, transmitting the description of the reorganization of the Department of Defense Education Activity (DoDEA) that affects the defense dependents' education system, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

4194. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "High Risk Pool Grant Program for Federal Fiscal Years (FFYs) 2006 and 2007"; to the Committee on Energy and Commerce.

4195. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's strategic plan for fiscal years 2009 through 2014; to the Committee on Energy and Commerce.

4196. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report concerning efforts made by the United Nations and the Specialized Agencies to employ an adequate number of Americans during 2008, pursuant to 22 U.S.C. 276c-4; to the Committee on Foreign Affairs.

4197. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 18-09 informing of an intent to sign a Project Agreement with Italy; to the Committee on Foreign Affairs.

4198. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-09 informing of an intent to sign a Project Agreement with Australia; to the Committee on Foreign Affairs.

4199. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Kingdom of the Netherlands (Transmittal No. RSAT 09-1864); to the Committee on Foreign Affairs.

4200. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12987 of October 21, 1995; to the Committee on Foreign Affairs.

4201. A letter from the Chairman, Council of the District of Columbia, transmitting

District of Columbia Council: a copy of D.C. ACT 18-206, "Unemployment Compensation Additional Benefits Program Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4202. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-205, "Unemployment Compensation Administrative Modernization Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4203. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-204, "Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4204. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-203, "District Residency RIF Protection Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4205. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-202, "National Guard Morale, Welfare and Recreation Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4206. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-201, "Pension Vesting Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4207. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-192, "Residential Aid Discount Subsidy Stabilization Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4208. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-191, "Heat Wave Safety Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4209. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-190, "Loree H. Murray Way Designation Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4210. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Norton Company Worcester, Massachusetts, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

4211. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Lake Ontario Ordnance Works in Niagara Falls, NY, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

4212. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the Enforcement of Sex Offender Registration Require-

ments 2008-2009, pursuant to Public Law 109-248, section 635; to the Committee on the Judiciary.

4213. A letter from the Director, Bureau of Prisons, Department of Justice, transmitting report on post-release mentoring for ex-offenders, pursuant to Public Law 110-199, section 213; to the Committee on the Judiciary.

4214. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Documentation of Non-immigrants Under the Immigration and Nationality Act, As Amended; Requirements for Aliens in Religious Occupations; to the Committee on the Judiciary.

4215. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Large Passenger Vessel Crew Requirements [USCG-2007-27761] (RIN: 1625-AB16) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4216. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Robert Moses Causeway Bridge State Boat Channel, Captree, New York [Docket No.: USCG-2009-0755] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, VA [Docket No.: USCG-2009-0529] (RIN: 1625-0529) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Clemente Island Northwest Harbor October and November Training; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0747] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4219. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Naval Training October and November; San Clemente Island, CA [Docket No.: USCG-2009-0748] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4220. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation entitled the "Multilateral Child Support Convention Implementation Act of 2009"; jointly to the Committees on Ways and Means and the Judiciary.

4221. A letter from the Director, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1855-DR for the Commonwealth of Kentucky; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

#### 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. RAHALL: Committee on Natural Resources. H.R. 1061. A bill to transfer certain

land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; with an amendment (Rept. 111-306). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1471. A bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; with an amendment (Rept. 111-307). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2008. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; with an amendment (Rept. 111-308). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2489. A bill to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; with amendments (Rept. 111-309). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 715. A bill to expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes (Rept. 111-310). Referred to the Committee of the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 853. Resolution providing for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes (Rept. 111-311). 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 Mr. BROWN of South Carolina: H.R. 3885. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy; to the Committee on Veterans' Affairs.

By Mr. PILNER: H.R. 3886. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to reimburse certain volunteers who provide funeral honors details at the funerals of veterans; to the Committee on Veterans' Affairs.

By Mr. BLUNT (for himself, Mr. BARTON of Texas, Mr. CAMP, Mr. KLINE of Minnesota, Mr. UPTON, and Mr. WITTMAN):

H.R. 3887. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to improve health insurance coverage of dependents; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, 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. FARR (for himself, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPAS, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. DICKS, Mr. DOGGETT,

Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Ms. MATSUI, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Mr. STARK, Mr. THOMPSON of California, Mr. WAXMAN, and Ms. WOOLSEY;

H.R. 3888. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Transportation and Infrastructure.

By Mr. BROUN of Georgia:

H.R. 3889. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage floor on medical expense deductions, expand the use of tax-preferred health care accounts, and establish a charity care credit, to amend the Social Security Act to create a Medicare voucher program and reform EMTALA requirements, and to amend Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. CAPUANO, Ms. KILROY, Mr. CLEAVER, and Ms. KOSMAS):

H.R. 3890. A bill to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania:

H.R. 3891. A bill to improve research on health hazards in housing, to enhance the capacity of programs to reduce such hazards, to require outreach, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, 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. BUTTERFIELD (for himself, Ms. FOXX, Mr. SHULER, Mr. COBLE, Mr. WATT, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. KISSELL, Mrs. MYRICK, Mr. JONES, Mr. MILLER of North Carolina, Mr. MCINTYRE, and Mr. MCHENRY):

H.R. 3892. A bill to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CASTLE:

H.R. 3893. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Natural Resources.

By Mrs. DAHLKEMPER:

H.R. 3894. A bill to amend the Public Health Service Act to authorize a community-based overweight and obesity prevention program; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER:

H.R. 3895. A bill to authorize the Secretary of Health and Human Services to conduct or support research and demonstration projects on the use of financial and in-kind subsidies and rewards to encourage individuals and communities to promote wellness, adopt healthy behaviors, and use evidence-based preventive health services, and for other pur-

poses; to the Committee on Energy and Commerce.

By Mrs. EMERSON:

H.R. 3896. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas, and for other purposes; to the Committee on Energy and Commerce, 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 Mr. GALLEGGLY (for himself and Mr. LAMBORN):

H.R. 3897. A bill to amend section 12 of the United States Housing Act of 1937 to treat income changes resulting from welfare program requirements for families residing in housing receiving project-based subsidies under section 8 of such Act similarly to such changes for families residing in public housing or receiving tenant-based assistance under such section; to the Committee on Financial Services.

By Mr. LAMBORN (for himself, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Ms. FALLIN, Mr. FORBES, Mr. FRANKS of Arizona, Mr. DAVIS of Kentucky, Mr. GINGREY of Georgia, Mr. HARPER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MARCHANT, Mr. POSEY, and Mr. WAMP):

H. Res. 852. A resolution recognizing and commending Biblica for contributions made to the United States, and for other purposes; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. LATOURETTE and Mrs. NAPOLITANO.

H.R. 235: Ms. VELÁZQUEZ.

H.R. 303: Mr. HALL of Texas, Mr. SIRES, and Mr. TIM MURPHY of Pennsylvania.

H.R. 444: Mr. SHULER.

H.R. 618: Mrs. NAPOLITANO.

H.R. 690: Ms. LINDA T. SÁNCHEZ of California and Mr. FRELINGHUYSEN.

H.R. 745: Ms. PINGREE of Maine.

H.R. 795: Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, and Mr. DAVIS of Illinois.

H.R. 868: Mr. GRIJALVA, Mr. LANCE, and Ms. SHEA-PORTER.

H.R. 916: Ms. SCHWARTZ and Mr. TONKO.

H.R. 930: Mr. RANGEL and Mrs. CAPPS.

H.R. 1086: Mr. BLUNT.

H.R. 1175: Mr. BUCHANAN.

H.R. 1182: Mr. GOHMERT, Mr. MCGOVERN, Mr. ANDREWS, Mr. SMITH of WASHINGTON, Mr. HALL of New York, and Mr. WALZ.

H.R. 1210: Ms. SLAUGHTER.

H.R. 1237: Mr. KILDEE.

H.R. 1255: Mr. ROONEY and Ms. SLAUGHTER.

H.R. 1278: Ms. FUDGE, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Mr. THOMPSON of Mississippi.

H.R. 1283: Mr. SALAZAR.

H.R. 1308: Ms. SCHAKOWSKY.

H.R. 1326: Mr. HALL of New York and Mr. COURTNEY.

H.R. 1378: Mr. TURNER, Ms. SHEA-PORTER, and Mr. WITTMAN.

H.R. 1402: Mr. SNYDER.

H.R. 1430: Mr. SHIMKUS.

H.R. 1479: Mr. DRIEHAUS and Ms. PINGREE of Maine.

H.R. 1549: Mr. HALL of New York.

H.R. 1583: Mr. VAN HOLLEN and Mr. BARROW.

H.R. 1670: Mr. THOMPSON of Pennsylvania.

H.R. 1751: Mr. BECERRA.

H.R. 1766: Mr. CONNOLLY of Virginia, Mr. ISRAEL, Mr. DOGGETT, and Mr. SALAZAR.

H.R. 1816: Ms. SLAUGHTER.

H.R. 1831: Ms. DEGETTE, Mr. BARRETT of South Carolina, Mr. CONYERS, Mr. SOUDER, and Mr. SNYDER.

H.R. 1835: Ms. SLAUGHTER.

H.R. 1849: Mr. LINDER, Mr. WATT, Ms. DEGETTE, Mr. MCHENRY, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. ELLISON, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, and Mr. GONZALEZ.

H.R. 1894: Ms. SLAUGHTER.

H.R. 1977: Mr. CARNEY.

H.R. 1978: Mr. HOLT.

H.R. 1992: Mr. HONDA.

H.R. 2138: Mr. COURTNEY.

H.R. 2139: Mr. MOORE of Kansas.

H.R. 2149: Mr. GORDON of Tennessee.

H.R. 2246: Mr. DRIEHAUS and Mr. CAPUANO.

H.R. 2254: Mr. KISSELL.

H.R. 2256: Mr. TURNER.

H.R. 2261: Mr. COHEN.

H.R. 2262: Mr. BAIRD.

H.R. 2279: Ms. WASSERMAN SCHULTZ, Mr. MCNERNEY, Mr. JACKSON of Illinois, Mr. SIRES, and Mr. LEWIS of Georgia.

H.R. 2377: Mr. FRANK of Massachusetts.

H.R. 2408: Ms. SUTTON and Mr. MCKEON.

H.R. 2452: Mrs. DAHLKEMPER, Mrs. HALVORSON, Mr. BARROW, Ms. GIFFORDS, and Mr. COSTELLO.

H.R. 2459: Mrs. MALONEY.

H.R. 2477: Mr. SHADEGG, Mr. BILIRAKIS, and Mr. OLSON.

H.R. 2478: Mr. LATHAM.

H.R. 2480: Mr. CUMMINGS and Mr. HALL of New York.

H.R. 2517: Mr. PRICE of North Carolina, Mr. RYAN of Ohio, and Mr. COURTNEY.

H.R. 2546: Mr. MCCLINTOCK, Mr. TEAGUE, Mr. LANCE, Mr. CALVERT, Mr. CARNEY, Mr. MOORE of Kansas, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. MINNICK, Mr. JONES, Mrs. EMERSON, and Ms. JENKINS.

H.R. 2547: Mr. ROGERS of Kentucky.

H.R. 2548: Mr. KRATOVL.

H.R. 2567: Mr. MCNERNEY and Ms. SLAUGHTER.

H.R. 2607: Mr. BLUNT.

H.R. 2628: Mr. HIGGINS, Mr. SPACE, and Mr. BOREN.

H.R. 2681: Mr. FILNER.

H.R. 2739: Mr. HERGER.

H.R. 2819: Mr. PRICE of North Carolina.

H.R. 2866: Mr. PRICE of North Carolina and Ms. BERKLEY.

H.R. 3006: Ms. SUTTON.

H.R. 3012: Ms. WATSON.

H.R. 3017: Mr. DRIEHAUS.

H.R. 3043: Mr. WELCH, Mr. BERRY, and Mr. GRIJALVA.

H.R. 3093: Mr. WOLF.

H.R. 3156: Mr. CONYERS and Mr. MCGOVERN.

H.R. 3217: Mr. KIRK.

H.R. 3310: Mr. AUSTRIA.

H.R. 3380: Mr. BARTLETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, Mr. HONDA, and Mr. BURTON of Indiana.

H.R. 3400: Mr. HUNTER.

H.R. 3401: Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Ms. MATSUI, Ms. DELAURO, and Ms. BERKLEY.

H.R. 3430: Mr. JACKSON of Illinois.

H.R. 3472: Mr. MICHAUD, Mrs. DAVIS of California, and Mr. MAFFEI.

H.R. 3486: Mr. TIBERI.

H.R. 3487: Mr. PAYNE, Mr. BURTON of Indiana, and Ms. WOOLSEY.

- H.R. 3502: Ms. SUTTON and Mr. LARSEN of Washington.
- H.R. 3503: Ms. WOOLSEY and Mr. FILNER.
- H.R. 3524: Mr. COLE, Mr. POE of Texas, Mr. UPTON, Mr. ALEXANDER, Ms. MARKEY of Colorado, and Mr. WITTMAN.
- H.R. 3531: Mr. DELAHUNT.
- H.R. 3587: Mr. PETERS.
- H.R. 3596: Mr. JACKSON of Illinois, Mr. McDERMOTT, and Mr. OLVER.
- H.R. 3639: Mr. GRIJALVA, Ms. CHU, Ms. MATSUI, Mr. MCGOVERN, Mr. WAXMAN, Mr. LANGEVIN, and Mr. OLVER.
- H.R. 3652: Mrs. BLACKBURN, Mr. CASTLE, Mr. MORAN of Virginia, and Mr. ETHERIDGE.
- H.R. 3667: Mr. ROONEY, Mr. BOYD, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. BUCHANAN, Ms. CASTOR of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Mr. WEXLER, Ms. KOSMAS, Mr. MACK, Mr. MEEK of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. POSEY, Mr. PUTNAM, Ms. ROSLEHTINEN, Mr. STEARNS, Ms. WASSERMAN SCHULTZ, and Mr. YOUNG of Florida.
- H.R. 3669: Mr. HARE.
- H.R. 3670: Mr. WITTMAN.
- H.R. 3672: Mr. McMAHON.
- H.R. 3691: Mr. GUTHRIE, Mr. ROGERS of Michigan, Mrs. BIGGERT, Mr. GINGREY of Georgia, Mrs. EMERSON, Ms. ROS-LEHTINEN, Mr. HERGER, Mr. LINDER, Mr. NUNES, and Mr. DAVIS of Kentucky.
- H.R. 3696: Mr. ADERHOLT.
- H.R. 3699: Ms. VELÁZQUEZ.
- H.R. 3703: Mr. LEE of New York, Mrs. MALONEY, and Mr. COURTNEY.
- H.R. 3706: Mr. SAM JOHNSON of Texas, Mr. CULBERSON, and Mr. PITTS.
- H.R. 3710: Ms. DEGETTE.
- H.R. 3712: Mr. TONKO, Mr. WITTMAN, and Mr. RUPPERSBERGER.
- H.R. 3715: Mr. DAVIS of Alabama, Mr. EHLERS, and Mr. RYAN of Ohio.
- H.R. 3721: Mr. MASSA and Mr. GENE GREEN of Texas.
- H.R. 3723: Mr. LARSEN of Washington.
- H.R. 3728: Ms. WATSON.
- H.R. 3731: Ms. LEE of California and Mr. DAVIS of Illinois.
- H.R. 3734: Mr. BACA, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. REYES, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. ORTIZ, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, Mr. HARE, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PASCRELL, Mr. RANGEL, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. MAFFEI, Ms. ROYBAL-ALLARD, Mr. GRAYSON, Ms. VELÁZQUEZ, Mr. AL GREEN of Texas, Mr. BRALEY of Iowa, Ms. SCHWARTZ, Mr. ARCURI, Ms. WATERS, Ms. CASTOR of Florida, Mr. WAXMAN, Ms. CHU, and Mr. CROWLEY.
- H.R. 3745: Mr. HONDA and Mr. LARSON of Connecticut.
- H.R. 3749: Mr. WITTMAN.
- H.R. 3775: Mr. PRICE of Georgia and Mr. HENSARLING.
- H.R. 3778: Mr. ACKERMAN.
- H.R. 3790: Mrs. MILLER of Michigan, Mr. HALL of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WITTMAN, Mr. PUTNAM, and Mr. MICHAUD.
- H.R. 3791: Ms. PINGREE of Maine.
- H.R. 3799: Mr. PAYNE.
- H.R. 3810: Ms. SUTTON, Mr. REYES, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. KANJORSKI, and Mr. FATTAH.
- H.R. 3827: Mr. GRIJALVA.
- H.R. 3855: Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. CLAY, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PIERLUISI, Mr. REYES, Mr. RODRIGUEZ, Mr. SIRES, and Ms. VELÁZQUEZ.
- H. Con. Res. 42: Mr. SCOTT of Virginia, Mr. FATTAH, Mr. BISHOP of Georgia, Mr. HINOJOSA, and Mrs. CHRISTENSEN.
- H. Con. Res. 43: Mr. BISHOP of Georgia, Mr. FATTAH, Mr. HINOJOSA, Mrs. CHRISTENSEN, and Mr. SCOTT of Virginia.
- H. Con. Res. 67: Mr. THOMPSON of Mississippi, Ms. FUDGE, Ms. NORTON, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, and Mr. DAVIS of Illinois.
- H. Con. Res. 73: Mr. FALEOMAVAEGA.
- H. Con. Res. 168: Mr. CONNOLLY of Virginia.
- H. Res. 89: Mr. ROONEY and Mr. PETERS.
- H. Res. 150: Ms. FUDGE, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Mr. COOPER.
- H. Res. 577: Mr. EHLERS, Mr. LIPINSKI, Mr. BOOZMAN, Mr. OBERSTAR, Mr. WOLF, Mr. SMITH of New Jersey, Mr. BOUSTANY, Mr. ALEXANDER, Mr. CASSIDY, Mr. SENSENBRENNER, Mr. CAO, Mr. LATTI, Mr. GARRETT of New Jersey, Mrs. KIRKPATRICK of Arizona, Mr. WHITFIELD, Mr. BLUNT, Mrs. BONO MACK, and Mr. SULLIVAN.
- H. Res. 613: Mr. HALL of New York.
- H. Res. 648: Mr. McNERNEY and Mr. FALEOMAVAEGA.
- H. Res. 672: Mr. VAN HOLLEN.
- H. Res. 700: Mr. BISHOP of New York and Mr. GRIJALVA.
- H. Res. 709: Mr. BUTTERFIELD.
- H. Res. 736: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KANJORSKI, Mr. GUTHRIE, and Mr. CHANDLER.
- H. Res. 747: Mr. MORAN of Virginia, Mr. ISRAEL, Mr. REYES, and Mr. ROONEY.
- H. Res. 758: Ms. WATERS.
- H. Res. 777: Ms. TSONGAS.
- H. Res. 796: Mr. PAUL.
- H. Res. 801: Mr. LEWIS of Georgia and Ms. EDDIE BERNICE JOHNSON of Texas.
- H. Res. 840: Mrs. BACHMANN and Mr. LAMBORN.
- H. Res. 841: Mr. PLATTS, Mr. WHITFIELD, and Mr. MORAN of Virginia.
- H. Res. 847: Mr. McKEON, Mrs. BLACKBURN, Mr. ROONEY, Mr. BISHOP of Utah, Mr. INGLIS, Mr. DENT, Mr. BOUSTANY, Mr. CONAWAY, Mr. BARTLETT, Mr. ALEXANDER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAULSEN, Mr. ADERHOLT, Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Mr. FLEMING, Mr. SCHOCK, Mr. COFFMAN of Colorado, Mr. HELLER, Mr. LUETKEMEYER, Mr. HUNTER, Mr. GRAVES, Mr. BILIRAKIS, Mr. EHLERS, Mr. SHULER, Mr. WAMP, Mr. TIM MURPHY of Pennsylvania, Mr. TAYLOR, Mr. FORTENBERRY, Mrs. McMORRIS RODGERS, Mr. BROUN of Georgia, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. REICHERT, Mr. POSEY, Mr. AUSTRIA, Mr. GUTHRIE, Mr. GERLACH, Mr. CRENSHAW, Mr. HARPER, Mr. McHENRY, Mr. BRADY of Texas, Mr. McCAUL, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. UPTON, Mr. FLAKE, Mr. KUCINICH, Mr. McCOTTER, and Mr. KING of Iowa.
- H. Res. 848: Mr. ALEXANDER.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

- H.R. 676: Mr. MEEK of Florida.  
H.R. 3012: Mr. MEEK of Florida.





United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, WEDNESDAY, OCTOBER 21, 2009

No. 153

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

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

Let us pray.

O Lord, God of hosts, thank You for making Yourself known to us in the radiant lives of men and women. We are inspired by the acts of sacrifice and service that we witness each day on Capitol Hill. Thank You for the labor of our lawmakers. May they seek to give their best ability to the people's good, rising above bitterness by an unshakable faith in the unstoppable power of Your providence. So may they be Your obedient servants who shall not become discouraged by the inevitable setbacks they encounter. May they also commit their way to You, put their trust in You, and know that You will bring to pass what is best.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 2 hours, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first hour and the majority will control the second hour.

Following morning business, the Senate will proceed to executive session to consider the nomination of Roberto Lange to be a U.S. district judge for the District of South Dakota. Under an agreement reached last night, debate on the nomination will be limited to 2 hours, equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 2 p.m., the Senate will proceed to vote on confirmation of the nomination.

Upon disposition of the Lange nomination, Senators should be prepared to vote on the motion to invoke cloture on the motion to proceed to S. 1776, the Medicare Physician Fairness Act.

Last night, I filed cloture on the conference report to accompany the Department of Defense Authorization Act and on the nomination of William Sessions to be Chair of the U.S. Sentencing Commission. Senators will be notified when these votes are scheduled.

### COMMENDING SENATOR JOHN KERRY

Mr. REID. Mr. President, the prayer of the Chaplain today was right on point for something that has taken place in the last 3 or 4 days. In Afghanistan, we are at a critical juncture. For Afghanistan to move forward and win the fight against the Taliban, the country must have a legitimate government.

The first round of elections in Afghanistan was tainted by allegations of significant fraud, and we faced the possibility of a potential political crisis in Afghanistan. I am pleased President Karzai has recognized the need for a runoff election.

The reason I mention sacrifice and service is in relation to Senator JOHN KERRY. If you look at his life, it has been one of sacrifice, it has been one of service to our country—whether in the jungles of Vietnam, where he was wounded three times and received a Silver Star for his heroism, or whether it was in his capacity as the Democratic nominee for President or whether it has been as chairman of the Foreign Relations Committee.

He took off for Afghanistan and Pakistan at a time when he was badly needed. I missed him here. We had some votes I wish JOHN KERRY could have been here for. I told him that when he called me. But he explained what he was doing there, and immediately upon his hanging up, I received a call from Secretary of State Hillary Clinton, saying: He is doing extremely good work there. Don't be upset at him because he can't be here because what he is doing in Afghanistan is something that is vitally important to not only our country but to the world.

That sacrifice and that service—and also the Chaplain mentioned labor—this man worked very hard. He has labored, as chairman of this Foreign Relations Committee, as I have never seen. He has been so involved in what is going on there. Not only is he dealing with the issues we see every day—

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Afghanistan, Pakistan, North Korea, with what is going on on the continent of Africa—he is involved in global warming because of the treaty implications of the treaty we are trying to negotiate in Copenhagen in December.

I am extremely impressed with Senator KERRY always but especially in the last few days. As chairman of the Foreign Relations Committee, he has played a central role in resolving the crisis in Afghanistan.

As many have read in the news, he had been trying to persuade President Karzai that a second round of elections was necessary—and they were necessary. If you read the press today, it was a touch-and-go thing. It was not until President Karzai and Senator KERRY took a walk together to talk about what is going on in that part of the world that the decision was made by President Karzai that he would go along with the second election.

Senator KERRY has worked closely with our diplomatic team, including Ambassador Eikenberry; Secretary Clinton; our National Security Adviser, General Jones; and others to send a clear message to President Karzai.

We all know the situation in Afghanistan remains fragile and that there will still be many steps needed to be taken so we have a credible and legitimate government in Kabul. But I believe very sincerely Senator KERRY played a pivotal role in preventing a crisis in Afghanistan and that his work has not only stabilized Afghanistan but the entire region.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. 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.

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#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

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#### HEALTH CARE WEEK XIV, DAY III

Mr. MCCONNELL. Mr. President, over the last several months, lawmakers in Washington have been engaged in a serious and wide-ranging debate about the fate of our Nation's health care system. It is a debate that grew out of a recognition that while America may have the best health care in the world, the cost of care is too high and too many lack insurance. This much was never in dispute.

There is not a single Member of Congress from either party who does not want to solve these problems. That is why the disagreements we have had have arisen not over the ends but over the means of achieving these common

goals. That is why, over the past few months, two very different approaches to reform have come into view.

For most Democrats, reform seems to come in a single form: a vast expansion of government, detailed in complicated, 1,000-page bills, costing trillions. The only thing that is clear about the Democratic plans are the basics: They cost about \$1 trillion, they increase premiums, raise taxes, and slash Medicare.

In short, they include a lot of things Americans did not ask for and do not want, and they include very few of the things Americans thought they were going to get.

What was supposed to be an exercise in smart, bipartisan, commonsense reforms that cut costs and increased access somehow became an exercise in government expansion that promises to raise costs, raise premiums, and slash Medicare for seniors. For Democrats in Congress, the original purpose of reform seems to have been blurred.

Republicans have taken a different approach. We agreed at the outset that reform was needed. But in our view, those reforms would not necessarily cost a lot of money, would not add to the debt, and would not expand the government.

Instead of a massive government-driven experiment, Republicans have offered commonsense, step-by-step solutions to the problems of cost and access—things such as medical liability reform, which would save tens of billions of dollars and increase access to care; needed insurance reforms that would increase access and lower costs; and prevention and wellness programs, such as the ones that have been so successful in bending the cost curve in the right direction—which is downward—at major businesses such as Safeway.

Here were the two approaches to reform. Well, the American people looked at these two approaches and they made their choice. All summer long, we watched as ordinary Americans reacted to the administration's plan to put government between individuals and their health care and to pay for it with higher premiums, higher taxes, and Medicare cuts in the middle of a recession.

Americans rejected the idea of a vast, new experiment to reorder their health care and nearly one-fifth of the economy in a single, stunning move. They know the stakes are too high. Last Friday, the Treasury Department announced the government ran a deficit, in the fiscal year that just ended, of more than three times the previous record.

The national debt is nearly \$12 trillion. It is expected to grow by another \$9 trillion over the next 10 years. Medicare and Medicaid cost the Federal Government nearly \$700 billion a year—a cost that is expected to double in 10 years. These numbers are like nothing we have ever seen. Yet in the midst of all this, the administration is proposing that we conduct a \$1 trillion

experiment in health care that would expand government spending even more. Now Democrats in Congress are proposing that we put another \$1/4 trillion on the government charge card in order to prevent a cut in the reimbursement rate to doctors who treat Medicare patients.

All of us want to keep this cut from happening, but the American people don't want us to borrow another cent to pay for it, and they don't want Democrats in Congress to pretend that this \$1/4 trillion isn't part of the cost of health care reform because it is. It is also a clear violation of the President's pledge that health care reform wouldn't add a single dime to the deficit over the next decade. In fact, if Democrats have their way, this bill would add nearly 2.5 trillion dimes to the national debt. Well, the American people have a message for Democrats in Congress: The time to get our fiscal house in order is not tomorrow, it is not next year, it is now—right now.

Last week, 10 Democratic Senators sent a letter to the majority leader outlining some of the problems that can be expected to result from our record deficit and debts. They pointed out that each American's share of today's debt is more than \$38,000, that long-term deficits will lead to higher interest rates and inflation, and all this debt threatens to weaken not only our basic standard of living but also our national security. Then they make an urgent plea. They called on their party to do something to deal with these urgent fiscal realities.

Well, they shouldn't hold their breath because instead of addressing these urgent issues, a handful of top Democrats are pressing forward behind closed doors with a health care plan that, once fully implemented, and including the physician reimbursement issue, would cost more than \$2 trillion.

It is hard to imagine, but if the history of government entitlement programs is any guide, then these estimates are almost certainly on the conservative side. History shows these kinds of programs almost never come in under cost. Consider just a few examples: At the time that Medicare Part A was created, it was estimated that costs for hospital services and related administration for the year 1990 would run about \$9 billion. The actual cost was seven times that amount. Medicare Part B, a program that covers physician services, was expected to run on \$500 million a year from general tax revenues, along with a \$3 monthly premium. Last year, the program was funded through nearly \$150 billion in Federal revenue.

As I say, these are just a few examples, but they illustrate a larger point that can't be ignored. The nature of government entitlements is such that they only get bigger with time. The estimates we are getting have to be viewed in light of past experience, and past experience isn't encouraging.

Several months into this debate, it is easy to forget that at the outset everyone seemed to agree—at the outset of this debate on health care everyone seemed to agree—on two things: that health care reforms were needed and any reform would have to lower overall health care costs. We all agreed on that. Yet the evidence suggests that the bill Senate Democrats and White House officials are carving up in private would do just the opposite. It would actually increase costs, it would increase premiums, raise taxes, and slash Medicare. That is not reform.

Americans are concerned about the direction in which we are headed: record debts, record deficits, endless borrowing, and yet every day we hear of more plans to borrow and spend, borrow and spend. Americans don't want the same kind of denial, delay, and rationing of care they have seen in countries that have followed the path of government-driven health care for all. They are perplexed that in the midst of a terrible recession, near 10 percent unemployment, massive Federal debt, and a deficit that rivals the deficits of the last 4 years combined, the White House would move ahead with a massive expansion of government health care. They are telling us that common sense, step-by-step reforms are the better, wiser, and more fiscally responsible way to go.

This is the message I have delivered nearly every day on the Senate floor since the first week of June because, in my view, it is the message the American people have been sending us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

#### ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent that the time controlled by the Republican side be allocated as follows: Senator KYL, 10 minutes; Senator ALEXANDER, 10 minutes; Senator GREGG, 10 minutes; Senator WICKER, 10 minutes; and Senator LEMIEUX, 20 minutes.

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

Mr. KYL. Mr. President, I ask the Chair to please inform me when I have consumed 9 minutes since I don't want to go over my time.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 2 hours with Senators permitted to speak therein for up to 10 minutes each, with the time equally di-

vided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. KYL. Mr. President, I had propounded a unanimous consent request. Has that been agreed to?

The ACTING PRESIDENT pro tempore. It has been.

Mr. KYL. Thank you, Mr. President.

#### HEALTH CARE REFORM

Mr. KYL. Mr. President, I wish to talk this morning about the same health care issue the Senator from Kentucky just addressed. I think Republicans have always had a lot of very good alternatives to deal with two critical problems: No. 1, the rising costs of health care and, secondly, the problem of some uninsured in this country needing help to get that insurance. Unfortunately, our ideas have not been included in the legislation passed by the committees. In fact, when we have offered amendments to propose these alternative ideas, they have been rejected.

One of the primary ways we know we can reduce costs is through the mechanism of medical malpractice reform. That deals with the problem of the jackpot justice system that currently is abused by trial lawyers where they file lawsuits, they get big recoveries or they force settlements, and the net result is two things which I spoke about yesterday.

First of all, liability insurance premiums for physicians now consume about 10 cents for every health care dollar spent. If we had medical malpractice reform, we could reduce that. We wouldn't, obviously, get rid of it, but the cost for physicians would be significantly less.

For example, we know some specialties, such as obstetrics, neurosurgery, and some others, including anesthesiology, for example, will frequently have annual liability premiums in the range of \$200,000. That, obviously, is a cost that is passed on. When they bill patients, they have to cover the cost of their medical malpractice insurance.

I mentioned yesterday a study by the former president of the American Academy of Orthopedic Surgeons, Dr. Stuart Weinstein. He has written about the extra cost of delivering a baby because, he said, if a doctor delivers 100 babies a year and pays \$200,000 for medical liability insurance, \$2,000 of the delivery cost for each baby goes to pay the cost of the medical liability premium. So we could reduce by \$2,000 the cost of delivering a baby if we were able to pass meaningful medical liability insurance reform.

The even bigger cost is defensive medicine—the kinds of things doctors do, not because they are necessary to take care of their patients, but because if they don't do them they might get sued and some expert will claim they should have had this extra test or done this extra procedure; and if they would

have just done that, then maybe the patient would have been all right. So as a result, defensive medicine results in hundreds of billions of dollars of expenses every year.

In fact, a 2005 survey published in the Journal of the American Medical Association found that 92 percent of the doctors said they had, indeed, made unnecessary referrals or ordered unnecessary tests just to shield themselves from this liability. How much does this potentially cost? I said hundreds of billions. Well, let me cite two studies.

All of the studies I have seen are roughly within the same ballpark. They differ just a little bit. For example, Sally Pipes, who is president of the Pacific Research Institute, found that defensive medicine costs \$214 billion a year. A new study by PricewaterhouseCoopers reveals similar findings, pegging the cost at \$239 billion per year. Well, \$214 billion, \$239 billion, we can quibble about the amount; it is not insignificant. So when we are talking about well over \$200 billion a year in defensive medicine, we know there is a big amount of money to be saved, and we could pass those savings on to the consumers of health care.

Yesterday I cited the statistics from Arizona and Texas where both States have implemented medical liability reforms of different kinds, but both States have found significant reductions in insurance premiums for physicians, fewer malpractice cases filed, and, in the case of Texas, an infusion of a remarkable number of physicians into Texas because it is a more benign environment now in which to practice their profession.

The reason I mention all of this is we have been talking about this for months now and not one of the Democratic bills contains medical malpractice reform. The reason is clear. Democrats are frequently supported by trial lawyers, and trial lawyers don't like medical malpractice reform. That is how they make a lot of money, so they don't want to see the reform. We ought to reform the system for the benefit of our constituents rather than to not do it in order to help trial lawyers.

Again, the reason I mention this is because a bill we are going to be taking up later today, the so-called "doc fix"—and that is a very bad name for it—is a bill that would deal with the formula under which doctors are compensated for Medicare. One of the things that has been reported in newspapers is that the American Medical Association will not push for medical malpractice reform if they are able to get this bill passed. I find that to be a very troubling fact because all of the physicians I know realize we need medical malpractice reform.

Here is how the Washington Post editorialized it yesterday morning, and I am quoting:

The so-called "doc fix" is being rushed to the Senate floor this week in advance of

health reform not because it has nothing to do with health reform, but because it has everything to do with it. The political imperative is twofold: To make certain that Republicans don't use the physician payment issue to bring down the larger bill—

That is because of the fact that it would add to the deficit—

and to placate the American Medical Association.

The concern I have is that it doesn't help the physicians. All this legislation does is to say that the formula which has been in effect since 1997, but never adhered to by the Congress, will not be the formula that goes forward in the future, but it doesn't fix the payment problem. Every year, because the formula would result in huge cuts to physicians who take care of Medicare patients—and everybody agrees that is a bad thing—we say we are not going to pay attention to the formula. We are going to raise the doctors' reimbursements by a percentage point or a half percent or some modest amount.

All this legislation does is to freeze physician payments for 10 years—to freeze them—zero; not even any kind of cost-of-living increase. I guarantee that after 10 years, physicians not getting any kind of an increase at all are going to be hurting.

I know what is going to happen, which is that physicians and groups such as the American Medical Association will have to come back to Congress every year and say they need to have some kind of a modest increase. Republicans want to be able to offer amendments on this legislation to provide for such modest increases. Incidentally, those modest increases would be offset—that is to say, the cost to the government would be offset—so that we wouldn't be adding to the deficit. It is very clear there is no new formula in place, no new formula has been proposed, so this legislation doesn't solve the problem. It simply says, well, we are not going to adhere to the formula in the future. Big deal. We have never adhered to it in the past. We are never going to adhere to it because it makes no sense. Everybody agrees with that. So what do we get out of this? Nothing. A freeze for 10 years is not a solution to the problem.

I hope physicians don't see this as a solution as a result of, as I said, this having been reported in some of the media, so that they will decide not to push for medical malpractice reform because physicians know how important that is. I have just talked about how important it is.

We need solutions to problems. One of the problems is we have increases in the costs of providing health care. One solution to that—and we are talking about well over a couple of hundred billion dollars, as I indicated, from the studies I cited a moment ago. One solution to that is to tackle this problem of medical liability reform. Some States, probably about four or five, have done this, and they have demonstrated it can work.

The President's approach is, well, let's have a study about it. Let's maybe have a demonstration project. We have some demonstration projects. One of them is Arizona and one of them is Texas, and they demonstrate that it works. Since the Federal Government has to pay about half of all of the cost of health care in the country because of Medicare, Medicaid, and veterans care and so on, the Congressional Budget Office says we, the Federal Government, could save ourselves \$54 billion if we had meaningful medical malpractice reform. We could expect the same amount for the private sector.

The bottom line is, the bill we are going to be voting on later today doesn't solve any problem. It does not help the physicians. One way we can help not just physicians but patients by reducing their cost of care is accepting some of the Republican alternative ideas that have been proposed, starting with medical liability reform.

Mr. President, I yield the floor to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

#### NO ENEMIES LIST

Mr. ALEXANDER. Mr. President, in 1969 and during the first half of 1970, I was a wet-behind-the-ears, 29-year-old staff aide in the West Wing of the Nixon White House. I was working for the wisest man in that White House whose name was Bryce Harlow. He was a friend of President Johnson, as well as the favorite staff member of President Eisenhower and President Nixon's first appointee.

Based upon that experience and my 40 years since then in and out of public life, I want to make what I hope will be taken as a friendly suggestion to President Obama and his White House, and it is this: Don't create an enemies list.

As I was leaving the White House in 1970, Mr. Harlow was heading out on the campaign plane with Vice President Spiro Agnew, whose job was to vilify Democrats and to help elect Republicans. The Vice President had the help of talented young speechwriters, the late Bill Safire and Pat Buchanan. In Memphis, he called Albert Gore, Sr., the "southern regional chairman of the eastern liberal establishment," and then the Vice President labeled the increasingly negative news media as "nattering nabobs of negativism."

These phrases have become part of our political lore. They began playfully enough, in the back and forth of political election combat. But after I had come home to Tennessee, they escalated into something more. They eventually emerged into the Nixon's enemies list.

In 1971, Chuck Colson, who was then a member of President Nixon's staff and today is admired for his decades of selfless work in prison reform, presented to John Dean, the White House Counsel, a list of what he called "per-

sons known to be active in their opposition to our administration." Mr. Dean said he thought the administration should "maximize our incumbency . . . [or] to put it more bluntly"—and I am using his quotes—"use the available Federal machinery to screw our political enemies."

On Colson's list of 20 people were CBS correspondent Dan Schorr, Washington Star columnist Mary McGrory, Leonard Woodcock, the head of the United Auto Workers, John Conyers, a Democratic Congressman from Michigan, Edwin Guthman, managing editor of the Los Angeles Times, and several prominent businessmen, such as Howard Stein of the Dreyfus Corporation, Arnold Picker, vice president of United Artists. The New York Times and the Washington Post were made out to be enemies of the Republic.

Make no mistake, politics was not such a gentlemanly affair in those days either. After Barry Goldwater won the Presidential nomination in 1964, Daniel Schorr had told CBS viewers that Goldwater had "travel[ed] to Germany to join up with the right wing there" and "visit[ed] Hitler's old stomping ground." Schorr later corrected that on the air. What was different about Colson and Dean's effort, though, was the open declaration of war upon anyone who seemed to disagree with administration policies. Colson later expanded his list to include hundreds of people, including Joe Namath, John Lennon, Carol Channing, Gregory Peck, the St. Louis Post-Dispatch, Congressional Black Caucus, Alabama Governor George Wallace. All this came out during the Watergate hearings. You could see an administration spiraling downwards, and, of course, we all know where that led.

The only reason I mention this is because I have an uneasy feeling only 10 months into this new administration that we are beginning to see the symptoms of this same kind of animus developing in the Obama administration.

According to Politico, the White House plans to "neuter the United States Chamber of Commerce," an organization with members in almost every major community in America. The chamber had supported the President's stimulus package and defended some of his early appointments, but has problems with his health care and climate change proposals.

The Department of Health and Human Services imposed a gag order on a large health care company, Humana, that had warned its Medicare Advantage customers that their benefits might be reduced in Democratic health care proposals—a piece of information that is perfectly true. This gag order was lifted only after the Republican leader, Senator MCCONNELL of Kentucky, said he would block any future nominees to the Department until the matter was righted.

The White House communications director recently announced that the administration would treat a major television network, FOX News, as "part of

the opposition.” On Sunday, White House officials were all over talk shows urging other news organizations to boycott Fox and not pick up any of its stories. Those stories, for example, would include the video that two amateur filmmakers made of ACORN representatives explaining how to open a brothel. That is a story other media managed to ignore until almost a week after Congress decided to cut ACORN’s funding.

The President himself has not stopped blaming banks and investment houses for the financial meltdown, even as it has become clear that Congress played a huge role, too, by encouraging Americans to borrow money for houses they could not afford. The President was “taking names” of bondholders who resisted the General Motors and Chrysler bailouts. Insurance companies, once allies of the Obama health care proposal, have suddenly become the source of all of its problems because they pointed out—again correctly—that if Congress taxes insurance premiums and restricts coverage to those who are sicker and older, the cost of premiums for millions of Americans is likely to go up instead of down. Because of that insubordination, the President and his allies have threatened to take away the insurance companies’ antitrust exemption.

Even those in Congress have found ourselves in the crosshairs. The assistant Republican leader, Senator JON KYL of Arizona, said to ABC’s George Stephanopoulos that the stimulus plan wasn’t working. The White House wrote the Governor of Arizona and said: If you don’t want the money, we won’t send it. Senator MCCAIN said this could be perceived as a threat to the people of Arizona.

Senator BENNETT of Utah, Senator COLLINS, Senator HUTCHISON and I, as well as Democratic Senators BYRD and FEINGOLD, all have questioned the number and power of 18 new White House czars who are not confirmed by the Senate. We have suggested this is a threat to constitutional checks and balances. The White House refused to send anyone to testify at congressional hearings.

Senator BENNETT and I found ourselves “called out,” as they say, on the White House blog by the President’s communications director.

Even the President, in his address to Congress on health care, threatened to “call out” Members of Congress who disagree with him.

This behavior is typical of street brawls and political campaign consultants. It is a mistake for the President of the United States and for the White House staff. If the President and his top aides treat people with different views as enemies instead of listening to what they have to say, they are likely to end up with a narrow view and a feeling that the whole world is out to get them. And, as those of us who served in the Nixon administration know, that can get you into a lot of trouble.

This administration is only 10 months old. It is not too late to take a different approach, both at the White House and in Congress. And here is one opportunity: At the beginning of the year, shortly after the President’s inauguration, the Republican leader, Senator MCCONNELL, addressed the National Press Club. He proposed that he and the President work together to make Social Security solvent.

Senator MCCONNELL said he would make sure the President got more support in that effort from Republicans than President George W. Bush got from Democrats when he tried to solve the same problem.

President Obama held a summit on the dangers of runaway costs of entitlements. I was invited and attended. Every expert there said making Social Security solvent is essential to our country’s fiscal stability. There is still time to get that done.

Or on clean energy, Republicans have put forward four ideas—build 100 nuclear plants in 20 years, electrify half our cars and trucks in 20 years, explore offshore for low-carbon natural gas and for oil, and double energy research and development for alternative fuels. The administration agrees with this on electric cars and on research and development. We may not be so far apart on offshore exploration. At his town meeting in New Orleans last week, the President said the United States would be, in his words, “stupid” not to use nuclear power. He is right since nuclear power produces 70 percent of our carbon-free electricity.

So why don’t we work together on this lower cost way to address clean energy and climate change instead of enacting a national energy tax?

On health care, the White House idea of bipartisanship has been akin to that of a marksman at a State fair shooting gallery: hit one target and you win the prize. With such big Democratic majorities, the White House figures all it needs to do is unify the Democrats and pick off one or two Republicans. That strategy may win the prize but lose the country.

Usually on complex issues, the President needs bipartisan support in Congress to reassure and achieve broad and lasting support in the country.

In 1968, I can remember when President Johnson, then with bigger majorities in Congress than President Obama has today, arranged for the civil rights bill to be written in open sessions over several weeks in the office of the Republican leader, Everett Dirksen. Dirksen got some of the credit; Johnson got the legislation he wanted; the country went along with it. Instead of comprehensive health care that raises premiums and increases the debt, why should the White House not work with Republicans step by step to reduce health care costs and then, as we can afford it, reduce the number of Americans who do not have access to health care?

The President and his Education Secretary Arne Duncan have been coura-

geous—there is no better word for it—in advocating paying teachers more for teaching well and expanding the number of charter schools. These ideas are the Holy Grail for school reform. They are also ideas that are anathema to the labor unions who support the President. President Obama’s advocacy of master teachers and charter schools could be the domestic equivalent of President Nixon going to China. I, among others, admire that advocacy and have been doing all I can to help him.

Having once been there, I can understand how those in the White House feel oppressed by those with whom they disagree; how they feel besieged by some of the media. I hope the current White House occupants will understand that this is nothing new in American politics—all the way back to the days when John Adams and Thomas Jefferson exchanged insults. The only thing new is today there are multiple media outlets reporting and encouraging the insults 24 hours a day.

As any veteran of the Nixon White House can attest, we have been down this road before, and it will not end well. An enemies list only denigrates the Presidency and the Republic itself.

Forty years ago, Bryce Harlow would say to me: Now, Lamar, remember that our job here is to push all the merely important issues out of the White House so the President can deal with a handful of issues that are truly Presidential. Then he would slip off for a private meeting in the Capitol with Democratic leaders who controlled the Congress and usually found a way to enact the President’s proposals.

Most successful leaders have eventually seen the wisdom of Lord Palmerston, former Prime Minister of the United Kingdom, who said:

We have no eternal allies, and we have no perpetual enemies.

The British writer Edward Dicey was once introduced to President Lincoln as “one of his enemies.” “I did not know I had any enemies,” Lincoln answered. And Dicey later wrote: “I can still feel, as I write, the grip of that great bony hand held out to me in token of friendship.”

In conclusion, here is my point. These are unusually difficult times, with plenty of forces encouraging us to disagree. Let’s not start calling people out and compiling an enemies list. Let’s push the street brawling out of the White House and work together on the truly Presidential issues—creating jobs, reducing health care costs, reducing the debt, creating clean energy.

The PRESIDING OFFICER (MR. BENNETT). The Senator from New Hampshire.

MR. GREGG. Mr. President, I believe I am recognized now for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

MR. GREGG. Mr. President, I wish to speak on another topic, but I was fascinated by the presentation of the Senator from Tennessee. I think we are all

concerned about the direction of this calling out. I take it the Senator from Tennessee is suggesting this administration is “Nixifying” the White House; is that correct?

Mr. ALEXANDER. That is a word I had not thought of. What I am seeing is some of the same signs I saw as a young man in the early stages of the Nixon administration. I am seeing those same signs in the Obama White House, and I am suggesting that going down that road leads to no good end. “Nixifying” is an interesting way to describe it.

Mr. GREGG. I may have just made up that word. Hopefully, it will be added to the lexicon.

Mr. ALEXANDER. I think it will. That is good.

Mr. GREGG. Mr. President, I thank the Senator from Tennessee. He has made some valuable points on that issue.

#### HEALTH CARE REFORM

Mr. GREGG. Mr. President, I rise today to continue a discussion I have pursued on this floor a few times, and it deals with where our country is going and what we are passing on to our children.

I often quote the chairman of the Budget Committee, Senator CONRAD from North Dakota, because I have immense respect for him. He has said—and I agree with him and I think most Americans, when they think about it, agree with him—that the debt is the threat, the fact that we as a nation are running up this incredible debt which we are going to pass on to our children. To try to put it in context is very difficult because the numbers are so huge. I have talked about it numerous times here—the fact that we are running deficits at approximately \$1 trillion over the next 10 years under the President’s budget; that we are seeing 5 to 6 percent of GDP in deficits; that the public debt goes from about 38 percent of GDP up to well over 80 percent of GDP under the most recent estimates. But these numbers are incomprehensible to people because they are so big. We are talking trillions and trillions of dollars, and the implication of these numbers is staggering to our next generation—to our children and our children’s children—because it means they have to bear the burden of paying this debt that is going to be put on their backs.

Last week, the deficit for this last fiscal year was pegged at about \$1.4 trillion—an incredible amount. That is three times the largest debt in our history, in numeric terms. As a percentage of GDP, we haven’t had those types of numbers since World War II. Nobody is arguing that deficit is not an event and something we don’t like but that we probably have to tolerate because of the fact that we have been through this very difficult situation with the recession and the potential meltdown of our financial houses. It took a lot of money to try to stabilize the situation, and I

am not holding that against this Presidency at all.

The problem is, as we go forward we are seeing these deficits expand. There is no reason to maintain that type of deficit once we are past this recessionary period, once the financial situation has been settled down. For all intents and purposes, we are moving past that situation, so the deficits should start coming down. But they aren’t coming down. They aren’t coming down. And today we are about to see one of the reasons they aren’t coming down because today it is being proposed that we add another \$250 billion to the debt by doing something called the doctors fix and not paying for it.

It is not an extraordinarily complicated issue. Basically, we don’t reimburse doctors at a rate they should be reimbursed under Medicare because of a rule we passed back in the 1990s. It gets cut arbitrarily and in a way which has no relationship to what is a proper reimbursement rate. So every year since we passed that rule and it turned out it wasn’t going to work right, we have corrected that. We have reimbursed the doctors at a reasonable rate. But every year we have done that, we have paid for that change, so that the cost of reimbursing doctors fairly did not get passed on to our children. I mean, if you pass that cost on to our children, when somebody goes to get an eye exam, someone who is in their eighties or seventies or sixties and who is on Medicare, when they get the bill from the doctor, essentially we are saying: Oh, I am sorry, the government is not going to pay that—the government you are a part of today. We are going to take that bill and give it to a child who is not even born yet, and they are going to have to pay that bill. But it is an expense today, and it should be paid today by the government.

We are having this proposed today on this floor, by this administration: that we should spend \$250 billion to correct this doctors fix problem for the next 10 years, which is about what it will cost, but not pay for it, just simply take it and send the bill off to our kids. It is actually more than \$250 billion because that \$250 billion, when you put it on the debt, will generate interest responsibilities of about \$50 billion. So it is actually a \$300 billion item. That is not small change; that is a third of a trillion dollars. That is huge money. That is a tremendous burden to transfer over to our children.

Do you know why this is being done? It is being done for a very cynical reason. The health care reform package is being discussed somewhere in this building behind closed doors. It is being written in some office over on that side of the Capitol by three or four Members of the Senate and a lot of staff from the Democratic side, with no participation by Republican Members, no participation by the American people, and the press is totally locked out of the room. The bill is being rewritten over there, but we do know that within

the parameters of the bill is the representation that it won’t cost more than \$1 trillion over a 10-year period. So all sorts of games are being played to try to keep it under \$1 trillion.

The most significant and most cynical and most inappropriate game—though it is not a game, really—the most inappropriate action is this idea that they are going to take \$250 billion to fix the doctors reimbursement program, which is clearly part of health care, and move it entirely out of the health care system reform effort. They will move it over here somewhere and claim they don’t have to pay for it. They will just send the bill to the kids. Don’t worry about it, it is only \$250 billion. Just send the bill to the kids. Don’t worry about it. And then, voilà, they will have \$250 billion they can spend on health care reform that should have been used for the doctors fix.

But now, since they have claimed the doctors fix doesn’t matter—it is somewhere over here, out of sight, out of mind, being taken care of by our children and grandchildren—voilà, they can spend that \$250 billion on goodies, on initiatives within the new health care reform bill, which will cost the taxpayers \$250 billion in order to do it. And I presume it will get them a few constituencies to support them because they have just spent \$250 billion on them.

So the true cynicism of this is that it doubles up the doctors fix cost. Not only does the doctors fix not get paid for, but it will then create \$250 billion worth of new spending. So it is actually a doubling up of this whole exercise. It is a doubling down event here. You know, it is almost a Bernie Madoff—well, it is a Bernie Madoff approach to funding. I mean, basically, this is an entire scam. Unfortunately, in this instance—and obviously in the Bernie Madoff instance the people who invested with him were wiped out, but they made a choice to invest with him. Our children and grandchildren are going to get this bill without any rights. This \$250 billion bill is going to be sent to them, and then the spending is going to occur, which they are also going to have to pay for. It is going to be added on top of the health care bill. It is Bernie Madoff comes to Washington and does our budgeting for us, and it is inexcusable that we would do this to the next generation.

Some are suggesting: Well, let’s do a 1-year or a 2-year fix. This was the original plan of Senator BAUCUS with regard to his bill. Let’s just sort of ignore the fact that the doctor problem exists for the next 10 years even though we are doing a 10-year health care reform bill here. What is the effect of that? Well, yes, for at least 1 or 2 years you pay for it. That was the proposal in the original bill that came out of the Finance Committee—1 year, I believe, they paid for it, 9 years they didn’t pay for it. What did that mean? One year paid for was \$11 billion, I think. So we

know the cost of the whole thing for 10 years is \$250 billion. So what they got was \$239 billion to spend under the Baucus bill as it came out of the Finance Committee because they just simply ignored the concept that the doctors fix had to be done too. That also is a pretty cynical act—not as cynical as the idea you are going to pass the full \$250 billion fix and not pay for it, any of it, which is what we will be voting on later today, but still pretty cynical in that they would basically be spending \$239 billion which they know we don't have.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I ask unanimous consent to speak for an additional 30 seconds.

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

Mr. GREGG. So they know we don't have the \$239 billion, but at least they admit it is there and they don't try to pass the whole bill off to our children.

So as we go forward in this health care debate, let's have no more sanctimonious claims that we are being fiscally responsible and producing bills that are in balance and that don't add to the deficit, not when we put a \$250 billion IOU on our children's backs. It is totally inappropriate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I understand I am recognized for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. Mr. President, in 10 minutes Senator LEMIEUX will make his maiden speech to the Senate, and I know Members are anxious to hear that speech, but in the meantime I would like to talk further about health care reform.

Earlier this month, the Senate Finance Committee voted to approve a deeply flawed bill that would raise taxes, cut Medicare, increase government spending, increase health care premiums, and actually drive the cost of health care up, not down. We know the Finance Committee's bill will not be the final product voted on by the Senate.

Three or four Members of one party, and one party only, without the press there, without the public looking in, without other Members of the Senate there, are meeting now behind closed doors to merge the Finance Committee bill with the HELP Committee's version. The secret nature of these meetings is all the more reason for the final version of the bill to be made available to the public prior to a final vote.

We have all heard the outcry from our constituents asking us to read the bills before we vote on them. I think we should go one step further than reading this health care bill ourselves: we should allow the public to read the bill themselves.

Just recently, eight of my friends on the other side of the aisle sent a letter

to the majority leader demanding—rightly—that this health care legislation be made available for 72 hours before the Senate proceeds with this bill. The letter from these eight conscientious Democrats says, among other things:

Without a doubt, reforming health care in America is one of the most monumental and far-reaching undertakings considered by this body in decades.

The letter goes on to ask four things of the majority leader: that the legislative text and complete budget scores from CBO on health care legislation to be considered on the Senate floor be made available 72 hours in advance; secondly, the letter asks that the legislative text and complete CBO score on health care legislation as amended be made available; and they make the same request as far as amendments to be filed and offered on the floor and the final conference report which might come from the House and Senate.

I congratulate these Members of the other party for making this request. I think the question on the minds of people around Washington, DC, and around the country watching this issue is, Will this request be ignored? Will these eight Members of the Democratic caucus be steamrolled by their leadership? Will this conscientious request be cast aside by the majority leader?

The people deserve to see the final product of the majority party. And we know the American people want to see it because as more Americans learn about the product, the less they like it. A survey released Monday found that a majority of Americans opposed the plans backed by the President and Democrats in Congress. This skepticism persists despite the best public relations ever of my Democratic colleagues and our President.

The bill approved by the Finance Committee essentially is still a partisan one. Numerous studies and estimates have highlighted how the bill's new mandates would actually raise insurance premiums for Americans, not lower them. A recent PricewaterhouseCoopers analysis of the bill found that by 2019, the average cost of a family's insurance policy would increase by \$4,000, more than it would if Congress simply does nothing at all. Of course, no one is suggesting Congress do nothing at all. The status quo is clearly inadequate, and there are many things we can do on a step-by-step basis to improve the health of Americans.

But back to this \$4,000 in extra costs for insurance, the driving factor behind that is the staggering tax hikes necessary to pay for this \$1 trillion new entitlement program. The Finance Committee's proposal raises taxes by hundreds of billions of dollars—on insurance plans, on medical device producers, on pharmaceuticals. We all know taxes will not lower the cost of these services. In fact, we can expect the opposite—these taxes will be paid by average Americans.

Former CBO Director Douglas Holtz-Eakin recently said: "These costs will

be passed on to consumers by either directly raising insurance premiums or by fueling higher health care costs that inevitably lead to higher premiums."

He went on to say the plan "would not only fail to reduce the cost burden on middle-class families, it would make that burden significantly worse."

In addition to failing to reduce the price of health care, the Finance plan carries a number of other serious flaws, particularly as it relates to Medicare and health care options for our seniors. The bill cuts Medicare by \$500 billion. Let me repeat that. The bill cuts \$500 billion from Medicare, despite the fact that the Medicare program is already insolvent and on the path to bankruptcy in the year 2017, unless we take action.

Billions of Medicare dollars would be cut from hospitals, from nursing homes, from hospice care under this Finance Committee proposal. It would also slash \$120 billion from Medicare Advantage, denying 11 million seniors the health care choices and options regular Medicare does not offer.

If these provisions were not bad enough, the bill's negative impact on State budgets is even more disturbing. Medicaid would be expanded to a level that threatens funding of essential State services such as education, such as law enforcement. In my State of Mississippi, Medicaid payments already make up 12 percent of our State's overall budget, and Governor Barbour has joined a growing chorus of Governors, both Republican and Democratic, in warning of the consequences of Congress forcing States to shoulder more of the Medicaid burden. In fact, if the finance bill is enacted, Medicaid's expansion would result in fully 25 percent of Americans being on this government-run health care system. We know it is now run so poorly that many physicians will not accept Medicaid patients. The bill proposes we put one-quarter of Americans on this very poorly run program.

After weeks of talk, we get a bill that is worse than the status quo. I fear this bill is only going to get worse when the majority leader emerges from his secret negotiations and tries to pass his version of a Federal health care takeover. I think we can do better. Raising taxes, increasing costs, and eliminating choice is hardly the type of health care reform the American people want, particularly during a time when unemployment levels are at a 25-year high. There are many common-sense reforms that could pass Congress quickly and with bipartisan support. This is not a choice between a Federal takeover and the status quo. A step-by-step approach can inject competition, increase choices, and use market principles to bring down prices. By allowing people to purchase health insurance across State lines, by implementing medical malpractice reform and allowing small businesses to join in association health plans, we can lower the cost of health care and increase choice without raising taxes or

increasing government spending or increasing the size and scope of government.

That is the kind of health care reform the American people deserve, and it is the direction the health care debate should take.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for 20 minutes.

#### NATIONAL DEBT AND FEDERAL DEFICIT

Mr. LEMIEUX. Mr. President, it is an honor for me to stand on the floor of the Senate, on behalf of my State of Florida and before this Nation, to give my maiden speech. First, let me thank my wife Meike for her support. No one succeeds in life alone. That is certainly true for me. She is the strength of our growing family of five, soon to be six. I would not be here without her love and support.

It is humbling to think of those who have come before me and spoken before this body on the great issues of the day. I will not seek to match their skill in poetry or prose, but I will work to honor them with clear and straightforward language, passion to find solutions to the challenges that face us, and resolve to follow words with deeds. It is the tradition of this Chamber, as Senator Ted Kennedy stated in his maiden speech nearly 50 years ago, that "a freshman Senator should be seen, not heard; should learn, not teach." But similar to Senator Kennedy, who asked for the dispensation of his colleagues to speak to the great cause of civil rights being debated at the time, I, too, seek the consideration of my colleagues to rise and speak at such a critical time in our Nation's history.

During my first week here, the senior Senator from Ohio, Mr. VOINOVICH, told me that while my time in the Senate may be short, just 16 months, it might be the most important 16 months in modern history. My brief experience here has confirmed the wisdom of his insight.

The issue that commands the attention of this Congress is the health of our people and proposals that address the problem of those who cannot afford or simply do not have health insurance. We seek solutions to the rising costs of medical procedures and hospital stays. We are in search of ways to ensure that every American has access to affordable and quality health care. These are noble goals. Floridians and Americans are struggling with the high cost of health care. Premiums for family health care have risen 131 percent over the past 10 years. Working families are finding it harder and harder to make ends meet. Between the demands of taxes and insurance, families have less and less to save and spend on their own priorities.

Health care costs are burdensome on seniors as well, who, while covered by

Medicare, often buy additional insurance to supplement their needs. Rising costs for seniors living on fixed incomes prove more than difficult. Still more troubling are those who have no insurance at all—some 4 million Floridians and an estimated 45 million Americans nationwide. For many of the uninsured, a serious illness or an accident is all that may separate them from bankruptcy.

I believe the problem of health care must be addressed. No American should be denied access to quality health care. No American should be rendered destitute by illness. No American family should have to live paycheck-to-paycheck because they cannot find affordable health care. The problem is great, and it is one worthy of our full attention.

But before we can address health care and the cost of reform, we need to consider the broader state of affairs in which we as Americans find ourselves. We need to draw back the curtain, widen the lens. No issue, even one as important as health care, stands alone. We have responsibilities in other equally important areas such as national defense, education, and the economy.

Balanced equally with all these priorities must be our ability to afford them. Our Nation's spending problem is not a topic that many like to discuss. It is, after all, more desirable to speak of new ideas and grand plans for the future, but that very future is at stake if we do not address the problem now.

Our national debt grows at an alarming rate of nearly \$4 billion a day. When I took office, just 5 weeks ago, our national debt was \$11.7 trillion. Today it is nearly \$12 trillion. During the time it will take for me to give this address, it will increase by another \$50 million.

Since the debate on health care began in March to the time it likely concludes at the end of this year, we will have amassed an additional \$1 trillion, near to the very amount we are discussing for this health care proposal. Instead of spending less to stem the tide, we learned last Friday that in the fiscal year we just completed, Congress amassed a record-setting \$1.4 trillion budget deficit—a larger single-year deficit than the deficits of the last 4 years combined.

Our Government spending is out of control and it is simply unsustainable. Why does it matter? What is the consequence of accumulating trillions of dollars in debt? What does it mean for us, for our children, and for our grandchildren? The consequences are a government hamstrung by its obligations and a people taxed beyond their ability to prosper. Last year, our Nation spent \$253 billion alone on the interest payments for our debts. That is a statement worth repeating. Last year, our country spent \$253 billion alone on interest payments, the third highest expenditure in the Federal budget. That is nearly \$700 million in taxpayer dollars spent on interest, every day—

money that could be spent on worthwhile programs or, better still, returned to the people because, after all, it is their money.

In 10 years, the White House projects our national debt will be a staggering \$23 trillion, surpassing the total value of goods and services made in the United States in 1 year. I have not been in Washington for long so it is hard for me to comprehend the idea of \$1 billion, let alone \$1 trillion. I think that is true for most Americans. So it is worth a moment to understand the enormity of these figures.

If you were to lay down single dollar bills, edge to edge, \$1 million would cover two football fields; \$1 billion would cover the city of Key West, FL, 3.7 square miles; and \$1 trillion, laid edge to edge, would cover the State of Rhode Island—twice.

Still more staggering, from the time our Government began in 1789, it took 167 years for the Federal Government to spend its first \$1 trillion. This year we will spend \$3 trillion. Increasing debt and increasing costs of entitlement spending and increasing interest payments mean we are on a path which is unsustainable. The American people know this and they are showing their frustration with Congress's out-of-control spending. We need to learn from families in America. Families in America and across Florida deal with their budgets every day. They sit around the kitchen table. They look at what they make and what they spend and they try to make ends meet.

But the Federal Government is similar to that family with the credit card debt—every month the debt grows, the interest compounds. The family spends more and more just to make the minimum payment. Yet the balance due continues to grow. In order to get out of debt, the family has to do the right thing, it has to cut spending or mom or dad have to get another job. If the family does the right thing, pays off its debt, it can save a little, build a nest egg, and recover. If they do not, they reach that point where the debt grows out of control. They reach the point where they are too far gone.

The Federal Government has reached that moment in time. In the past 27 years, we have gone from \$1 trillion to \$12 trillion in December, and it is estimated that by the end of 10 years, we will be \$24 trillion in debt. The point of no return is upon us. We must recognize this simple truth: We cannot afford the Government we have, let alone the Government the majority in this Chamber wants. We ought to be cutting taxes, not raising them; we ought to be spending within our means, not increasing our debt; we ought to be fighting with the same vigor to cut waste, fraud, and abuse that some fight to create new entitlement programs we cannot afford.

It has also become clear that our policies of limitless spending threaten to devalue the dollar.



Recent reports suggest a rush by U.S. investors to pull their money from domestic investments and instead seek opportunity in emerging markets. Investors find markets such as China and Brazil to be more attractive because those nations use their financial reserves to weather the economic crisis.

There is also talk in the international community that perhaps the dollar is no longer the best benchmark for their reserve currencies. According to the International Monetary Fund, the dollar is held now at its lowest point on record in reserve currency of the central banks around the world.

Our unsustainable spending and debt and our inability to make the difficult decisions necessary to change course is decreasing confidence in our Nation abroad, and if not corrected, it will impact the quality of life for all Americans.

What is the answer? The answer is we have to stop. We have to stop financing today's programs on the backs of future generations. Common sense tells us we need to balance the Federal budget. The Federal Government has not done that since 2001. There is no reason why it cannot happen again. The Framers' ideal of limited government is one we need to pursue and we need to do it if we have the will to make it so.

As the father of three young sons and a baby on the way, one of my greatest concerns is that 1 day one of my children will come to me when they are grown and say that they are moving to another country, perhaps a place such as Ireland or Chile, because they believe the opportunities are greater than the promise and the opportunities of America.

Even now, as many as 200,000 skilled American workers could leave for places such as China and India in the next 5 years. America has always been the land of opportunity, a beacon for those who seek a better life. That life cannot be darkened.

Let us not stand witness to the decline of our great Nation. Let us not sit idly by so that the work and sacrifice of those who came before us can be squandered. Let us not miss out on this moment in time to shoulder the burden of leadership to do what we must do for our children, their children, and the American dream.

Their future is bound to the decisions we make. I come from a State where a balanced budget is a constitutional requirement, where lawmakers are required to spend within their means. And it is not always easy. In fact, it is often a painstaking process that requires leadership and tough choices, with Republicans and Democrats sitting down together to make responsible decisions.

In the past 3 years in Florida, Governor Crist and the Florida legislatures have cut spending by more than \$7 billion, almost 10 percent of the State budget. Florida has made tough choices because it must, because lawmakers in

1838 adopted language requiring our State to have a balanced budget.

It works for Florida and 41 other States, and it can work for our Nation. The Federal Government should be held to the same standard. This Congress must balance its budget. There is no reason why Congress cannot do what American families and the majority of States do. There is also no reason why the President of the United States should not have the same powers as 43 Governors do to strike wasteful spending with a line item veto. These issues are not partisan. Republicans and Democrats alike should chart a course to a balanced budget to reduce the national debt and restore the American dream.

We were promised a budget deficit-neutral health care plan. President Obama said to a joint session of Congress, he "will not sign a plan that adds one dime to our deficit now or in the future."

I am encouraged by the President's words, but I am concerned by the proposals we have seen. Cutting a half trillion dollars from Medicare is not budget neutral. Shifting costs to the States for increases in Medicaid is not responsible. And taxing medicine and life-saving devices will increase, not decrease, the cost of health care. That is not reform.

The fact is, we do not know where the money is coming from to pay for the proposed health care plan, and in light of our desperate financial situation, we cannot budget on faith alone. Last week I participated in a hearing to discuss runaway premiums in a program designed to let Federal employees buy long-term health care. Employees were given two options: a fixed option that had a higher cost but guaranteed that premiums would not go up, and a variable option which was less expensive but it provided no guarantee.

Smart Federal employees paid a little more to get that guaranteed Federal plan. But it is not going to be that way. Because now the Federal Government has come back and said: We were wrong. We cannot insure the premiums at the guaranteed rate. We are going to raise your rates by 25 percent.

The government made a mistake. The government got it wrong. And now these Federal employees who did the right thing are going to have to pay for it, more than 6,000 of them from Florida. If the Federal Government cannot get it right for 250,000 Federal employees, how is the government going to get it right for 45 million Americans?

I stand with my colleagues on this side of the aisle ready to create access to health care without sacrificing quality. But it has to make financial sense. We stand ready to address the issue of portability, allowing people to keep their health insurance whether they change jobs or move across State lines. We stand ready to offer ideas to make health insurance more affordable for small businesses, which can join exchanges to offer lower premiums for

their employees. We stand ready to address the high incidence of doctors practicing defensive medicine, which steadily drives up costs. Finally, we stand ready to focus on stopping the estimated \$60 billion in Medicare waste, fraud, and abuse, and using those funds to care for our people.

Current proposals do little to address these problems. We want to work in a bipartisan fashion to create a bipartisan bill. Spend less, save more on this and in everything. The reality is that our Nation is hungry for a new course, a course that takes greater care of the people's money. Some may call this thinking naive, but I call it hopeful.

Since our Nation was founded, there has been one constant our people have carried forth. I consider it the American creed, and the creed is this: Each generation has the obligation to provide a better future for its children than the generation before. We cannot fulfill this promise on our current course. That truth is so evident even our children understand it.

I close with the words of one of my constituents, 12-year-old Joshua Mailho of Niceville, FL. Joshua is concerned about the very issues we are talking about today. He is concerned with his share of the national debt and how he is going to pay for it.

He wrote to me in September and this is what he wrote:

Here is an example of how long me, a 12 year old, would have to pay off my share of the national debt. If I worked at Home Depot and I get paid \$10 per hour . . . it would take me almost 8 years of full-time work [to reach \$161,000] . . . my share of the national debt.

He goes on to say:

This debt will affect all of the kids in America . . . so please find a way to fix your own mistakes, before the children of today have to pay for your mistakes tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, let me be the first to congratulate the junior Senator from Florida on his thoughtful and very persuasive initial speech here in the Senate.

I think I can safely say, after observing his work for the last 5 weeks, that the people of Florida are very fortunate to have such an intelligent and insightful Senator. He is doing an excellent job on their behalf. I again congratulate him on his initial speech here in the Senate.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to join with our colleagues on the floor in thanking my new colleague from Florida, with whom I have had the pleasure of starting a very fast and meaningful friendship.

As he knows, his predecessor Mel Martinez and I had a friendship that had spanned more than three decades. I am equally enthusiastic about this opportunity to represent the State of Florida with Senator LEMIEUX.

Let me say that as I was listening to the Senator's maiden speech, of course

I reflected back 9 years ago to my maiden speech. And, interestingly, at that time—I think it was about 6 weeks after I had been here, so it was the middle of February 2001—I spoke on the budget and the fact that we had a surplus, and how we wanted to keep that surplus and not go into deficit, a lot of the same themes the new Senator from Florida has sounded here today.

Of course, your maiden speech in this August body is quite memorable. I did not have the luxury, as the new Senator from Florida has, to have a number of his colleagues sitting here. As a matter of fact, it was an empty Chamber for this Senator save for the Presiding Officer. But in the course of this speech, I mentioned that it was my maiden speech. I am proceeding on. All of a sudden the doors, these side doors, swing open, and in strides the senior Senator from West Virginia, the person who is a walking political history book. He assumes his position in this chair right here. I get through with my remarks, and he says: "Will the Senator from Florida yield?"

I said: "Of course I yield to the senior Senator from West Virginia."

He proceeds to give, off the top of his head, a history of the Senate maiden speeches. And, of course, what a memorable event that was for this Senator in his maiden speech, and it will be equally a memorable event for the new Senator from Florida. I join our colleagues in congratulating him on his maiden speech.

#### ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that following confirmation of Executive Calendar No. 469 and the Senate resuming legislative session, the Senate then proceed to vote on the motion to invoke cloture on the motion to proceed to S. 1776.

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

The Senator from New Hampshire is recognized.

#### HEALTH CARE REFORM

Mrs. SHAHEEN. Mr. President, as you well know, being one of the freshmen Senators, along with me and a number of others of us, we have been coming to the floor for the past several weeks to talk about the need to address health care reform.

We are here again this morning for the next hour to talk about why this is so imperative. I am going to yield my time, about 5 minutes initially to Senator WARNER, who has another engagement and needs to be off. So at this point I yield 5 minutes to Senator WARNER.

Mr. WARNER. Mr. President, I thank my colleague, the Senator from New Hampshire, for leading the freshmen Senators here this morning as we once again take the floor to talk about health care reform.

I also commend my friend, the junior Senator from Florida, for his comments today. I share his views about the necessity of bringing our Federal deficit in line.

In the Commonwealth of Virginia, we have a balanced budget requirement and we meet our budget every year. I am proud of the fact that Virginia has been named the best managed State in America. So I do have to take issue with some of the comments made by my colleagues, who I think understand States' needs. The fastest growing costs in my State, as well as the State of Colorado, New Hampshire, and I would assume the State of Florida, are health care costs.

Medicaid is going to bankrupt virtually every State in the Nation by 2025 if we do not act. I hope for, and welcome, my colleagues' efforts to try to reach a bipartisan consensus on health care reform.

I will again make the point I have made repeatedly over the last few weeks: What happens if we don't act? What happens if we simply kick the can down the road another 10 years? That is the appeal I make to my colleagues on the other side. Join us. Particularly join the freshmen Senators, who don't come to the Senate with the same background of the last 20 years and experience of past battles. Join a group who does, however, come to this body wanting to do the people's business. That means driving down health care costs, expanding coverage, and making sure our health care system is financially sustainable.

If we don't act, not only will States' increasing Medicaid costs go unmet, State budgets will not be balanced. If we don't act, the Federal deficit will explode. The largest driver of the deficit is not the TARP spending or stimulus spending; it is health care spending. If we don't act, the current Medicare Program, which seniors depend on, will go bankrupt by 2017. That is not a political statement; that is a fact.

If we don't act, American companies will not be competitive in the global economy. We have the most productive workforce in the world. But no American company can compete when they have built in health care costs of \$3,000 to \$4,000 more per worker than any other competitor in the world. If we don't act, for the 65 percent of us who get our health care coverage through the private insurance market, an average Virginia family will be paying 40 percent of their disposable income on health insurance premiums within the next decade.

I ask my colleague from Florida and others on the other side of the aisle to join us in this bipartisan effort to reform health care. This morning we will lay out how we think health care reform can both expand coverage and drive down costs. We will look at some of the models currently being used by large employers who have had the flexibility to design their own benefit plans. These models have successfully

driven down costs by putting in place prevention and wellness activities, negotiating better prices with providers, and restructuring a financial incentive system which currently rewards hospitals based on higher readmission rates, rather than quality care.

I thank the Senator from New Hampshire for organizing the freshmen one more time. As a former Governor, I know she has been a leader on issues like Medicaid and health care costs. I call on my colleagues on the other side of the aisle to actually join in this effort to make sure we do achieve bipartisan health care reform.

I yield the floor.

Mrs. SHAHEEN. I thank the Senator from Virginia for his comments. As he said, our health care system is on an unsustainable path. Now is the time to fix it.

Health care has not been working for families, for workers, for businesses, and for the Nation's economy. Today we are actually going to talk about some of the good news we know we can accomplish with health care reform. We are going to talk about what health care reform can do to help those families, workers, and the economy. It is our opportunity to control costs for Americans and to improve quality.

Let me be clear: We can control cost and improve quality at the same time. When we do this, we have to remember to keep patients at the center of the debate. The truth is, in so many cases the health care industry can do more for less. Usually I like to tell a story about what is going on with my constituents. It helps us keep people at the center of the debate.

Today I want to talk about some of the innovative health quality initiatives happening in New Hampshire. We all know hospital readmissions are a costly problem in the country. We have an exciting program going on in Manchester, the State's largest city, at the Elliot Senior Health Center. They recognized what was happening with readmissions. They recognized that hospital discharges can be confusing and sometimes overwhelming for seniors and that providing a little extra attention to help those seniors as they are transitioning out of the hospital can help keep them from being readmitted. They developed a program they call the TRACE Program. TRACE provides seniors with a health coach who helps patients with the tools and support to take a more active role in managing their medical care. The support those patients receive improves their understanding not only of their own health care, of the health care system in general, it helps keep them out of the hospital.

Senator COLLINS and I have introduced a bill that would help do this systemwide called the Medicare Transitional Care Act. It builds on successful programs such as the one at the Elliot Senior Health Center. Our legislation would improve the quality of care, reduce hospital readmissions, and

lower costs. Research shows we can save \$5,000 per Medicare beneficiary if we enact this kind of a program systemwide to deal with hospital readmissions. I am happy the key provisions of this idea are included in the Finance Committee bill. It will give us an idea of how this is going to work systemwide. It is one example of what we can do to improve the quality of care while we control cost.

There is another initiative we have been working on. I know all of us have been forced to wait in a crowded emergency room sometimes. Emergency room overcrowding is a problem that has become all too common. It is a symptom of what is going on in our health care system. Frequent users of health care services are a small but very costly portion of our population. They contribute to overcrowding in emergency rooms, and they raise costs for everyone. These individuals often have multiple chronic conditions. Sometimes they have mental illness. Sometimes they are faced with issues such as poverty and homelessness. They are among our most vulnerable but most frequent users of emergency rooms because they have nowhere else to go.

In one study, one individual used the emergency room 115 times in 1 year. This was in Camden, NJ. Another patient accumulated \$3.5 million in hospital charges over 5 years. These are charges for which the American taxpayer paid the bill. Our health care system is not adequately dealing with frequent users of emergency rooms. The good news is, we can change this. Through increased outreach and coordination, we can reduce utilization. We can save costs. Research shows that after 2 years of participation in a program that provides this kind of coordinated care for people who use emergency rooms, usage of emergency rooms was cut by over half. This translates into significant savings for the taxpayer. It is the kind of reform we must continue to look at if we are going to change the health care system and make it work for taxpayers, for businesses, and for families.

These are only a few examples of how health reform can benefit Americans. We can improve the quality of care available to people, and we can control health care costs at the same time. I believe we can do this. Now is the time to pass meaningful health reform for the citizens of New Hampshire and for all Americans so we can achieve these changes in our system.

I now yield the floor to Senator MERKLEY for 6 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, it is a pleasure to talk about health care following upon the remarks of Senator JEANNE SHAHEEN and Senator MARK WARNER, both of whom, as Governors, had the opportunity to know firsthand how important health care reform is to taking our Nation forward. They come

from very diverse States, but the observation is the same. Health care reform is essential to putting our Nation back on track, and now is the time.

I wish to direct my comments specifically to the benefits of health care reform to small business. We all know the current system doesn't work for small business employers or their employees. Without numbers behind them, they have no ability to negotiate rates with insurance companies. They are like lambs led to the slaughter. More often than not, they have to take whatever deal is offered. Those deals are not very good. On average, small businesses pay 18 percent more than large firms for the same health insurance policies. Because of this, they are far less likely to provide health insurance. Just 49 percent of firms with 3 to 9 workers and only 78 percent of firms with 10 to 24 workers offer health insurance to their employees, as compared to 99 percent of firms with 200 or more employees in the same year.

When small firms do offer health care, rising premiums force owners to make hard choices between keeping health coverage, expanding their operations, or increasing wages. In the last decade, health care premiums for the average Oregon family more than doubled, while median earnings rose only 23.8 percent. It is no coincidence. Employers are spending more in compensation, but that compensation is going to higher insurance premiums rather than higher wages.

Last month I talked to small business owners in Medford and Portland, OR, who share strikingly similar stories about the problems rising health care costs are causing for them. Dave Wilkerson runs a Medford architectural firm that has 12 full-time employees. He is dedicated to providing a family-friendly work environment, and he provides full medical, dental, and vision coverage to his employees. The company has had to deal with large annual increases in health care premiums and has had to change carriers several times in order to try to keep costs down. Health care costs are the second highest expense for David's firm. Only payroll exceeds them.

This year rising health care costs forced David and his partners to look very closely at either eliminating health care benefits or laying off employees.

Jim Houser and his wife Liz Dally tell a similar story. They operate the Harthorne Auto Clinic in Portland. When they opened their doors 26 years ago, they made a commitment to offer those who worked for them a good benefits package, including comprehensive health care. Jim and Liz are still able to provide health insurance to their employees, but premiums have gone from 9 percent of their payroll to 18 percent in 5 years. As a result, they have had to cut back on benefits. These and otherwise successful small businesses have been hamstrung by health care costs.

Will reform help these small businesses? Yes, it will. It will help them a lot.

First, it will allow them to enter health care exchanges, where they will be part of a much larger pool. With their increased market clout, they will be able to negotiate lower premium costs. These rates will be much more stable than in past years. One sick employee will no longer make an entire group uninsurable.

Second, the exchanges will offer more and better policies from which to choose. Currently, many small businesses struggle to find any insurers that will offer policies. But through health care reform, and as part of the exchange, they will be able to choose from a number of different plans. Because these plans will have to meet certain standards, small businesses will have higher quality policies from which to choose.

Finally, better choices at a lower price will mean small businesses can dedicate more revenue to increasing wages—more money in the pockets of their employees—have more opportunity to invest in new equipment or hire additional employees. This is good for these owners, it is good for our economy, and it is good for the employees.

Health care costs have become a millstone around the neck of our small businesses, dragging down our economy. Health care reform will help small businesses thrive by lowering cost, improving service, and enabling small business owners to focus on making their businesses more successful.

I yield back the floor to my colleague from New Hampshire, and I thank her for conducting and managing this set of conversations from the freshman Senators today.

Mrs. SHAHEEN. Mr. President, I thank very much Senator MERKLEY for pointing out what a difference health care reform can make for small businesses.

I will now yield 6 minutes to the Senator from Alaska, Mr. BEGICH.

Mr. BEGICH. Mr. President, I thank the Senator.

I say to Senator MERKLEY, I am going to follow up on your points as to small businesses, and they are very good points. In Alaska, 52 percent of our population is self-employed, in some form or another, or they are self-employed and employ many individuals.

Again, I am pleased to be back here with our freshman colleagues to talk about why America needs health insurance reform and why we need it now.

Last week, we busted myths being pushed by the opponents of reform. Today, we join forces to describe the undeniably positive aspects of reform—how it will help our friends, our neighbors, and our loved ones.

I rise to address the unquestionable link between health insurance reform and economic recovery in America. All of us on this floor have heard from

those who say we should not do health reform now, that with the economy still hurting, we should wait. Some of that commentary comes from loud and angry naysayers looking for any excuse to kill reform.

But that concern has also been raised by average Alaskans at our townhall meetings. It is a legitimate question, and here is how I answer my constituents: If we want to do this right, economic recovery and health reform have to go hand in hand. You cannot have one without the other.

There are already signs in this country of our economic turnaround in progress. That is welcome news for American breadwinners going back to work, for businesses racking up new sales, and for manufacturers ramping up production to fill new orders.

But there is more work to do, more progress to make. That is where health insurance reform comes in because the status quo is directly at odds with the possibility of continued economic growth. Here are a few examples. Businesses, big and small, have been saddled with skyrocketing health care costs for their workers. You have heard many examples this morning. The average health insurance premium in Alaska has risen 102 percent in the past decade—more than doubled.

No matter which State you are from, those premium increases take a toll on business. Money that could go to innovation, investment, pay raises or added staff is going instead to insurance. Today, employer-provided family premiums in Alaska average more than \$14,000, about the annual pay of one new minimum wage job.

Household budgets are also strained. In this decade, health insurance costs for Alaska families have risen five times faster than wages. That is a loss of purchasing power that could be going instead into our local economy or to education to improve individual earning power.

Of course, my Alaska examples are happening in States all over this country. The statistics are troubling. Today, one-sixth of the entire American economy is devoted to health care costs. Think about it. That is more than \$2 trillion each year that does not go to job creation or business innovation or investments in infrastructure.

If we do nothing to reverse this trend—if supporters of the high cost of insurance manage to kill this reform—this problem will get much worse. By the time my 7-year-old son is raising his family, one-third of the entire U.S. economy could be consumed by health care.

Yesterday, on the floor of the Senate, one of our colleagues in opposition to health care reform put up a prop—which we will see over and over again—a large bill that was put on the desk. It is about 1,500 pages of the Finance bill, and over time that will change. But when you think about it, one-sixth of the economy will be decided by that bill—1,500 pages. To me, that is a small

amount of work, in the sense of the legislation, to deal with one-sixth of our economy. But, again, we will see that prop over and over again. But I hope the American people will see through that and see how important dealing with one-sixth of the economy is and how having a bill of that length is important.

How can we expect American businesses to shoulder such costs and be truly competitive in a global economy? Here is one example. Right now, General Motors reports that health care spending adds \$1,500 to the cost of every car it produces. Of course, its chief overseas competitors do not have to worry about health care costs because their countries dealt with this years ago.

We can and must do better. Economic peace of mind is fundamental to our democracy. It is the goal of every family in this country. It is a cornerstone of the American dream.

Let me say again, if we are serious about economic recovery in this country, then we must be serious about health insurance reform. It is a package deal.

Mr. President, I thank you and yield back the floor to the Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I say to Senator BEGICH, thank you very much and thank you for pointing out how important health care reform is to our economy.

I now yield time to Senator KAUFMAN from Delaware.

Mr. KAUFMAN. Mr. President, I thank Senator SHAHEEN for her leadership in putting this together and thank her for her leadership on health care and so many other issues.

I appreciate the opportunity, once again, to join my colleagues in calling for the passage of meaningful health care reform.

This morning, we are answering the question: What can health care reform do for you?

I wish to take a couple minutes to talk about how health care reform can help Americans stay active and healthy by enhancing prevention and wellness services for all Americans.

As I have said many times on the floor, the present health care system is out of control. It has become a gigantic resource-eating machine which, over time, sucks in more money and delivers fewer options and poorer care.

As odd as it sounds—and it does sound odd—health is not always the top priority in the present health care system. The current system, all too often, waits to treat illness and respond to health problems until they become particularly acute and costly to treat.

Promotion of health, both physical and mental health, is not given a top priority in the present health care system because, frankly, it is not rewarded. Because of this lack of emphasis, our present health care system is weighed down by Americans who battle one or more chronic diseases every day.

Despite all we spend on health care—and in 2009 this figure will approach \$2.5 trillion—almost one in two Americans suffers from common, costly, and often preventable chronic diseases.

The Partnership to Fight Chronic Disease estimates that almost 80 percent of American workers have at least one chronic disease, and 55 percent have more than one chronic condition. In fact, treatment of chronic disease accounts for approximately 75 percent of every dollar spent on health care today.

The spending rate is even higher in the Medicaid and Medicare populations, with 83 percent of spending in Medicaid and 98 percent in Medicare going for the treatment of chronic disease.

The rapid growth of chronic disease increases insurance costs for Americans, undercuts U.S. competitiveness, and threatens Medicare and Medicaid viability. Our present health care reform effort gives us the opportunity to finally reverse this trend.

By empowering and motivating Americans to be physically active and giving them a financial stake in maintaining their day-to-day health status, health care reform can put the focus back on healthy living.

An example we can build on is the recent success Safeway Corporation has had in reducing health care premiums for many of their employees by providing them incentives to change their behavior.

The CEO of Safeway, Steven Burd, created a program that rewards employees with lower premiums if they reduce their tobacco use, lower their blood pressure and cholesterol levels, and achieve a healthy weight. The completely voluntary program tests for these four measures, and employees receive premium discounts for each test they pass.

Aided by this program, obesity and smoking rates at Safeway are roughly 70 percent of the national average, and their health care costs for the last 4 years have remained constant. Let me repeat that: Their health care costs for the last 4 years have remained constant.

Right now, discounts for healthy behaviors such as Safeway's are limited to 20 percent of the regular premium. Recognizing the success of the programs such as these, the health reform bills moving through Congress include provisions to expand the premium discounts for healthy behaviors from 20 percent to 30 percent.

Another attempt to bring increased wellness to the workplace through health reform is a measure that provides grants to small businesses to provide access to comprehensive, evidence-based workplace wellness programs that would help employees make healthier choices.

These are both positive steps to promote healthy behaviors and give incentives to keep premium costs under control.

Also, by authorizing and expanding school-based health clinics, health care reform gives America's children more opportunity to learn about the merits of healthy behaviors at a young age, giving them the tools they need to make healthier choices throughout their lives.

In addition to promoting healthy lifestyles among American workers and children, health care reform will make it easier for those enrolled in Medicare and Medicaid to gain access to preventive services and wellness programs. This is incredibly important not only for the individual health of the enrollees but also to reduce the long-term costs of chronic disease in these programs.

For instance, health care reform will provide Medicare beneficiaries with a free visit to their primary care provider every year to create and update a personalized prevention plan. These plans can address health risks and chronic health problems and design a schedule for regular recommended preventive screenings.

Health care reform will also eliminate out-of-pocket costs for preventive services for Medicare beneficiaries, making these services more affordable and increasing the likelihood they will seek early care before the cost of treating a disease is prohibitive.

For those enrolled in Medicaid, health care reform will offer tobacco cessation services to pregnant women, create a new State option for providing chronically ill individuals with a health home aide to coordinate care, and encourage States to cover preventive services recommended by the U.S. Preventive Services Task Force.

Again, these are all steps that begin to reward preventive medicine and give people the incentive to utilize such services.

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. KAUFMAN. Mr. President, may I have 1 more minute?

Mrs. SHAHEEN. Yes, 1 minute.

Mr. KAUFMAN. In short, the long-term financial viability of the health care system requires a focus on improving health and addressing the burden of chronic disease.

Health care reform gives us the chance to facilitate our health system's transition from one that focuses on just treating illness to one that is more designed to prevent or delay disease onset and progression.

It is time to gather our collective will and do the right thing during this historic opportunity by passing health care reform. We can do no less. The American people deserve no less.

Thank you.

Mrs. SHAHEEN. Mr. President, I thank very much Senator KAUFMAN for giving us one more reason why we need to address health care reform.

I now yield 6 minutes of my time to Senator UDALL of New Mexico.

Mr. UDALL of New Mexico. Mr. President, I thank very much the Sen-

ator from New Hampshire. I thank her for her leadership on the floor and for the hard work she has done on this issue. I know everybody back in New Hampshire very much appreciates that. This is the fourth time the Senate's freshman class has gathered on the Senate floor to talk about health reform. Already we have talked about why maintaining the status quo is not an option. We have talked about how reform will contain costs and dispel the myths about reform. We have talked about how reform will mean many things to many different people. What I wish to talk about today is what reform will mean for rural New Mexicans.

Our rural areas are the backbone of America. It is where we grow our food. It is where the values and traditions that make our country unique continue to thrive. It is where the potential for a clean energy future grows brighter and brighter every day. Unfortunately, our rural areas are also places where the disparities in America's health care system are the most startling.

It shouldn't matter whether one lives in a vast metropolis such as New York City or a frontier town in New Mexico. All Americans, regardless of where we choose to call home, deserve access to quality, affordable health care.

However, the reality is that right now, where one lives does have a big impact on whether they have access to quality, affordable coverage. Americans living in rural areas are more likely to be uninsured, and if they do have insurance, it can be very difficult to find a doctor. As a result, rural Americans end up getting sicker, they have higher rates of chronic disease, and they are often forced to travel hundreds of miles for preventive or emergency care, if they are able to find any at all.

I have seen these disparities firsthand, as a Member of the other Chamber and now a Senator for one of the most rural States in the Nation. Geographically, New Mexico is the fifth largest State in the country with more than 120,000 square miles of some of the most beautiful land that God created. Of the 2 million people who call New Mexico home, about 700,000 live in rural areas. Several places in New Mexico are so sparsely populated they are classified as frontier areas with less than six people per square mile.

Many of New Mexico's rural residents are farmers and ranchers, and they run their own businesses. Their only access to health insurance is often through the individual market where coverage can be extremely expensive, difficult to obtain, and nowhere near as comprehensive. As a result, rural Americans pay nearly half of their health insurance costs out of pocket, and one in five farmers lives in medical debt.

With health care reform, we must ensure that America's farmers and ranchers, as their small business counterparts in more urban areas, have more

affordable choices for coverage. I believe the best way for making this happen is through a health insurance exchange that includes a strong public option. Inserting more choice into the market would keep insurers honest and allow consumers to compare plans and prices and decide what works best for them.

With health care reform, we must also address the growing doctor shortage in rural America. In my State, for example, 30 of 33 counties are categorized as "medically underserved." Americans should not have to travel hundreds of miles for health care. Whether it is lifesaving treatment for a heart attack or a basic preventive service such as a mammogram, people are more likely to get the help they need when they need it if the services are close to home. Through incentives such as low-interest student loans, loan repayment programs, and scholarships for students and midcareer professionals, we can encourage more doctors and nurses and specialists to establish and grow their medical careers in rural America.

Finally, with health care reform, we must better support rural hospitals that serve large numbers of low-income and uninsured patients. This could be through initiatives such as expanded drug discount programs, increased Medicare payment caps for rural health plans, increased National Health Service Corps doctors, and expanded demonstration programs to test reasonable cost reimbursement for small and rural hospitals.

We will never achieve true reform in our country if we don't address the very real health care challenges facing rural Americans from the deserts of New Mexico to the mountains of Maine and everywhere in between. The improvements I have outlined are a good start, but there is more left to do, and I plan on talking about how we can accomplish this in the coming weeks.

We have traveled a long way over the past few months. I applaud my fellow freshman Senators for standing up each week and making sure their voices were heard in this process. I believe, working together, we can create a system where all people can find and afford quality health insurance that provides the care they need. We can guarantee quality, affordable health insurance to every American, and we must do that.

Thank you, Mr. President. I yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from New Hampshire.

Mrs. SHAHEEN. I thank Senator UDALL very much for giving us another reason health care reform is going to be good for our families and for America.

Now I wish to yield 6 minutes to the Senator from Colorado, Mr. BENNET.

Mr. BENNET. Mr. President, I wish to thank the Senator from New Hampshire for yielding, as well as the Senator from New Mexico for his excellent comments.

I am a father of three little girls who are 10, 8, and 5. One of the things I miss most in being here and not being in Colorado is being able to read to them at night or be with them. Over the years, we have moved from one story to another. Harry Potter is now being read. But I heard a story from Colorado this morning that I couldn't believe that reminded me so much of "Goldilocks and the Three Bears." So that is what I wish to talk about today.

In Colorado, we have a young boy named Alex Lange who is 4 months old. He is 17 pounds. Several weeks ago he was denied insurance because of his "preexisting condition" which, in his case, is obesity. Bernie and Kelli Lange, his parents, tried to get insurance and were told by an insurance broker that their baby was too fat to be covered. As his father said:

[I] could understand if we could control what he is eating, but he is 4 months old. He is breastfeeding. We can't put him on the Atkins diet or on a treadmill.

So that was one story of a child who is too fat to be covered.

Today we have the story of Aislin Bates. By the way, in the Lange case—and I want the record to reflect this—the insurance company did the right thing, which is to say: We made a mistake, and we need to cover this young man.

Today comes the story of Aislin Bates who is 2 years old, 22 pounds, denied insurance because of her "preexisting condition," which is that she is underweight. Rob and Rachel, her family, tried to get insurance and they received a letter saying:

We are unable to provide coverage for Aislin because her height and weight do not meet our company's standards.

Her pediatrician wrote a letter in support of the family's request to appeal the insurance company's decision, but the company stuck by its decision. The Bates family has said it costs as much to cover Aislin under COBRA as it costs to cover the remaining three family members.

So in Colorado we have children who are too big to be insured; we have children who are too little to be insured. The reason this reminded me of Goldilocks was that it looks as though you have to be "just right" to get insurance, even if you are an infant.

We can do better than that as a country, and we are proposing to do better than that as a country. One of the most important parts of this insurance reform is to get rid of denials of coverage based on preexisting conditions. I have spoken to many people who work for insurance companies that are tired of having to deny claims for this or for that or relying on the fine print when they know the right thing to do is to provide coverage.

I am tired of living in a country where 62 percent of bankruptcies are

health care-related and 78 percent of those health care-related bankruptcies are happening to people who have insurance, working families who have insurance. I am tired of the fact that we have public hospitals in Denver that 2 or 3 years ago spent \$180 million of taxpayer money on uncompensated care for people employed by small businesses.

So I think what we are talking about at the end of the day is trying to create some stability for our working families, trying to create some stability and some fairness for our small businesses that, after all, are paying 18 percent more to cover their employees just because they are small.

Politics has gotten in the way of reform of our health care system for more than 20 years. It has been longer than that. In the last 10 years alone, the costs of health insurance premiums have gone up 97 percent in my State, while median family income has declined by \$800 over this same period. This is unsustainable for our working families. It is unsustainable for us as an economy, for us to spend more than twice what any other industrialized country in the world is spending on health care. We can't hope to compete in this global economy when we are devoting more than twice what anyone else is spending on health care.

We can do better. The commonsense reforms that are in front of us and that I am sure are going to be improved upon in the coming weeks are a big step forward for working families and small businesses. It is going to be a big step forward for these young children in Denver, CO, and in the rest of our State who can't be denied coverage because they are not "just right," because they are too big or they are too small or there is one other issue that nobody anticipated.

Our families need help. They need stability in order to get ahead. That is why I support this health care reform effort.

I wish to thank, again, the Senator from New Hampshire for her leadership this morning and throughout the months as we have been talking about this issue. I look forward to working with her in the coming weeks as we finally bring this matter into its safe harbor.

Thank you, Mr. President. I yield the floor.

Mrs. SHAHEEN. I thank Senator BENNET very much for yet another reason we must pass health care reform.

Now I wish to yield 6 minutes to Senator BURRIS from Illinois.

Mr. BURRIS. I thank the Senator from New Hampshire.

Mr. President, this week my freshman colleagues and I have come to the Senate floor to answer a simple question. It is a question we have been hearing from ordinary Americans across the country. They want to know: What can health care reform do for me?

I believe this question deserves an honest answer. Opponents of reform

have resorted to lies and distortions to try to scare the American people into siding with the big insurance corporations. They talk about death panels and government takeovers and a lot of redtape between ordinary people and their doctors. These myths have been debunked many times. They have had no basis in reality.

I believe the American people are tired of the scare tactics and the dishonesty. They are too smart to fall for this kind of tactic. They are interested in the truth behind our reform proposals. They just want to know: What can health care reform do for me?

This is what reform with a public option can do for all Americans: It can make insurers compete for their business. Reform with a public option will restore choice to an insurance market that is currently dominated by only a few companies. In my home State of Illinois, two companies control 69 percent of the insurance market. In some places, the market is even more concentrated. As any businessman will tell us, as competition shrinks, profits soar. That is bad for the consumer.

Between 2000 and 2007, profits increased by an average of 428 percent among 10 of America's top insurance providers. Other insurance premiums are rising four times faster than wages. Big corporations have the American people in a vice grip, and they are squeezing them for extraordinary profits. It is time for this to end.

If we reform the insurance industry and create a not-for-profit public health option, it will force private companies to improve their prices and their products. It will restore choice and competition to the market and will help make our insurance more affordable.

If you like your current plan, no one will force you to switch to a public option. Understand: If you have your doctor, you have your providers, and you have insurance coverage today, we are not going to impact you. But if your insurance provider isn't treating you right or is not giving you the coverage you need, you will have the ability to shop around. You can buy a better private plan that is guaranteed to be affordable for someone of your income level or you can choose the public option which will set its premiums at an affordable rate. Then it will rely on those premiums to remain self-sufficient.

These are the facts. This is what health insurance reform with a public option means to the American people: competition, choice, and affordability. That is why I refuse to compromise on the public option because it is the only way to give the American people the quality affordable care they deserve.

Let me be as clear as I possibly can. I will not vote for any health reform bill that does not include a public option. I ask my colleagues to stand with me. We have been debating reform for almost a century. Now is not the time to back down. Now is the time to act

on our convictions. Let's do this for the American people. Let's make a public option a reality.

I yield back my time to the distinguished Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senator BURRIS for pointing out that we need health care reform to get competition in our health care industry.

I yield 6 minutes to the Senator from North Carolina, Mrs. HAGAN.

Mrs. HAGAN. Mr. President, I am joining my colleagues on the floor today to discuss the need for health care reform and what it means for Americans with preexisting conditions.

Millions of Americans live today with what insurance companies describe as preexisting conditions. They range from something as common as asthma or diabetes to diseases such as cancer or MS. Some insurance companies, believe it or not, even consider a C-section to be a preexisting condition.

Under our current system, if you are shopping for insurance on the individual market and you have a preexisting condition, you are faced with one of three frightening choices: One, you could be denied coverage altogether; two, you could be charged an exorbitant premium; three, you could be granted insurance with a rider that stipulates your insurance company is not required to cover your preexisting condition.

Recently, I received an e-mail from a family in Mooresville, NC, that truly underscores why millions of Americans living with preexisting conditions simply can no longer afford inaction on this issue.

Seven years ago, Tim became disabled and lost his job. Because he lost his job, his wife Marilyn also lost her coverage under his employer-provided plan. Tim's health care, which requires his wife Marilyn to provide constant home care, is covered by Medicare. But Marilyn has Osler's disease, which is a blood disease considered to be a preexisting condition by her insurance company. Marilyn is only able to purchase a high-cost, high-deductible plan. Compared to Tim's illness, her condition is relatively minor. But over the last 7 years, they have racked up more than \$72,000 in debt for her health care. And this past year, her health insurance premiums cost more than the mortgage on their home.

Unfortunately, there are millions of Americans all across our country such as Tim and Marilyn who are literally one medical emergency away from bankruptcy. This couple is sick and stuck.

Over the last 10 years, medical premiums in North Carolina have skyrocketed, increasing 98 percent, while wages, on the other hand, have increased only 18 percent.

The Health, Education, Labor, and Pensions Committee, of which I am a member, crafted a bill that ensures a preexisting condition never again prevents anyone from obtaining health in-

surance. It also provides security and stability for people with insurance, expands access to health insurance for people without it, and it will stop draining the finances of American families and the Treasury. The Finance Committee's bill also includes these critical elements.

My goal is to send the President a bill that gives people the peace of mind that if they change or lose their job, as Tim did, they will no longer have to fear losing their health insurance too.

Every single day I hear from North Carolinians who are looking for an opportunity to purchase quality affordable health insurance and protect their families. Hard-working Americans, such as Tim and Marilyn, simply cannot afford to wait any longer.

I yield back my time.

Mrs. SHAHEEN. Mr. President, I thank Senator HAGAN for yet another reason why health care reform is going to make a difference for Americans.

This morning, the freshman Senators have again talked about why we must pass health care reform. We have heard nine very important reasons why health care can make a difference for American families.

We heard from Senator WARNER that health care reform is going to be critical to States as they look at the rising costs of Medicaid in their budgets and how to get those health care costs under control.

We heard from Senator MERKLEY why health care reform is critical to help small businesses as they are trying to cover their employees and deal with the costs as they get out of this recession.

We heard from Senator BEGICH about why health care reform is critical as we are looking at economic recovery. Health care costs are 18 percent of this economy, one-sixth of this economy, and we cannot allow those costs to continue to grow at this rate and expect we are going to be able to recover robustly from this recession.

We heard from you, Mr. President, about why health care reform is going to improve prevention and wellness. The goal is to make us a healthier population, and health care reform can help spur that.

We heard from Senator BENNET about why health care reform is going to help people who already have health insurance, to make that health insurance better provide for families who need it.

We heard from Senator BURRIS about why health care reform is going to be critical to making health insurance companies compete for business and, therefore, better accommodate the health issues families have.

We heard from Senator UDALL about why health care reform is going to make a difference for rural areas, places such as the north country of New Hampshire where we have too many people who have to spend too much and go too far for their health care.

We heard from Senator HAGAN about the importance of health insurance re-

form and health care reform to address things such as preexisting conditions.

I talked about the fact that health care reform can both lower costs and improve quality for Americans.

Those are nine critical reasons why health care reform is going to be important to help American families, American businesses, the American economy.

The time to act is now. Hopefully, we can act in a bipartisan way. But we must act to make a difference for this country and for families.

Mr. President, I yield back the remaining time in morning business. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBERTO A. LANGE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Roberto A. Lange, of South Dakota, to be U.S. District Judge for the District of South Dakota.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, a few weeks ago I stood here on the floor and offered my support for Jeff Viken to be a District Judge for South Dakota. That nomination passed with a vote of 99 to 0. Today, I am here to encourage my colleagues to offer the same support for Roberto Lange, also a nominee to be a District Judge for South Dakota. I spoke at that time of the importance of Federal judgeships and the lifetime tenure of these appointments. The lifetime appointment of a Federal judge is a very serious decision; one that has a lasting impact on our democracy.

When I last spoke on the floor nearly a month ago, only two judges had been confirmed—including now-Justice

Sotomayor. That day, we confirmed a third judge. That confirmation was Jeff Viker to fill a vacancy in my home State of South Dakota. Since that time no other judges have been confirmed by the Senate. I am proud to have both the third and the fourth judges confirmed by the Senate this Congress to be for the District of South Dakota. However, it is my understanding that there are currently ten other judicial nominations pending on the Executive Calendar. We are lucky in South Dakota to have our vacancies filled so quickly, but I encourage my colleagues to act swiftly to fill these other vacancies.

Mr. Lange has an impressive background. He has over 20 years of experience practicing law in South Dakota. Before that, he clerked for the very same docket that he has been nominated for. He attended Northwestern University School of Law on a full tuition scholarship where he was on the dean's list every semester. Prior to that, he completed his undergraduate degree at the University of South Dakota, my law school alma mater. In addition, Bob has received a well-qualified rating from the American Bar Association.

I am proud to have put Bob's name forward for this post. It is a great honor that President Obama has placed on Bob with this nomination. South Dakota will be well served by this selection. I congratulate Bob and his family on this accomplishment.

It is with great confidence in his abilities that I will cast my vote today for the confirmation of Roberto Lange to be the next U.S. Federal District Judge for South Dakota. I urge my colleagues to support this very qualified nominee.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I ask unanimous consent to speak up to 15 minutes as in morning business.

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

#### AFGHANISTAN/PAKISTAN STRATEGY

Mr. BOND. Mr. President, I rise today to renew my call for President Obama to give full support to his top military commander in Afghanistan, GEN Stanley McChrystal.

Several weeks ago, I stood in this Chamber and made the case for our Congress and the American people to hear directly, and as soon as possible, from General McChrystal to ensure that political motivations here in Washington do not override the vital

needs of our commanders and troops on the ground. I was concerned then, as I am now, that continued wavering by the administration and others in Washington could unravel the hard work by our military and intelligence professionals on the battlefields of Afghanistan.

As the "friendly" death toll continues to rise in Afghanistan, political indecision here in Washington persists. We have heard no firm commitment from the administration to the fully resourced counterinsurgency strategy the President forcefully outlined last spring. I came to the floor and I supported the President's counterinsurgency strategy fully; and with General McChrystal's recent report to implement that strategy to deal with the situation in Afghanistan, I fully supported President Obama's statements in March.

But instead of commitment, the past few weeks have brought a flurry of internal debate in the administration and in the media about the basic tenets of the strategy and assessment—counterinsurgency versus counterterrorism; clear, build and hold, or fire and fall back; more troops versus fewer strategy; crafting a strategy or crafting a strategic message. In what must be a historic first, it appears I am more supportive of the President's own strategy than the President is.

Amidst this indecision, our Afghan people, our NATO, ISAF, regional allies, and our own troops wait. The Afghans wait to hear if the United States will continue to stand beside them in spite of the growing threats of the insurgent violence of the resurgent Taliban control. Our allies wait to see if they were wrong to put trust and confidence in the U.S. leadership in the region. Our military forces and brave civilians who serve in Afghanistan under constant stress and mortal danger wait to see if their sacrifices and those of their fallen comrades will have been in vain.

We have heard excuse after excuse, constant attempts to justify delay. Over the past week, another red herring was floated by some officials—we have to wait until the dispute surrounding the Afghan elections are resolved. This red herring—and those people peddling it as an excuse—has missed a truth even more applicable to the mountains and villages, and our towns and cities here in America—all politics is local, and so is the security that the Afghan people need.

While we would all like to see a pristine election in Afghanistan—something we still haven't accomplished 100 percent in our own Nation—the Taliban is not waiting for election results as they continue to kill our troops and attack the people of Afghanistan and gain momentum. Security in Afghanistan will not come from Kabul. It will have to be built village by village and valley by valley. That is what the counterinsurgency strategy is designed to do.

Even if the naysayers continue to ignore this important truth about security in Afghanistan, yesterday's announcement that a run-off election will now be held on November 7 has made that red herring of an excuse gone and useless. In light of this electoral process in Afghanistan and the progress that has been made, what are we hearing from the White House? As though this decision seemed something to be applauded, the administration continues to proclaim its indecision. Today, the White House press secretary said, "It's possible," but there are no guarantees that a decision may be made before the election—17 days from now. More people killed, more progress for the Taliban, more wondering and hesitancy by the Afghans we are trying to serve.

It is a simple question: Will we support President Obama's commanding general, Stan McChrystal, or not?

I have heard some pundits opine that delaying a few more weeks won't make any difference because it will take some time for troops to get there anyway. Using that logic, no decisions need to be made for months. But it is pretty clear postponing any decision simply postpones the date of actual engagement. And even the right strategy won't work if it is not implemented on time. We are losing time, and it can never be recovered. It certainly won't work if it is never acknowledged as our strategy.

Defense Secretary Gates waved a red flag recently, noting that the United States cannot wait for questions surrounding the legitimacy of the Afghan Government to be resolved before a decision on General McChrystal's troop request is made. He understands what I believe is a simple truth: The longer we wait, the stronger and more determined the enemy gets.

Read the papers. Violence is up this season over last. Violence is up this year over the last. The Taliban continues to gain influence in parts of Afghanistan. We keep fighting with what we have, but the insurgents keep getting stronger. We cannot and must not wait any longer for a decision.

It comes down to this: Delay leads to defeat, not victory. Our commanders in the field—the real experts who see firsthand what is required for victory—have asked for more boots on the ground, and there is no reason not to give them those troops now. While politicians and pundits debate here, the enemy is building strength and establishing even greater control over Afghanistan, the Afghan people, and future generations of potential terrorists. While we talk here, American heroes and our ISAF and Afghan allies are dying in increasing numbers in the barren regions of Afghanistan.

In a war where winning hearts and minds is critical, delay in Washington is a public diplomacy disaster in Afghanistan and abroad. It advertises our lack of resolve to our allies and the people of Afghanistan. The Afghan people have been disappointed by the



United States before. Now they need to know with certainty that the United States will not abandon them again in this fight against terrorism. Our allies, who are at this very moment being urged by the Secretary of Defense to contribute to the Afghan campaign, need to know that we will remain by their sides to defeat this enemy together. Instead, the message we are sending is one of absurdity.

Imagine this diplomatic sales job: We send a diplomat out and say: "Friends in Afghanistan, we would like to keep fighting the good fight against the terrorists and insurgents, but we haven't yet decided how strong our commitment is." I would like to see that message sell. And to our allies around the world: "We would really like for you to contribute more troops and resources for this fight, but we need a few more weeks to decide what our contributions will be." That message isn't going to work either.

I strongly doubt this new brand of public diplomacy will sell for much in the streets of Kabul or the villages of Nangarhar. What this message does tell the people of Afghanistan and the key Shura leaders across the country is: Don't trust the Americans, and instead look to the Taliban as the most likely force for the future in Afghanistan. A disaster.

Perhaps even more troubling is the message this wavering sends to our terrorist enemies. If they simply wait us out, we will go home in defeat. While the administration dithers, the terrorists have honed their own message of hatred and extremism. Radical Islamic terrorists have staged suicide attacks for maximum publicity, propagandized their message on the Internet, and convinced their fellow terrorists-at-arms that they will defeat the international community.

In the years leading up to the 9/11 attacks, al-Qaida—operating under the Taliban control in Afghanistan—was emboldened by our lukewarm response to their attacks and provocations. Failing to commit to victory now will only embolden these enemies of freedom that much more to stage more attacks.

Let there be no doubt, from all that I have read and all that I have learned in my travels to the region, and heard here, if we fail now, if the Taliban returns to power in Afghanistan, the price we pay in the future will be far greater than any price General McChrystal is asking us to pay now. We have to decide which price we are going to pay.

The stakes are high. General McChrystal's strategic assessment makes clear the situation in Afghanistan is deteriorating and the Taliban is gaining momentum. The causes of this deterioration have been debated by my colleagues countless times over the past several years. Pointing fingers for past judgments or even past mistakes, however, does nothing to solve the problems of today in Afghanistan. For

this reason, I was disappointed to learn yesterday of the House majority leader's criticism of Members of Congress who are calling on President Obama to make a decision now. Well, I am one of them.

The majority leader, in trying to justify the administration's wavering, accused Republicans of abandoning their focus for the past 7 years. I don't happen to think that is true. But whatever your opinion on the matter is, it is simply no longer relevant. The actions of one administration do not justify handing victory to terrorists through the indecisiveness of another administration. The battle before us in the Afghan/Pakistan region is today. General McChrystal has laid out an implementation of the winning strategy for Afghanistan, which the President set out, and the President's decision is simple: Do we implement it or not?

The answer should be simple. By announcing publicly his unequivocal support for General McChrystal's request, agreeing to send the troops that are needed, the President can send a message of firm resolve to our enemies and to our allies. He can give our commanders on the ground—the same military experts he chose for this mission—the resources they have requested. He can create a strategic communications plan that tells our enemies, our allies, and the American people of our intentions for the region.

The last point is particularly important. We are at a crossroads in Pakistan. We can take the road of expedience and continue to listen to Pakistani officials, who claim they have no control over the Taliban, have no idea where Mullah Omar is, and have only limited capability to decrease terrorist safe havens in their country or we can take the better path and encourage our Pakistani allies to reclaim their national sovereignty in the tribal areas and provide the stability and security that is the right of a people to expect from their government. I believe I speak for many of my colleagues when I say we should expect more from our allies to whom we give so much. But they need to hear that we are serious about our mission there as well. Pakistan has the right to be concerned when the United States appears to be faltering in its determination to remain in the fight. We failed in this region in the past, so we should not be surprised if our continued wavering instills heightened insecurity. I have spoken in this Chamber before about the importance of including Pakistan in our efforts to defeat terrorism in the region. Afghanistan and Pakistan are inextricably linked. More aggressive action may become a good thing in Pakistan, but such action should be in addition to, not as a substitute for, giving our troops in Afghanistan all the resources they need.

While denying al-Qaida and Taliban militants sanctuary in the border regions of Pakistan is critical, a fire-and-fall-back-only approach focusing on

one part of this regional conflict will ultimately hand victory to the world's most violent and feared terrorists—the same terrorists whom our Nation witnessed firsthand attack so brutally, violently, and with such deadly force on September 11.

We have seen polls that signal wavering support among the American people for this war in Afghanistan. But I have faith in the American people. They are resilient, they are proud of their country, and they understand the price of doing nothing. They are determined the sacrifices of their sons and daughters, husbands, wives, and children serving in Afghanistan will not be in vain. We owe them no less.

I call on President Obama to end this indecision and to show the American people and our allies the same resolve and determination I heard in his words of last spring. It is time for him to speak out, to make the decision, explain why it is important, and to carry that message not just to Americans but to allies and enemies throughout the world. Last spring he said:

Our spirit is stronger and cannot be broken; you cannot outlast us, and we will defeat you.

General McChrystal has said we must act quickly to defeat the terrorists and insurgents. Now is the time for President Obama to support his commanders on the ground and silence the pessimistic political winds whispering defeat in Washington.

Mr. President, I yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I ask unanimous consent that during debate on the nominees, all time during quorum call and recess be charged equally to the majority and minority sides.

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

Mr. CARDIN. Mr. President, I take this time to bring to the attention of my colleagues the effect these holds—in most cases anonymous holds that are being placed by Senators on judicial appointments—are having on the lives of judicial officials and on the effectiveness of the judicial branch of government.

So far, President Obama has nominated four circuit court judges who are awaiting confirmation. One of those is Andre Davis to the Fourth Circuit of Maryland. I mention his name because he was appointed by President Obama early this year. The Judiciary Committee held a hearing in April of this

year. In June, the Judiciary Committee recommended his confirmation by a strong bipartisan vote of 16 to 3.

When we finally get a chance to vote on Judge Davis' confirmation to the court of appeals for the circuit court, I am confident it is going to be a lopsided vote among the Members of the Senate. Yet we have been denied the opportunity to confirm his appointment because some Senators put on a hold. Every time we tried to get a time agreement, which everybody says is reasonable, there was an objection. I do not believe it is aimed at Judge Davis; I believe it is a strategy by my Republican colleagues to slow down the confirmation process of judges. I don't know why. I really do not understand. When we have a judge who is qualified, who is not controversial, why would we deny the judicial branch of government the judge it needs in order to carry out its responsibility? Why would we put people through this process of waiting for the Senate to confirm when it is clear the overwhelming majority is in support of the confirmation? I think Judge Davis presents an example. Let me try to put a face on it. You hear the numbers, you hear the statistics, but each one of those holds represents another person being denied the opportunity to serve as a judge.

Judge Davis has an extremely long and distinguished career in the Maryland legal community. He graduated from the University of Pennsylvania cum laude and with a JD degree from the University of Maryland School of Law, where he still teaches classes as a faculty member. He has been a judge on the District Court of Maryland since 1995 when he was confirmed by the Senate. He has had a long career—22 years—as a district court judge. He has presided over literally thousands of cases. Many of these have gone to verdict and judgment. His record is one which lawyers and his colleagues on the bench praise as being well balanced, as that of a judge who understands the responsibilities of the judicial branch of government. He tries to call the cases as the law dictates, and there is absolutely no blemish on his record as a trial court judge. He has been praised by lawyers in Maryland as smart, evenhanded, fair, and open-minded. He has received a “well qualified” rating from the American Bar Association Standing Committee on the Federal Judiciary. He will add diversity to the Fourth Circuit. When confirmed, he will be the third African-American judge to serve in the Fourth Circuit.

I bring to your attention and to the attention of my colleagues Judge Davis because we have to bring an end to these holds where a judge is being held not because he is controversial, not because there is a problem, not because you want additional information, but just to slow down the process. That is wrong. That is an abuse of the responsibilities of each one of us, of the power each Senator has. I think it is impor-

tant that we all speak out, whether Democrats or Republicans. It is just wrong. It is time to move these nominations to the floor of the Senate and to have votes up or down on these nominees.

I urge my colleagues to let us get on with the business we were elected to do, to advise and consent to the President's appointments. If we have a problem with an appointment, let's speak out against it and let's have that type of debate. But delay for delay's sake is not befitting the Senate. I urge my colleagues to allow these appointments to go forward with up-or-down votes on the floor of the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I ask unanimous consent that the final 30 minutes prior to the 2 p.m. vote be reserved for the chair and ranking member of the Judiciary Committee or their designees, with Senator LEAHY controlling the final 15 minutes.

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

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I ask consent to speak as in morning business.

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

#### MEDICARE PHYSICIAN FAIRNESS ACT

Ms. STABENOW. Mr. President, I rise today to speak about a motion we will be voting on after the nomination that is currently before the Senate, and that is the motion to proceed to a very important bill for seniors on Medicare coverage, for the disabled, for those who are in our military and their families. It relates to the way we reimburse physicians under Medicare and under TRICARE. It is called the Medicare Physician Fairness Act.

This is an effort to eliminate what has become a very flawed formula for determining the payments for physicians under Medicare.

We, in fact, know it is flawed because in the last 7 years, the last seven times that proposals have come forward from this formula to cut physician pay under Medicare and TRICARE, this Congress has chosen to reject that recommendation, that cut.

We want to make sure seniors can have access to their doctors, that Medi-

care is a quality system that allows the kind of reimbursements so we can continue to have the quality of providers, physicians, and others we have today.

This bill, S. 1776, would allow us to do away with what has become a very flawed process. Every year we postpone the cuts that have been proposed because we know they are flawed. We know this time of year, if we do not take action, there would be a 21-percent cut in Medicare for physicians who serve our seniors and people with disabilities. Because Medicare and TRICARE are tied together, that cut would also affect our military men and women and their families and retirees from the military. So, of course, we do not want that to happen. We are not going to allow that to happen. But rather than every year—every year, every year—deciding at the last minute we are going to stop these devastating cuts, putting physicians in the situation where they are not sure how to plan, worrying our seniors, worrying those in our military and retired military personnel, now is the time to change the formula to stop it.

By doing that, by passing this legislation, we then set the stage for health care reform where, in fact, under health care reform, we have a different set of incentives. We focus on strengthening Medicare in a way that improves quality access for seniors. We focus on incentivizing prevention. We focus on incentivizing primary care doctors with a different system that will provide bonuses and payments for our primary care doctors.

So we have a new system. We have a new vision for strengthening Medicare, strengthening our health care system. But right at the moment, we also have this failed system in place that we are kind of stuck with unless we can say: We are done. We are going to start again. We are going to start from a different budget baseline, and then move forward on health care reform.

That is exactly what I have been wanting to do with this legislation. That is why I am so appreciative of the fact that our majority leader, Senator REID, understands and is committed to making this change. His commitment to Medicare, his commitment to our seniors, our military personnel, and to our physicians is the reason we are here today. So I am so grateful to him for all of his commitment and all of his work. But this needs to be changed right now.

As I indicated, we have a system that supports our Medicare system, covers seniors, the disabled. We also tie it to our military health care system, members of the U.S. military, surviving spouses, families, military retirees, and their families. All of them are extremely supportive. In fact, it is not an exaggeration to say this is a top priority, if not the top priority, of the AARP and those who advocate for seniors right now to give seniors the peace of mind to know they are going to be

able to have access to their doctors and that their doctors are going to have the resources they need to be able to treat them.

This bill would make sure that happened by rejecting what has been a failed system. We can go right on down the list. We not only have strong support from the American Medical Association and other physician groups but those who represent our military. Military officers and their families and retirees are extremely supportive.

I am very proud of the work that over 20,000 physicians in Michigan do every day providing to more than 1.4 million seniors and people with disabilities in Michigan the quality care they need and deserve.

We have over 90,000 TRICARE beneficiaries, men and women in our military, retirees who are receiving high-quality medical services in conjunction with the Medicare system. We are very proud of that, and we want to make sure we are maintaining that as well.

Let me go through again what we are trying to make sure we can fix. One, this legislation would repeal the current broken system. It would stop a 21-percent cut to our physicians under Medicare and TRICARE, which would be devastating. It would stop what is a Band-aid approach every year. We know we are going to fix it. We fix it every year individually for that year, always at the last minute.

It is time to change that process. I believe this is honest budgeting because we know we are not going to allow these cuts to take place. So we should do away with this process that even proposes these cuts every year and lay the foundation for real physician payment reform, which is in the legislation.

Let me share with you a letter from a medical clinic in southwest Michigan where physicians wrote to me.

Every year we have to wait to the last minute to see if the rates will get cut or fixed. This makes it impossible to budget and project for the next year. Especially for practices like ours, with nearly 50 percent of our patients are Medicare patients. With the uncertainty and the increases that we do get not keeping up with the cost of living, we have to err on the side of caution, which leads us to job cuts. Though we need the staff to provide the best patient care between Medicare and Medicaid we can't afford to keep them and stay in business. If the uncertainty continues we will be forced to re-evaluate our patient population as well, leaving the Medicare patients with no choices for the care that they need.

This is really the bottom line. We want to make sure physicians are fully participating in caring for our senior citizens, for people with disabilities in this country. We want to make sure Medicare is strong. We want to make sure we are protecting it going forward. In order to do that, we have to start from the premise that we will not be allowing these cuts or the possibility of these cuts to go forward year after year after year.

The vote we are going to have in front of us is a vote to proceed to the

bill. I know there are those with amendments they would like to offer. I would hope that we would see a strong bipartisan vote to simply go to this bill. I think the seniors of this country deserve that.

I think all of those who care about health care for our senior citizens and the disabled, our families, our military personnel deserve that; to have the opportunity to go to this bill, to be able to work on it together, and to be able to pass this bill and permanently solve this problem.

I am very grateful for the fact that the President of the United States not only supports this effort, his administration's budget, the budget he gave us at the beginning of this year, his very first budget, he put forward a budget that did not include going forward with the cuts in this flawed formula.

His budget baseline started from a premise that we would not be making these cuts going forward. I believe that is where we should be. We should be making sure we stop the Band-aid approach. Stop this effort that has gone on year after year and create an honest budgeting process so that we can make sure our seniors have confidence in the future; that they are going to be able to see their doctor under Medicare, and that physicians have the confidence of knowing they are supported by a strengthened Medicare system.

So I am very hopeful we will see a strong bipartisan vote to allow us to move to this very important measure to strengthen and protect Medicare of the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to declare to my colleagues that I intend to vote against cloture to proceed on the motion to proceed to this measure regarding the sustainable growth rate.

I want to explain why. I thank Senator STABENOW for her leadership, and to say this is one of those moments where substantially I agree with just about everything she had to say about the inadequacies of the sustainable growth rate formula which was put in in the late 1970s as part of what turned out to be a very effective attempt to bring fiscal responsibility, budget balancing, even a surplus.

Believe it or not, at the end of the Clinton administration, historians may note, perhaps people will forget, we actually had a Federal Government surplus. But it turned out that this sustainable growth rate formula for the reimbursement of doctors was not workable and unfair and has resulted in the refusal of a lot of doctors to treat patients under Medicare.

So why would I not vote for cloture to proceed to take up this matter, and then vote for it? It is because there are larger questions involved. In some sense, I think this is a precautionary tale, the vote on this matter. It is a precautionary tale of what we will face

in succeeding votes in the Senate and most immediately in the health care reform debate we will soon take up on the Senate floor.

We did not get into this terrible situation with our Federal deficit and debt because there were people in the House or in the White House over the last several years who had bad motives or bad values. In fact, in most of the cases, such as this, when money has been allocated, appropriated for programs, it has been done with the best of intentions. But the ultimate effect has been bad for our country and our future because it has put us into a position of national debt that is unsustainable, that threatens to cripple our economic recovery and burden our children and grandchildren and beyond so that they do not live in a country with the kind of economic dynamism and opportunity in which we were blessed to be raised.

In some sense, if I would be allowed to paraphrase, I would say the road to an unsustainable, damaging, American national debt is paved with good intentions, with votes for good programs. It just is time for us together, across party lines, to sound the alarm, blow the whistle, and make choices regarding priorities.

We cannot have, no matter how good or worthwhile, programs for which we are not prepared to pay. The numbers are stunning. I am privileged to be serving my 21st year in the Senate. The numbers of our Federal indebtedness today are so shockingly high that if you told me that 21 years ago or 10 years ago or even 5 years ago, I simply would not have believed it.

The fiscal year that ended on September 30, fiscal year 2009, we now know, learned about a week ago, America ran a deficit of \$1.4-plus trillion. We know America now has an accumulated long-term debt of \$12 trillion.

We know the Congressional Budget Office has projected that over the next 10 years, we will run deficits that will add \$9 trillion to the long-term debt. So \$12 trillion now, add \$9 trillion, and that is \$21 trillion of debt. It is unbelievable. We say it is unsustainable. That is a big word. What does "unsustainable" mean? It means that at some point this size debt is going to cripple the economic recovery that is just beginning. It is going to create hyperinflation because at some point people are going to stop buying our debt and we will have to raise interest to get more people to do so. At some point, if we don't fix this, the government is going to be left with no alternative but to print more money. That is the road to inflation, to lost jobs, and to a lower quality of life.

All these things we have done, which seemed necessary at the time, which are good, we have to pay for them or else this will not be the country we want it to be for succeeding generations. We are going to reach a point where we will not have the money to

do the first thing the Federal Government is supposed to do, which is to defend the security of the country, to provide for the common defense in what is, obviously, a dangerous world.

This is a precautionary tale, a precautionary vote. We are coming to a big debate on health care reform. I am for health care reform, but it is not the only thing I am for. In fact, at this moment in our history, it seems there are two things that matter more to our country than health care reform, although I wish we could do them all. One is to sustain the recovery from the deepest recession this country has had since the Great Depression of the 1930s. We are just beginning to crawl our way out of it. Gains in gross domestic product look as though they are coming, but it is fragile. It is not robust. Of course, almost 10 percent of the American people are out of work. In fact, it is higher than 10 percent. To me, the top priority we all should have—and I speak for myself—is to sustain the economic recovery to get people back to work, to keep our economy strong.

The second—and it is related to the first—is to begin to deal with the terrible imbalances in our Federal books that will compromise the economic recovery and cripple our economic future and the opportunity our children and grandchildren will have in the future. It means we have to make choices. In the coming health care debate, we have to make sure, as the President said, that there is not one dime added to the deficit as a result. We have to make sure that what we do within the context of health care reform not only doesn't increase the deficit and the long-term debt but doesn't add cost and increase premiums, for instance, on working people, middle-class families to pay for their health insurance and on businesses for which we need to provide every incentive to add workers, to grow, to sustain the recovery as it exists now.

Those are the standards I will apply to my own action on the health care reform proposal. I want to be for health care reform. I am for health care reform. I know the system needs to be changed. But this is a precautionary vote coming up because while the Medicare Physicians Fairness Act, which would repeal the sustainable growth rate formula, is substantively just, it is not paid for. It adds almost \$250 billion to the debt for the coming years. I don't think we can do that anymore.

I am relieved to know, in terms of the immediate impact of my vote against cloture on this matter, that if cloture is not obtained, the health care reform bill that came out of the Senate Finance Committee does take care of the problem with the sustainable growth rate for another year. That gives everybody—doctors and, most important, Medicare recipients—breathing room. We can't go on spending without paying for what we are spending, no matter how good or right it is,

because there is a greater harm being done to our country.

The speed with which this Medicare Physician Fairness Act has come to the floor and taking it out of health care reform where it certainly belongs is also a precautionary tale.

I have said I am against the public option for health care insurance, essentially a government-owned health insurance plan, one, because we believe in a market economy and a regulatory government. We believe a market economy is the best way to create economic growth and wealth. It serves the American people very well. We also know that a market economy of itself doesn't, as somebody long ago said, have a conscience. So the government sets rules. We have oversight. We have regulatory rules. We have antitrust laws, for instance. That is the way we maintain fairness in the economy, in the marketplace. I don't remember another case where our answer to a concern about fairness in the marketplace—in this case, whether there is real competition in the health insurance business, whether the health insurance companies are being fair in their rates, et cetera, which are all reasonable questions—I don't remember another case where the answer was to create a government-owned corporation to compete with the private sector.

I spent 6 great years serving as attorney general of Connecticut. We sued a lot of businesses for unfair trade practices, for bid rigging, for price fixing. We appeared before regulatory commissions on behalf of the people of the United States, all sorts of businesses. But nobody ever had the idea that instead of us doing that, we should create a government oil company, a government car company, a government company to sell automobiles, a government company to take care of roof contracting. I could go on and on. One of the reasons is, particularly now, I don't have confidence that we can discipline ourselves from making it into another cause of the skyrocketing Federal deficit.

This bill is evidence of that. Here is a good cause, a group we all respect, the doctors, saying: We need this 10-year fix to the problem. And we just did it. This really ought to be done as part of overall Medicare reform. We have to have a commission. We have to have some system to deal with the great threats to our economic future. Medicare is going to run out of money in 2017, 8 years from now. Social Security is already dipping into the trust funds, taking more out than we are getting in. It may change in a year or two, but that is the way it is.

With respect to the sponsors of this proposal, the Medicare Physician Fairness Act, the doctors' associations that I know would like us to vote for it, I think 1 year is enough; 1 year paid for is enough. To do more than that now is wrong and irresponsible, and therefore I will vote against the cloture motion

on the motion to proceed to the Medicare Physician Fairness Act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I will vote against the motion to proceed. Before Senator LIEBERMAN leaves the floor, I want to say again, of all the people I have met in the Senate, he constantly amazes me, because there is no doubt he is doing this because he believes passionately that America is at a crossroads and this is making the problem worse, not better. I am on a bill with him—there are seven Republicans and seven Democrats—that is a comprehensive solution to our health care needs. It is the Wyden-Bennett bill. It mandates coverage, but we do it through the private sector.

I want colleagues to know that Senator LIEBERMAN has been constructive in trying to find a bipartisan compromise that will allow us to deal with health care inflation, which is a problem in the private sector. He practices what he preaches, trying to solve problems. As he explained it, the Senator from Mississippi and I were sitting here talking. There is not much of that around here in politics now, where one would come out and take on an issue that is being pushed by leaders of the Democratic Party. He is an independent Democrat, but he articulated the reason in a way most Americans really appreciate.

Doctors have a problem. In 1997, we tried to balance the budget with President Clinton, the Balanced Budget Act of 1997. When we looked at how we could sustain a balanced budget, we had to go to where the growth was in the budget. The big programs were Medicaid and Medicare, the entitlements. Eventually, those two programs will cost the equivalent of the entire Federal budget today in 20 or 30 years. If we want to balance the budget, we have to slow down entitlement growth.

Medicare is one of those programs that have grown dramatically. When it first came about, it was a \$4 billion safety net. They projected that Medicare would cost \$37 billion in 1990. It was like \$90-something billion. It is \$400 billion today. Those who designed the Medicare Program as a safety net for senior citizens without health care did a good thing, but from then until now, it has become a \$400 billion item that is eating up the entire budget.

In 1997, we recalculated the growth rates to be paid to doctors and hospitals. Since then, doctors and hospitals have been saying that we cut reimbursements to the point that they can't take Medicare and Medicaid patients and it is hurting their ability to stay in business. About 60 percent of their income comes from the Federal Government. I don't doubt that is true. What we did is just nickel and dime doctors and hospitals and never reform Medicare.

So Senator LIEBERMAN is right. To help doctors and hospitals and the

country achieve a balanced budget, we will have to fundamentally reform Medicare, and the doctor fix should be part of that effort.

What we are doing here is making a promise we can't afford to pay. We are going to tell the doctors: Don't worry ever again about Medicare reimbursements being cut because for a 10-year period, we are going to hold you harmless.

That is beyond cynical. We need to look at the doctor fix in terms of comprehensive Medicare reform. It is a \$245 billion item designed to get the medical community to support the leadership version of health care. It is transparent. It is wrong. It is bad politics. It is bad policy. I hope my colleagues will reject it.

The bill coming out of the Finance Committee—and I congratulate Senators who are trying to fix health care because it needs to be fixed—is about an \$800 billion expenditure, a little bit more. It is revenue neutral over a 10-year period because it is going to be paid for. Four hundred billion in Medicare cuts are part of the payoff, the pay-fors.

How do we take \$800 billion of expense and make it revenue neutral? We offset it. One of the offsets is a \$400 billion-plus reduction in Medicare spending over a 10-year window. I argue that not only is that not going to happen because the Congress hasn't reduced Medicare spending anywhere near that, it is just politically not going to happen. Two years ago, we tried to slow down the growth of Medicare to \$33.8 billion over a 4- or 5-year period and got 24 votes. If colleagues think this Congress is going to have the political will and courage to reduce Medicare by \$400 billion over 10 years, show me in the past where we have had any desire to do that.

The doctors fix is the best evidence yet of what will come in the future. We are contemplating doing away with the reduction in physician payments that was part of the balanced budget agreement because our medical community has been hit hard and is complaining. Look at the \$400 billion. Do we think if people are going to be on the receiving and of a \$400 billion cut over a period of time, they are going to accept it happily? Do you think they are not going to complain? What do you think we are going to do when one group of the medical community or the insurance community says, "You are putting me out of business."

These \$400 billion cuts are never going to happen because, you see, with the doctors fix, where every year we relieve the doctors from the imposition of that agreement in 1997—and in many ways we should because the 1997 agreement was not comprehensive—but to those who believe we are going to cut \$400 billion in Medicare, have the courage to tell the doctors we are going to do to them what we said we would do back in 1997. Nobody wants to do that, and I am sympathetic as to why we do

not want to do that because we are asking too much of doctors and hospitals and we did not reform the system as a whole.

Mr. President, \$245 billion added to the debt is no small thing. What I hope will happen is we can find a bipartisan pathway forward on health care reform that deals with inflation, deals with better access to preventive medicine, has some medical liability reform, is truly comprehensive, with give-and-take, and mandates coverage. I am willing to do that as a Republican. But if we go down the road our leadership has set for us here and basically tell the doctors "Don't worry anymore, you are going to be held harmless for the next 10 years," then what group will follow who will want the same deal and to whom will we begin to say no? I do not know. I do not know to whom we will have the ability to say no if we do this. And if you say no to them, what the heck do you tell them—"You are not a doctor, so it does not matter what we do to your business."

If we do this, we have lost the ability, in my view, to provide the necessary solutions to the hard problems facing the country. We will have given in to the most cynical nature of politics. We will have destroyed our ability to engage with the public at large in a credible way to fix hard problems. And when it comes time to ask people to sacrifice, they are going to look at us and say: What do you mean "sacrifice?" Aren't you the people who just basically wiped out what the doctors had to do because you were afraid of them?

I am not afraid of doctors. God bless them. I am glad we have them. What we have done in the name of reform has been unfair because we picked on them and not the system as a whole. So to the doctors out there, LINDSEY GRAHAM gets it, that your reimbursement rates as they exist today under Medicare make it very difficult for you to do business. But I hope you will understand that my obligation is beyond just to the doctors in South Carolina; it is to what Senator LIEBERMAN said: the next generation as well as to the here and now.

Every politician has a problem: How do you affect the here and now, people who can vote for you, and how can you secure the future? Well, you just have to ask the people who are here and now to be willing to make some changes for the benefit of the country long term. I am confident that if we ask and we do it in a smart way, people will join with us. I want to give the doctors better reimbursement rates, and the only way we can achieve that is to reform Medicare from top to bottom and make it more efficient.

One of the things I am willing to do is ask a person like myself to pay more. As a Senator, I make about \$170,000 a year. I am not saying we are worth it, but that is what we pay ourselves. I would like to think we earn our money because it is not an easy

job, but there are a lot of jobs harder than being a Senator, I can assure you. But right now, the system we have to fund Medicare, the trust fund, will run out of money in about 4 years. But basically I am paying the same amount for Part B premiums that cover doctors and hospital payments out of Medicare as my aunt and uncle who worked in the textile mill and made \$25,000 a year. I am willing for people like myself to have to pay more to keep Medicare solvent.

We are making some changes but not nearly enough. Mr. President, \$3 out of \$4 of Medicare spending comes from the General Treasury, the taxpayers. One-fourth of the money to cover Medicare expenses comes from the patient population being served. There are plenty of Americans who are paying about \$100 a month once they get into retirement who can afford to pay \$450 a month for the Medicare services they receive. Nobody is asking them to do it. I am willing to ask, and I am willing to do it myself. It is those types of changes that will lead this country to a brighter future and will correct the imbalance we have.

Finally, Medicare is \$34 trillion underfunded. If you had \$34 trillion sitting in an account today, it would earn interest over 75 years. You would need all the money—the \$34 trillion plus the interest—to make the payments we have promised people in the future.

When I was born in 1955, there were 16 workers for every retiree. Today there are three, and in 20 years there will be two. There will be two workers paying into the Social Security and Medicare trust funds where there used to be 16 when I was born. There are more baby boomers retiring every day than anyone ever anticipated. We are living far beyond 65.

The question for the country is, Will people in my business go to you, the public, and say change is required? We cannot run the system assuming things that do not exist. We have to come to grips with the fact that we have an aging population, we live longer, there are more retirees than ever, and there are fewer workers. Once we come to grips with that dynamic and ask those who can afford to give, to give—hold those harmless who cannot afford to give—America's best days are ahead.

If we do not reform these systems and we continue to do what is being proposed today—try to buy a constituency off: Doctors, we will fix your problem if you will support our bill; the \$254 billion it will cost to get you onboard, do not worry about it.

To the doctors who may be listening, you better worry about it. You need to worry about not only the viability of your medical practice but the ability of your government to make payments it has promised to the next generation, the ability of your government to be able to continue to operate, the ability of our country to pass on to the next generation a sound and secure America.

We are about to borrow ourselves into oblivion. There is a theory out there, long held, that democracies are doomed to fail because democracies over time will lose the ability to say no to themselves; that we in the government will continue to grow the government based on the needs of the next election cycle and make promises that make sense for our political future but really over time are unsustainable. We have reached that point, and we are about to go over the edge.

The only way America can self-correct is to make sure our political leadership is rewarded when we ask for change we can believe in. This is not change we can believe in. This is the old way of doing business. This is buying off a constituency that is important for the here-and-now debate of health care and not giving a damn about the consequences to the country down the road. This is how we got in this mess.

If we pass this bill, not only have we destroyed this new hope from a new President of "change we can believe in," we will have reinforced the worst instincts of politics, sold the country short, and made it impossible to say no to the next group we want to sacrifice who needs to help us solve this problem.

With that, I yield back.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. 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.

#### MEDICARE PHYSICIAN PAYMENT SYSTEM REFORM

Mr. GRASSLEY. Mr. President, reforming the Medicare physician payment system is one of the most difficult issues we face in Medicare today. The name of the formula is the sustainable growth rate. Generally around here we refer to that as the SGR. It is the formula for the reimbursement of doctors under Medicare. It was designed in the first instance to control physician spending and to determine annual physician payment updates by means of a targeted growth rate system. The SGR is not the only problem with the Medicare physician payment system. Everyone who knows anything about physician payments and Medicare knows that this SGR formula is not working. It is a fee-for-service system that rewards volume instead of quality or value. This means that Medicare simply pays more and more as more and more procedures and tests and services are provided to patients. Providers who offer higher quality care at a lower cost get paid less. Somehow, it is a backward system, a perverse sys-

tem. It is one of the driving forces behind rising costs and overutilization of health care, particularly in some parts of the United States.

In addition, the sustainable growth rate formula itself is flawed. The SGR is designed to determine annual physician payment updates by comparing actual expenditures to expenditure targets.

The purpose of the SGR was to put a brake on runaway Medicare spending. The SGR was intended to reduce physician payment updates when spending exceeded growth targets. In recent years, Medicare physician spending has exceeded those SGR spending targets. That has resulted, naturally, in physician payments being cut. As the magnitude of these payment cuts has increased over time, Congress has stepped in to avert these scheduled cuts in reimbursement to doctors.

In a roundabout way, the SGR has been serving its purpose. Numerous improvements in Medicare payments in other areas have been implemented over the years to offset or to pay for the various so-called doc fixes we have had to do and generally do them on an annual basis. Presently they are done on an 18-month basis, expiring December 31 this year.

We should, in fact, be reforming physician payments. That is why I supported the SGR amendments offered by my colleague, the Senator from Texas, during the Senate Finance Committee markup that concluded 8 days ago. Those amendments would have provided a fully offset, positive physician update for the next 2 years. And if we erroneously take up a debate on this flawed Stabenow bill, I will have an alternative to offer with my good friend, the chairman of the Senate Budget Committee, Senator CONRAD. A Conrad-Grassley amendment would be a bipartisan approach to this.

Realigning incentives in the Medicare Program and paying for quality rather than quantity of services is, of course, an essential part of physician payment reform. But as fundamentally flawed as the physician payment system is, S. 1776, the bill before us, is just as fundamentally flawed. S. 1776 would add—can my colleagues believe this—a \$¼ trillion cost to the national debt. A quarter of a trillion, obviously, is \$250 billion. But worse yet, it does not fix the problems we have with the physician payment system. It simply gives a permanent freeze to those payments. The American Association of Neurological Surgeons and the Congress of Neurological Surgeons oppose the Stabenow bill for precisely that reason, and I applaud them for having the courage to say so.

My esteemed colleague, the majority leader, claims this bill has nothing to do with health reform. I think it has everything to do with health reform. He says the \$247 billion cost of this bill is just correcting, in his words, "payment discrepancy;" merely, in his words, "a budgetary problem," a prob-

lem that needs to be fixed. But I don't believe anybody is going to buy that argument, not even the Washington Post. I have here a recent editorial. They said:

\$247 billion . . . is one whopper of a discrepancy.

S. 1776 isn't being offered to fix a budget payment discrepancy, it is being offered as one whopper of a backroom deal to enlist the support of the American Medical Association for a massive health reform bill that is being written behind closed doors.

Nobody is being fooled about what is going on in this body, the most deliberative body in the world, the Senate.

When President Obama spoke to a joint session of Congress last month—the week after we came back from our summer break—he made a commitment to not add one dime to the deficit now or in the future. Those are his words, not mine. But as this Washington Post editorial notes, S. 1776 would add 2.47 trillion dimes to the deficit.

We go to chart 2 now. That would be 2.47 trillion dimes, enough to fill the Capitol Rotunda 23 times.

Now we have chart 3. I wholeheartedly agree with the editorial's conclusion. The Post editorial said:

A president who says that he is serious about dealing with the dire fiscal picture cannot credibly begin by charging this one to the national credit card . . .

This quote is highlighted out of that same editorial.

The Office of Management and Budget and the Treasury Department announced that the fiscal year 2009 deficit hit a record of \$1.4 trillion. According to the Government Accountability Office, public debt is projected by the year 2019 to surpass the record that was set in 1946, 1 year after the end of World War II. That debt was attributable to the war, which was the war to save the world for democracies because of the dictatorial governments of Italy, Germany, and Japan, as we recall from history.

There is no doubt that fixing the flawed physician payment system is something that must be addressed. But the problem—this problem—with the physician payments is one of the biggest problems in health care that needs fixing. But at a time when the budget deficit has reached an alltime high of \$1.4 trillion, this situation demands fiscal discipline.

As the Washington Post has correctly pointed out, S. 1776 is, indeed, a test of the President's pledge to pay for health care reform.

Repealing the SGR without any offsets, as S. 1776 would do, is a flagrant attempt to try and hide the true cost of comprehensive health care reform.

Let me suggest to the American people that bill, comprehensive health care reform—at least the one that came out of the Senate Finance Committee—is thick, at 1,502 pages that we all are committed to reading before it goes to the floor. That bill, of course,

will not go to the floor because now it is being merged in secrecy with the Senate HELP Committee bill, and so it may come out thicker. Who knows. We are talking about a great deal of cost connected with that and the SGR fix being connected with that as well.

We have in the Senate Finance Committee bill, that was reported out, significant payment system reform. That bill takes savings of almost  $\frac{1}{2}$  trillion to fund a new entitlement program outside Medicare. The priority for Medicare savings should be fixing Medicare problems, and the physician payment issue and the SGR is the biggest payment system problem in Medicare today. It should get fixed in health care reform with those Medicare savings.

I must, therefore, object not to fixing the SGR and improving the system for physician payments—which clearly must be done—but to this very flawed bill. It is only a permanent payment freeze. It does not fix the problem. It is not paid for. It should be a part of health care reform. It adds  $\frac{3}{4}$  trillion to the deficit. It is one whopper of a discrepancy. It is not credible.

I urge my colleagues to oppose cloture on this train wreck of a bill.

I yield the floor and, since I do not see any of my colleagues waiting to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, today, the Senate will finally consider the nomination of Roberto A. Lange to the District of South Dakota. It has been 3 weeks since Mr. Lange's nomination was unanimously reported by the Judiciary Committee to the Senate. It should not take 3 weeks to confirm a consensus nominee. I will be interested to hear from Senate Republicans who have stalled this confirmation for the last 3 weeks why they did so.

There are 10 other judicial nominations reported favorably by the Judiciary Committee to the Senate that remain pending without consent from Senate Republicans to proceed to their consideration. These are 10 other judicial nominations on the Senate Executive Calendar awaiting action and being stalled by Republican holds. All 10 were reported favorably by the Senate Judiciary Committee. Two were reported in June and have been waiting for more than 4 months for Senate consideration. These are things that we have always done by voice vote when there is no controversy.

It is not only a dark mark on the Senate for holding us up from doing our work, but it means that the nominees have their lives on hold. They have been given this nomination, and

everything has to come to a stop. They know they are going to be confirmed. They know that whenever the Republicans allow a vote, it will be virtually unanimous. It makes the Senate look foolish, and I wish my colleagues would allow these people to move quickly.

The American Bar Association's Standing Committee on the Federal Judiciary reported that its peer review of the President's nomination of Mr. Lange resulted in the highest rating possible, a unanimous rating of well qualified. His nomination has the support of both home State Senators, Senator JOHNSON, a Democrat, and Senator THUNE, a Republican, and was reported out of the Judiciary Committee by unanimous consent on October 1. I expect the vote on the President's nomination of Mr. Lange to be overwhelmingly in favor, as was the 99-0 vote for the only other district court confirmation so far this year, that of Judge Viken. I will be listening intently to hear why then Senate Republicans—despite the support of Senator THUNE, the head of the Republican Policy Committee and a member of the Senate Republican leadership—have stalled this confirmation needlessly for 3 weeks.

This is one of the 13 judicial nominations reported favorably by the committee to the Senate since June to fill circuit and district court vacancies on Federal courts around the country. Ten of those nominations were reported without a single dissenting voice. This is unfortunately only the third of those judicial nominations to be considered all year.

It is October 21. By this date in the administration of George W. Bush, we had confirmed eight lower court judges. By this juncture in the administration of Bill Clinton, we had likewise confirmed eight circuit and district court nominations. The Senate has confirmed just three circuit and district court nominees this year less than half of those considered by this date during President Bush's tumultuous first year in office and confirmed by this date during President Clinton's first year. This is despite the fact that President Obama sent nominees with bipartisan support to the Senate two months earlier than did President Bush. Moreover, President Clinton's term also began with the need to fill a Supreme Court vacancy.

The first of these circuit and district court confirmations this year did not take place until September 17, months after the nomination of Judge Gerard Lynch had been reported out of committee with no dissent. Finally, after months of needless delay, the Senate confirmed Judge Lynch to serve on the Second Circuit by an overwhelming vote of 94 to 3. That filled just one of the five vacancies this year on the Second Circuit. The Second Circuit bench remains nearly one-quarter empty with four vacancies on its 13-member bench.

Judge Viken, the first of just two district court judges the Senate has been allowed to vote on this year, was con-

firmed on September 29, by a unanimous 99-0 vote. Today, the Senate is finally being allowed by Republicans to vote to confirm Roberto Lange, who was reported by the committee on October 1. It took 3 weeks to proceed to Mr. Lange's nomination despite the fact that he, like Judge Viken, had the support of both his home State Senators, one a respected Democratic Senator and the other a Republican Senator who is a member of the Republican Senate leadership.

South Dakota has had its two vacancies filled this year but vacancies in 35 other States remain unfilled and the Senate's constitutional responsibilities are going unfulfilled. There was—there is—no reason for the Republican minority to impose these unnecessary and needless delays to judicial confirmations. When will Senate Republicans allow the Senate to consider the nominations of Judge Hamilton to the Seventh Circuit, Judge Davis to the Fourth Circuit, Judge Martin to the Eleventh Circuit, Judge Greenaway to the Third Circuit, Judge Berger to the Southern District of West Virginia, Judge Honeywell to the Middle District of Florida, Judge Nguyen to the Central District of California, Judge Chen to the Northern District of California, Ms. Gee to the Central District of California and Judge Seeborg to the Northern District of California?

In a recent column, Professor Carl Tobias wrote:

President Obama has implemented several measures that should foster prompt appointments. First, he practiced bipartisanship to halt the detrimental cycle of accusations, countercharges and non-stop paybacks. Moreover, the White House has promoted consultation by seeking advice on designees from Democratic and GOP Senate members, especially home state senators, before official nominations. Obama has also submitted consensus nominees, who have even temperaments and are very smart, ethical, diligent and independent.

I ask unanimous consent that a copy of Professor Tobias's column be printed in the RECORD following my statement.

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

(See Exhibit 1.)

Mr. LEAHY. When I served as chairman of the Senate Judiciary Committee during President Bush's first term, I did my best to stop the downward spiral that had affected judicial confirmations. Throughout my chairmanship I made sure to treat President Bush's judicial nominees better than the Republicans had treated President Clinton's. During the 17 months I chaired the Judiciary Committee during President Bush's first term, we confirmed 100 of his judicial nominees. At the end of his Presidency, although Republicans had chaired the Judiciary Committee for more than half his tenure, more of his judicial nominees were confirmed when I was the chairman than in the more than 4 years when Republicans were in charge.

In spite of President Obama's efforts, however, Senate Republicans began

this year threatening to filibuster every judicial nominee of the new President. They have followed through by dragging out, delaying, obstructing and stalling the process. The result is that 10 months into President's Obama's first term, the Senate has confirmed only three of his nominations for circuit and district courts while judicial vacancies skyrocket around the country. The delays in considering judicial nominations pose a serious problem in light of the alarming spike in judicial vacancies on our Federal courts.

There are now 96 vacancies on Federal circuit and district courts and another 24 future vacancies already announced. These vacancies are at near record levels. Justice should not be delayed or denied to any American because of overburdened courts. We can do better. The American people deserve better.

Professor Tobias' observations about the Second Circuit hold true throughout the country and with respect to this President's efforts to work cooperatively with respect to judicial nominations. President Obama made his first judicial nomination, that of Judge David Hamilton to the Seventh Circuit, in March, but it has been stalled on the Executive calendar since early June, despite the support of the senior Republican in the Senate, Senator LUGAR. The nomination of Judge Andre Davis to the Fourth Circuit was reported by the committee on June 4 by a vote of 16 to 3, but has yet to be considered by the Senate. The nomination of Judge Beverly Baldwin Martin to the Eleventh Circuit has the support of both of Georgia's Senators, both Republicans, and was reported unanimously from the committee by voice vote on September 10 but has yet to be considered or scheduled for consideration by the Senate. The nomination of Joseph Greenaway to the Third Circuit has the support of both Pennsylvania Senators, and was reported unanimously from the committee by voice vote on October 1, but has yet to be considered or scheduled for consideration by the Senate. All of these nominees are well-respected judges. All will be confirmed, I believe, if only Republicans would consent to their consideration by the Senate. Instead, the President's good efforts are being snubbed and these nominees stalled for no good purpose.

President Obama has been criticized by some for being too solicitous of Senate Republicans. As Wade Henderson, the executive director of the Leadership Conference on Civil Rights, said to *The Washington Post* recently: "I commend the President's effort to change the tone in Washington. I recognize that he is extending an olive branch to Republicans on the Judiciary Committee and in the Senate overall. But so far, his efforts at reconciliation have been met with partisan hostility." As usual, Wade has it right. The efforts the President has made have not been reciprocated.

The Senate can and must do a better job of restoring our tradition of regularly considering qualified, non-controversial nominees to fill vacancies on the Federal bench without needless and harmful delays. This is a tradition followed with Republican Presidents and Democratic Presidents. We should not have to overcome filibusters and spend months seeking time agreements to consider consensus nominees.

In addition, four nominations to be Assistant Attorneys General at the Department of Justice remain on the Executive calendar, three of them for many months. Republican Senators have also prevented us from moving to consider the nomination of respected Federal Judge William Sessions of Vermont to be Chairman of the United States Sentencing Commission for over 5 months, even though he was twice confirmed as a member of that Commission. The majority leader has been forced to file a cloture motion in order to end the obstruction of that nomination.

Four out of a total of 11 divisions at the Department of Justice remain without Senate-confirmed Presidential nominees because of Republican holds and delays—the Office of Legal Counsel, the Tax Division, the Office of Legal Policy, and the Environment and Natural Resources Division. Earlier this month, with the hard work of Senator CARDIN, we were finally able to move forward to confirm Tom Perez to head the Civil Rights Division at the Justice Department. His nomination was stalled for 4 months, despite the fact that he was approved 17 to 2 by the Judiciary Committee. At the last minute, Senate Republicans abandoned an ill-fated effort to filibuster the nomination and asked that the cloture vote be vitiated. He was finally confirmed with more than 70 votes in the Senate.

During the 17 months I chaired the Judiciary Committee during President Bush's first term, we confirmed 100 of his judicial nominees and 185 of his executive nominees referred to the Judiciary Committee. And yet 10 months into President's Obama's first term, we have confirmed only 2 of his nominations for circuit and district courts and 40 of the executive nominees that have come through our committee.

I hope that, instead of withholding consents and filibustering President Obama's nominees, the other side of the aisle will join us in treating them fairly. We should not have to fight for months to schedule consideration of the President's judicial nominations and nomination for critical posts in the executive branch.

I look forward to congratulating Mr. Lange and his family on his confirmation today. I commend Senator JOHNSON for his steadfastness in making sure his State is well served.

## EXHIBIT 1

## COMMENTARY: SECOND CIRCUIT APPEALS COURT OPENINGS NEED TO BE FILLED

(By Carl Tobias)

The country's attention was recently focused on the Senate confirmation vote for U.S. Second Circuit Court of Appeals Judge Sonia Sotomayor, President Barack Obama's initial Supreme Court nominee and judicial appointment. This emphasis was proper because the tribunal is the highest court in the nation and decides appeals involving fundamental constitutional rights.

Nonetheless, the same day that Justice Sotomayor received appointment, Second Circuit Judge Robert Sack assumed senior status, a type of semi-retirement, thereby joining his colleague, Guido Calabresi, who had previously taken senior status. Moreover, on Oct. 10, Judge Barrington Parker also assumed senior status. These developments mean that the Second Circuit will have vacancies in four of its thirteen authorized judgeships.

Operating without nearly 25 percent of the tribunal's judicial complement will frustrate expeditious, inexpensive and equitable disposition of appeals. Thus, President Obama should promptly nominate, and the Senate must swiftly confirm, outstanding judges to all four openings.

The numerous vacancies can erode the delivery of justice by the Second Circuit, which is the court of last resort for all but one percent of appeals taken from Connecticut, New York and Vermont. The tribunal resolves more critical business disputes than any of the 12 regional circuits and decides very controversial issues relating to questions, such as free speech, property rights and terrorism.

Among the appellate courts, the Second Circuit needs more time to conclude appeals than all except one, which is a useful yardstick of appellate justice. The August loss of two active judges and the October loss of a third will exacerbate the circumstances, especially by additionally slowing the resolution of cases that are essential to the country's economy.

There are several reasons why the tribunal lacks almost one quarter of its members. Judge Chester Straub took senior status in July 2008, and President George W. Bush nominated Southern District of New York Judge Loretta Preska on Sept. 9 after minimally consulting New York's Democratic Senators Charles Schumer and Hillary Clinton. September was too late in a presidential election year for an appointment, and the 110th Senate adjourned without affording the nominee a hearing.

Moreover, President Obama has nominated no one for the Calabresi or Sack opening, although both jurists announced that they intended to take senior status last March. In fairness, Judge Calabresi did not actually assume senior status until late July, while Judge Sack only took senior status and Justice Sotomayor was confirmed in August.

President Obama has implemented several measures that should foster prompt appointments. First, he practiced bipartisanship to halt the detrimental cycle of accusations, countercharges and non-stop paybacks. Moreover, the White House has promoted consultation by seeking advice on designees from Democratic and GOP Senate members, especially home state senators, before official nominations. Obama has also submitted consensus nominees, who have even temperaments and are very smart, ethical, diligent and independent. The Executive has worked closely with Senator Patrick Leahy (D-Vt.), the Judiciary Committee chair, who schedules hearings and votes, and Senator Harry Reid (D-Nev.), the Majority Leader, who arranges floor debates and votes, and



their GOP counterparts to facilitate confirmations.

Emblematic is the President's nomination of U.S. District Judge Gerard Lynch, who served with distinction on the U.S. District Court for the Southern District of New York since 2000. New York Democratic Senators Schumer and Kirsten Gillibrand expeditiously suggested the superb trial judge to Obama, who nominated Lynch on April 2. By mid-May, the panel conducted Lynch's confirmation hearing, and on June 11, the committee approved Lynch. In mid-September, the Senate confirmed Lynch on a 94-3 vote.

Senator Schumer's Sept. 9 announcement that he had recommended District Judge Denny Chin to the White House and the jurist's Oct. 6 nomination are precisely the correct approaches. The New York and Connecticut senators must continue suggesting excellent candidates for the three Second Circuit openings which remain. Obama must swiftly consider their proposals and nominate outstanding prospects. The Judiciary Committee should promptly afford hearings and votes, while the Majority Leader ought to expeditiously schedule floor debates and votes.

Judge Sotomayor's Supreme Court elevation, the assumption of senior status by Judges Calabresi, Parker and Sack and Judge Lynch's recent Senate confirmation mean there are four openings in the Second Circuit's thirteen judgeships. President Obama should cooperate with the Senate to quickly fill the vacancies with superior judges, so that the tribunal can deliver appellate justice.

Mr. LEAHY. Mr. President, I ask unanimous consent that my further remarks be charged against my time in connection with this nomination.

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

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. 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. SESSIONS. 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. SESSIONS. Mr. President, I wish to briefly make a few comments about the confirmation vote we will soon be having on supporting this nominee. I saw him, as a member of the Judiciary Committee, and we made inquiry of him. I liked him. He handled himself well.

He has been a strong and ardent Democrat all his life—an active Democrat. He was educated, I believe, at the University of South Dakota and has practiced law a long time there. I think he has the ability and the commitment—he said he did and I believe him—not to allow his politics to influence his decisionmaking once he puts on that robe; that he will be objective and fair; that he will comply with the oath a judge takes to be impartial; that he will provide equal justice for the poor and the rich; and that he will serve the laws of the United States under the Constitution. So we moved

him forward, and I am glad he will be confirmed.

I will note that some nominees I will not be able to support, and I would expect some others may object as well. It is our responsibility to be careful and to be cautious in making decisions about judges because they are given a lifetime appointment. They can't be removed for bad decisionmaking. I believe the President has submitted two more nominees to the district bench. There are 74 vacancies in the Federal courts in America as of today. A few days ago, there were 9 nominations pending—this is 1 of them—and now there are 11 nominations, I understand, pending.

As the President gets his machine up and running and starts submitting nominees, I think we will have good hearings. My view is that if they are qualified, it doesn't make any difference to me if they are an active, partisan, campaigning Democrat. That is fine. The question simply is, once they put on the robe and they are required to decide cases, can they put aside their personal feelings, backgrounds, emotions, and partisanship? Most judges can.

I practiced in Alabama, where judges run on a party ticket. They run as Republicans and Democrats. Everybody knows which of them—very few—carry those biases with them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair, and I urge my colleagues to support the nomination.

The PRESIDING OFFICER. (Mr. UDALL of New Mexico.) The question is, Will the Senate advise and consent to the nomination of Roberto A. Lange, of South Dakota, to be United States District Judge for the District of South Dakota?

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 324 Ex.]

YEAS—100

Akaka	Carper	Gillibrand
Alexander	Casey	Graham
Barrasso	Chambliss	Grassley
Baucus	Coburn	Gregg
Bayh	Cochran	Hagan
Begich	Collins	Harkin
Bennet	Conrad	Hatch
Bennett	Corker	Hutchinson
Bingaman	Cornyn	Inhofe
Bond	Crapo	Inouye
Boxer	DeMint	Isakson
Brown	Dodd	Johanns
Brownback	Dorgan	Johnson
Bunning	Durbin	Kaufman
Burr	Ensign	Kerry
Burriss	Enzi	Kirk
Byrd	Feingold	Klobuchar
Cantwell	Feinstein	Kohl
Cardin	Franken	Kyl

Landrieu	Murray	Specter
Lautenberg	Nelson (NE)	Stabenow
Leahy	Nelson (FL)	Tester
LeMieux	Pryor	Thune
Levin	Reed	Udall (CO)
Lieberman	Reid	Udall (NM)
Lincoln	Risch	Vitter
Lugar	Roberts	Voivovich
McCain	Rockefeller	Warner
McCaskill	Sanders	Webb
McConnell	Schumer	Whitehouse
Menendez	Sessions	Wicker
Merkley	Shaheen	Wyden
Mikulski	Shelby	
Murkowski	Snowe	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Republican leader is recognized.

MEDICARE PHYSICIAN PAYMENTS

Mr. McCONNELL. Mr. President, I am going to take a moment of my leader time. Americans are increasingly alarmed by the expansion of our national debt and this spending binge we are putting on the national credit card. They are asking us to do what they have been doing. They want us to take out our scissors and cut the credit card. They want us to live within our means so their children and their grandchildren do not wake up in the morning to find the American dream buried under an avalanche of debt.

Our fiscal situation has simply spiraled out of control. Yet the proponents of this measure want to put another quarter of a trillion dollars on the Federal credit card. Republicans offered a series of fiscally responsible ways to prevent pay cuts to our physicians. That was not agreed to.

Let me remind everybody, we are in very dangerous territory. I am going to vote against this deficit-expanding bill because enough is enough. I hope, on a bipartisan basis, we will send a message to the American people that we do not intend to charge from 3/4 trillion to \$300 billion on the nation's credit card by approving this measure.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have been aware of the fact that because of activities and actions of the Republican-dominated Washington for a number of years, that the doctors who take Medicare patients have been hammered so hard that not all doctors take Medicare patients.

We want senior citizens, Medicare recipients, to be able to go a doctor. We do not want all of those folks going to Medicare Advantage. We want Medicare to survive as a program.

Because people who ran this town for a number of years did not like Social Security, tried to privatize that, did

everything they could to minimize and denigrate Medicare, we are now at a point where we have, in the bill that has been reported out of the Finance Committee, a 1-year fix for the senior citizens, so that physicians will not be dropping Medicare patients. Then all of the physicians should know that we march to this position we are in now.

We were told by the American Medical Association and others that we would get help from the Republicans to take care of senior citizens so that they would have doctors to take care of them. It is very interesting. One of the sponsors of this legislation, one of the Republican leaders, is not supporting the legislation. How do you like that? This is another effort of Republicans to slow down, divert, and stop what we are trying to do with health care and based on everything else.

I just finished a meeting over here with my chairmen. We lamented the fact of how things have changed in this town, how in this new administration we have had to file cloture on a significant number of occasions to get people who have jobs in this administration approved in the Senate. During the Bush first year, during this same period of time, not a single nomination he requested had to be clotured; that is, to end a filibuster. We have numerous people to get approved.

We have essential legislation, such as legislation that deals with giving people who are out of work unemployment benefits. It is not a gift. They pay into that fund or they thought it wasn't a gift.

I want everyone to know we are going to take care of Medicare. If the Republicans in the Senate don't want to do it the way we have done it in the past by doing the doctors fix, then when we finish the health care legislation, we will come back and take care of a multiple-year fix for the doctors and senior citizens.

I want everyone within the sound of my voice to understand that Washington is being driven by a small number of people on this side of the aisle who are preventing us from doing things that help the American people. We are not trying to run over people with the 60 votes we have. We want to work with people. We want to get along. I think it is really too bad that suddenly they have got religion. They never worried in the past about all the tax cuts being paid for. They never worried about drug manufacturers getting all the free stuff they got. They never worried about any of this. They now are suddenly being very frugal when they find it is a way they can slow down what we do here.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, if I might just add to what our distinguished leader has said and thank him for bringing this vote to us. This is about strengthening and protecting Medicare.

The distinguished Republican leader is right: Enough is enough—enough of

running physicians up to the brink every year, not knowing what is going to happen; enough for seniors not knowing whether they will be able to continue to see their doctors. Seven different times we have brought them up to the brink and then not made the cut and have many times not paid for it. This legislation will wipe the slate clean and will for the first time bring honest budgeting to Medicare.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of the bill we are considering today, the Medicare Physician Fairness Act, introduced by Senator STABENOW. This bill would permanently end the scheduled reductions in Medicare and TRICARE payments that physicians face each year. This legislation is long overdue and an important step in making sure doctors will continue to serve Medicare patients and veterans in the years to come.

This year marks the 8th year in a row that Congress will be forced to prevent scheduled physician payment cuts under the Medicare Program. The scheduled cuts are based on a flawed formula, which cuts physician payments in the future if physician spending exceeds a target based on the growth of the economy. Because the scheduled cuts are cumulative, next year we could expect to see a 21-percent reduction in physician payments and a cumulative 40-percent cut scheduled by 2016. It is no wonder Congress has consistently acted to prevent these cuts and experts have called for a repeal of this broken formula.

Without passing this bill and permanently ending the schedule of physician payment cuts, doctors will continue to struggle to budget for the future without knowing with absolute certainty that Congress will act to prevent payment reductions. The uncertainty in payment rates has already resulted in many physicians declining to accept Medicare making it hard for beneficiaries to find a doctor. In rural States like Vermont, finding a doctor is challenging enough without looming payment cuts affecting doctors every year. In addition to seniors, the more than 12,000 Vermont veterans and military personnel who participate in TRICARE will continue to feel their benefits are at risk so long as this flawed formula threatens payment reductions to their doctors.

Some have argued that we cannot afford to make such an expensive fix to our health care system. I disagree. The President already assumed Congress will fix the payment cuts over the next 10 years in his budget proposal. We all know that without a permanent fix Congress will continue to act to prevent these debilitating cuts in payment rates to doctors. The administration's budget gives a realistic estimate of projected Medicare spending. Passing a permanent fix will allow us to have accurate estimates of Medicare spending, a first step toward truly reforming the physician payment system to one that

is based on quality and performance and not on arbitrary formulas.

This legislation is an important step toward making changes in the Medicare and TRICARE physician payment structure that will help our entire health care system. I regret that some misplaced partisan point-scoring threatens to prevent us from considering a bill we should have passed long ago. I hope we can proceed to this bill and pass it swiftly so we can begin our work toward improving our overall health care system.

Mr. BAUCUS. Mr. President, an old Chinese proverb says:

"If you do not pay the doctor who cured you, beware of falling ill again."

We are here today because we need to fix the way that we pay the doctors who cure us.

The way that we pay for health care today contributes to spiraling health care costs. It contributes to quality-of-care that is not as good as it should be.

Today's payment system rewards providers for the quantity, not the quality, of the services that they provide.

Commonsense health reform must restructure the way that we pay for health care.

Because of its size and purchasing power, Medicare can lead the way. But payment reforms won't be effective unless they're built upon a solid payment foundation.

Unfortunately, the current Medicare payment system for doctors is fundamentally flawed. It does not provide stability and predictability for our doctors. It is not a solid foundation for the future.

That is so, because in 1997, Congress created the Medicare physician payment system that we have today. Congress created a thing called "the sustainable growth rate," or "SGR." It was meant to control what Medicare spends on doctors.

But the SGR is not working. It never really has.

Had Congress not intervened, the SGR would have produced steep cuts in physician payments every year since 2002. And if Congress does not intervene now, the SGR will continue to produce steep cuts for the foreseeable future.

Without action, next year, physician payments will be reduced by 21 percent. And the cuts will continue for the foreseeable future. The total cut over the next decade will approach 40 percent.

Every year since 2003, Congress has intervened. Congress regularly acts to avert these cuts. And given the magnitude of the impending reductions, Congress will continue to intervene. The stakes are just too high.

Allowing these draconian cuts to go into effect would jeopardize access to doctors for 40 million seniors—including 160,000 Montanans—who rely on Medicare for their health coverage. That is why AARP unequivocally supports the repeal of the flawed SGR formula.

But the damage would not end there. Because TRICARE—the health care system for active military personnel—bases its reimbursements on Medicare rules, 9 million members of the armed services and their families could also be left without physician care.

The SGR must be repealed.

But don't just take my word for it. The Medicare Payment Advisory Commission—or MedPAC—reported to Congress in 2007 that the SGR should be replaced with a more stable, predictable system. MedPAC recommended a system that rewards doctors based on the quality and efficiency of the care that they deliver.

The Medicare Physician Fairness Act is the first step toward a 21st century physician payment system in Medicare.

The Medicare Physician Fairness Act repeals the flawed SGR formula that has done nothing to promote more appropriate, evidence-based physician care.

Repealing SGR will lay a solid foundation. And on that foundation, we can build delivery system reforms that fundamentally restructure the Medicare payment system. We can change it from one that focuses on the volume of services delivered to one that rewards doctors for the value of care that they deliver to patients.

The bill that the Finance Committee reported last week includes these reforms. Our bill includes better feedback reports to doctors, so that they know how their utilization trends compare to those of their peers. Our bill includes incentives for physicians to work together with other health care providers in accountable care organizations that will share in savings they achieve for Medicare. And ultimately, our bill includes a payment system that rewards every doctor based on the relative quality and costs of care they provide to their patients.

But first, we need to repeal the SGR, so that we can enact these meaningful reforms.

Now, any honest discussion about repealing the current SGR system must also address the elephant in the room: the CBO budget baseline. The law requires CBO's budget baseline to assume that Congress will not suspend the SGR.

The reality of the situation, however, is at odds with the CBO baseline. Future congressional action on the SGR is certain. Seven consecutive cuts have, for good reason, been averted.

Rather than continuing to enact short-term fixes that produce steeper cuts in the future, the Medicare Physician Fairness Act adopts the Obama administration's more realistic budget baseline. It does not increase spending over recent trends or future action. It preserves spending at current levels.

Adjusting the SGR baseline without an offset is not something I endorse without hesitation. I believe in fiscal responsibility. And I am proud that the Finance Committee health reform legislation will reduce the budget deficit

in the first 10 years and dramatically bend the cost curve in the long run.

But by overturning each of the last seven SGR cuts, Congress has made clear that the current baseline is broken. And temporary band-aids have only increased the size of future cuts and the cost of future interventions.

Eliminating the SGR now will avert devastating payment cuts. And eliminating the SGR now will create a more honest picture of our future budgetary commitments.

And so, let us avoid merely putting another band-aid on the broken physician payment system. Let us truly reform the way that we pay the doctors who cure us. And let us enact the Medicare Physician Fairness Act.

Mr. FEINGOLD. Mr. President, our Nation faces great challenges that require collective persistence and collective sacrifice to overcome. Two of these challenges that I hear the most about from my constituents are the need to reduce the national debt and enact health care reform. Their concerns come from a basic sense of responsibility and decency—and are true to Wisconsin's progressive tradition. They believe, as I believe, that the government should be required to balance their budget just as Wisconsinites balance their checkbook. They believe, as I believe, that every American—regardless of wealth, race, gender, or age—deserves good, affordable health care. These basic principles of fiscal and social responsibility have guided me throughout my 17 years in the Senate. And it is these principles that lead me to conclude that I cannot support S. 1776, the Medicare Physician Fairness Act, because it will substantially add to our national deficit.

I believe that the Medicare sustainable growth rate is a broken policy and must be fixed. I also believe that requiring Congress to pay for enacting new policies is critical to our long-term financial stability and strength as a nation. Waiving paygo requirements for this legislation simply puts a different name on the same \$247 billion problem. It passes the buck, and that is not good enough for me.

Just this week, I introduced the Control Spending Now Act. This bill consists of dozens of different initiatives that would collectively reduce the deficit by over  $\$1/2$  trillion over 10 years. Redirecting just a portion of the savings in my legislation would more than pay for the Medicare Physician Fairness Act. We do not have a lack of funding options; we have a lack of political will to make those tough decisions. And lack of political will is not a good reason to add to the national deficit.

For years, I have called for significant reform of the Medicare sustainable growth rate formula. I have heard from countless Wisconsin physicians about how damaging these potential cuts are to their ability to provide health care. And I am seriously concerned that without a comprehensive

change, Medicare beneficiaries' access to the health care they need will be limited. The Medicare SGR formula is a real and growing problem that deserves thoughtful and fiscally responsible reform.

Mr. BYRD. Mr. President, while it is important that health professionals in my State of West Virginia receive the compensation they deserve, I will, however, vote against this measure. We are on the eve of one of the most historic debates surrounding health care since the inception of Medicare in 1965. To follow the many weeks of laborious debate and amendments in the Finance and Health, Education, Labor, and Pensions Committees, with this legislation is unwise. It sends the wrong signal. The health committees have not reviewed it. It addresses only a single problem, to the benefit of one group of health care providers, completely outside the context of broader reform. I believe piecemeal action on health care reform could be its undoing.

In the coming weeks, I look forward to voting on the motion to proceed to a comprehensive health care reform bill. Reforming our health care system for the betterment of all of our citizens is necessary and vitally important. But we need to make certain there is a national consensus behind any health care bill. In order to pass a meaningful measure that will provide essential health care coverage for those in dire need, the Senate must be entirely forthright in both debate and intention. Mr. President, \$247 billion is not an insignificant amount of money, and the Senate should be up front about the true costs of health care reform.

Mr. DORGAN. Mr. President, my vote against cloture on the motion to proceed to legislation that would cancel the scheduled physician payment cuts in the Medicare Program should not be read as opposition to the idea of canceling those cuts.

I support canceling the payment cuts for physicians. However, I think that action should be paid for. As it stands, that legislation would have increased the Federal deficit by \$245 billion over 10 years. I cannot support that.

Congress has acted to prevent scheduled cuts for 6 of the last 7 years, creating a very large debt burden that becomes harder and harder to eliminate each time a temporary fix is enacted.

Each year physicians face uncertainty as a result of not knowing whether or not their reimbursement will be cut. I support developing a new model that provides stability in Medicare payments.

I am working with my colleagues to find ways to address the Medicare physician payment formula, and pay for the cost of doing so.

#### MEDICARE PHYSICIAN FAIRNESS ACT OF 2009—MOTION TO PROCEED

##### CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:  
CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 178, S. 1776, the Medicare Physician Fairness Act of 2009.

Harry Reid, Debbie Stabenow, Roland W. Burris, Patty Murray, Mark Udall, Mark Begich, Frank R. Lautenberg, Amy Klobuchar, Jack Reed, Carl Levin, Jeff Bingaman, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Charles E. Schumer, Jeanne Shaheen, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1776, the Medicare Physician Fairness Act of 2009, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—47

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Dodd	Levin	Udall (CO)
Durbin	Lincoln	Udall (NM)
Feinstein	Menendez	Whitehouse
Franken	Merkley	

NAYS—53

Alexander	Dorgan	McCaskill
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Feingold	Nelson (FL)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Byrd	Hutchison	Snowe
Chambliss	Inhofe	Tester
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kohl	Voivovich
Conrad	Kyl	Warner
Corker	LeMieux	Webb
Cornyn	Lieberman	Wicker
Crapo	Lugar	Wyden
DeMint	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Alabama is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT—Resumed

Mr. SHELBY. What is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

Conference report to accompany H.R. 2647, a bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for about 10 minutes.

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

NASA AND THE FUTURE OF HUMAN SPACE FLIGHT

Mr. SHELBY. Mr. President, I would like to take the opportunity to expand upon some of my earlier comments, and those of other Members of the Senate, in relation to NASA and the future of human space flight.

I am concerned with aspects of the Augustine Commission's report that add credibility to far-reaching options for furthering our manned space flight program. If Congress and the public are to be asked to spend more for change, then it should be change that will give us the best chance to succeed and to continue to lead the world in human space exploration.

The Chairman of the Review of U.S. Human Space Flight Plans Committee, Norm Augustine, announced that safety would be paramount. Yet, from reviewing the preliminary information, there is only one area where mission safety was examined in the report. The Augustine report contained no safety comparison for the various vehicles considered by the panel and no risk assessment based on each option. The only safety issue identified was an assessment of how "hard" the panel thought each overall mission would be to achieve—not the safest means to complete the mission successfully. Since safety is the most important issue, these omissions are startling to some of us.

When making comparisons on the safety and performance of the various options, fundamental design differences cannot be lumped together and considered to be equal. Without an honest and thorough examination of the safety and reliability aspects of the various designs and options, the findings of this report are worthless. I would like to know why this blue ribbon panel did not examine these safety aspects.

Constellation's vehicles have been planned and scrutinized by multiple stakeholders, all with a single goal in mind: to provide a safe and reliable human space flight system for our Nation.

Flashy PowerPoint presentations and boisterous claims by potential commercial providers about their easy and simple science solutions to human travel into space sound like the answer to all of our problems. What sounds too good to be true usually is. Are these proposals subject to the same safety

standards and testing that have resulted from the Columbia Accident Investigation Board, I would ask? Is there any evidence that the cargo rockets, promised to execute their first servicing mission sometime in 2010, are better than the manned rockets that have been under development for over 4 years? What do the experts say?

NASA's own Aerospace Safety Advisory Panel issued a report in April of this year that stated that "Commercial Orbital Transportation Services vehicles are not proven to be appropriate to transport NASA personnel." Will the current Administrator, Mr. Bolden, who helped write these words, now contradict his statement 6 months after putting his name to them?

Further, I would ask, what happened to the April report findings in the Augustine Commission recommendations? Have there been findings since April that were available to the Augustine Commission that the Aerospace Safety Advisory Panel was not privy to? If so, I would certainly look forward to reviewing this new data.

The Augustine Commission states in its own report that while human space can never be absolutely assured, it is "not discussed in extensive detail because any concepts falling short in human space have simply been eliminated from consideration." Yet we see the vehicles currently deemed unsafe for our astronauts being used in the Augustine Commission's report as a viable option to go to low Earth orbit.

When asked on September 15, 2009, about the readiness of emerging space contractors to provide manned space flights, former NASA Administrator Mike Griffin said:

To confuse the expectation that one day a commercial transport of crew will be there, to confuse that expectation with the assumption of its existence today or in the near term I think is—is risky in the extreme.

Current and former NASA Administrators are on record registering their doubts regarding the safety of these new commercial contractors.

Companies that are new contractors within the aerospace community have been provided a pathway that could potentially lead to billions in government funding to pursue opportunities to support International Space Station operations, starting with cargo. I believe the contractors wishing to pursue human launches to low Earth orbit should prove they can establish a reliable record of meeting the cargo and trash hauling responsibilities to support the station before we turn over the Nation's human space flight future to them.

Pretty slides and unproven promises will not show us you have the right stuff to be entrusted with the lives of our astronauts. If these companies can be successful—and there is no reason to doubt that eventually, someday, somehow they will be—then NASA, the Congress, and the public might be willing to hand over launches to low Earth orbit. That day is not today and it will not be for years to come.

But until that day arrives, I believe we should follow the path that has the safest manned vehicle, the vehicle furthest along in development, and, as mentioned several times by the Augustine Commission itself, the program that, given appropriate funding, will successfully provide a system that can not only go to the space station but to the Moon and beyond.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, yesterday, the Senate majority leader was required to file cloture to end a Republican filibuster against the Department of Defense authorization bill. We are in two wars. We are in two wars, and we are about to send, from my State of Vermont, 1,500 members of our National Guard to Afghanistan. We have all kinds of things the Defense authorization bill is designed for, including to protect Americans serving abroad in harm's way. Yet the Republicans have filibustered against the Department of Defense authorization bill. The Senate is going to vote on that tomorrow, pursuant to our rules. I hope we will have a bipartisan vote proceeding to conclude the debate on the conference report which has been adopted by the House. I expect the Senate, on both sides of the aisle, will vote to provide the authorities necessary for our men and women in uniform.

I wonder what it would be like if you were a soldier, a marine out on the front lines in Afghanistan, and you get some news back home that one political party is holding up the Department of Defense authorization bill—the authorization for your equipment, the authorization for your body armor, the authorization for your ammunition, the authorization for your going forward. What would you think as the bullets are whizzing toward you? I know what I would think. I know what I would have thought when my young son was in the Marine Corps and got called for service in the Middle East. I know what I would have thought of people holding up the authorization for the equipment he needed.

Also, as part of that conference report, we are going to be adopting the Hate Crimes Prevention Act, including the provision added by the ranking Republican on the Senate Judiciary Committee, Senator SESSIONS, to create a new criminal offense for attacks against servicemembers because of their service. I would hope we will be moving forward on that.

After more than a decade, Congress is finally set to pass the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 as an amendment to the Defense Authorization Act. I know the President will sign this, and I am proud the Congress has come together to show that violence against members of any group because of who they are is not going to be tolerated in our country. I thank Senator COLLINS for cosponsoring the amendment with me. I commend Senator LEVIN for working so hard to en-

sure that this provision would go forward as part of the conference report, and I congratulate Senate Majority Leader REID for his essential role in this matter.

If I might, as I look over where my dear friend and colleague, Senator Kennedy, sat for decades on this floor, I wish to take the opportunity to remember Senator Ted Kennedy, who provided steadfast leadership on this issue for more than a decade. I wish he could have been here to see this bill, about which he was so passionate, finally get enacted. I wish he was here in any event, but I am honored to be able to see it through to the finish line for him. I know it meant a lot to him. I miss him, but I think this is a way we can say to Senator Kennedy his good work goes on.

Earlier this month was the 11th anniversary of the brutal murder of Matthew Shepard. He was a college student who was beaten to death solely because of his sexual orientation. Matthew's parents worked courageously and tirelessly for this legislation, which aims to ensure this kind of despicable act will never be tolerated in this country.

The bill was named for Matthew as well as for James Byrd, Jr. Mr. BYRD was a Black man who was killed in 1998 because of his race—another awful crime which I will not even describe because it was so gruesome—but it galvanized the Nation against hateful violence. We appreciate and honor the important contribution of James Byrd's family, as they have worked so hard for this legislation.

Unfortunately, the years since these two horrific crimes have made clear that hate crimes remain a serious and growing problem. Only a few weeks ago, we saw—just a few blocks from this Capitol—a shooting at the Holocaust Memorial Museum, a place that should be sacred ground because of what it remembers. We saw a vicious hate crime, with a man dying trying to defend the Holocaust Memorial Museum. I think this bipartisan legislation will help law enforcement respond more effectively to this problem. It is a testament to the importance of this legislation that the Attorney General of the United States, Eric Holder, came to the Judiciary Committee in June to testify in favor of it. We have been urged to pass this bill by State and local law enforcement organizations and dozens of leaders in the faith and civil rights communities. I wish, when I had been a prosecutor in the State of Vermont, that we had had such legislation so we could have called on it when we needed help.

This historic hate crimes legislation will improve existing law by making it easier for Federal authorities to investigate and prosecute crimes of racial or ethnic or religious violence. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law.

It also focuses the attention and resources of the Federal Government on

the crimes committed against people because of sexual orientation, their gender, their gender identity or their disability, which are much needed protections. In addition, the legislation will provide resources to State, local, and tribal law enforcement to address hate crimes.

President Obama has worked closely with us to facilitate the quick passage of this vital hate crimes legislation. In his first few months in office, he has acted to ensure that Federal benefits are awarded more equitably, regardless of sexual orientation, and now to ensure that this hate crimes legislation becomes law. Unlike previous years, this bipartisan hate crimes bill does not face a veto threat. We have a President who understands that crimes motivated by bias are particularly pernicious crimes and affect more than just the victims and the victims' families. They affect all of us. They affect us as a society. They weaken us and demean us as a society, and we should all be opposed to such crimes. I expect the President to sign this legislation without delay.

Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic, such as race or sexual orientation. For nearly 150 years, we have responded as a nation to deter and to punish violent denials of civil rights by enacting Federal laws to protect the civil rights of all our citizens. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 continues that great and honorable tradition—Matthew Shepard, who was murdered because of his sexual orientation; James Byrd, who was murdered because of his race. In passing this legislation, we can say to them and everybody else that at last we in the Senate, the body that should be the conscience of the Nation, will show, once again, that America values tolerance and protects all its people.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that Senator BARRASSO and I be permitted to speak as in morning business to offer some comments about Senator Cliff Hansen, who passed away last night, and to agree to a resolution.

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

(The remarks of Mr. ENZI and Mr. BARRASSO are printed in today's RECORD under "Morning Business.")

Mr. ENZI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## UNEMPLOYMENT

Mr. MERKLEY. Mr. President, I rise to address the devastating jobs crisis hitting my home State of Oregon. Last Monday, we got new job numbers. On the face, it was good news. The rate of unemployment dropped from 12.2 percent to 11.5 percent. Of course, we would all expect this is because there were more jobs.

As it turns out, that is not the case. Oregon lost 10,300 jobs in September. The unemployment rate dropped simply because, in the face of so much unemployment, many Oregonians are giving up in their search for a job. A year ago, 121,000 Oregonians were unemployed. This September, 211,000 Oregonians were out of work. Jobs are hard to find in my home State right now.

The reasons for this are many. We are an export State that has seen our trading partners hit hard with their own economic problems, countries such as South Korea whose GDP, year over year, dropped up to 20 percent.

Mexican penalty tariffs have hit Oregon's agricultural sector, our fruits and our Christmas trees, particularly hard. One of our main industries, the timber industry, which produces dimensional lumber for construction all across this great United States, has been wiped out by the collapse of construction and housing sectors of our economy.

Allow me to zero in on the county where I was born, Douglas County. In September, Douglas County had a seasonally adjusted unemployment rate of 16.1 percent. One out of every six adults was out of a job. Douglas County is a big timber county. There is no market for dimensional lumber right now. The recovery package has helped some by creating jobs preventing wildfires in choked and overgrown second-growth forests, but that is not enough.

We need the housing markets to turn around. We need to diversify Douglas County's economic base by investing in clean energy technology that will turn biomass from the forests into renewable fuels.

We are hard at work on both fronts, attempting to stabilize housing and crafting new clean energy legislation. But in the meantime, workers in Douglas County are hurting. There are not enough jobs. It is a crisis for the Douglas County families.

In a crisis, we help our neighbors. One of the best ways we can help our neighbors and friends in Douglas County and other counties throughout Oregon and other counties throughout the United States of America is to pass an extension of unemployment benefits.

Let me be clear: Oregonians want jobs. That is our first and best answer. If there are jobs out there, citizens will line up to get them. But when there are no jobs, we need to have help. The extension of unemployment benefits is such help. It would extend benefits for 14 weeks for all States and 20 weeks for high unemployment States such as the State of Oregon.

It is paid for through extending a fee employers are already paying. So it puts no additional pressure on business but provides a critical safety net to our out-of-work Americans.

Before I close, I wish to add one point: This bill will help these families and workers get by, but it will also help our economy as a whole by putting money into the hands of those who need it most. Unemployment benefits rapidly turn into bags of groceries, new and secondhand school clothes, needed home repairs. All of that has a big impact on small businesses in Douglas County and small towns such as Roseburg, Sutherlin, and Myrtle Creek.

That is why economists say extending unemployment insurance is about the best job-creating step the Federal Government could take. I understand some of my colleagues on the other side of the aisle are objecting to consideration of this bill. They do not want that bill to come to this floor.

I think we need to look more closely at this issue. A bill extending unemployment benefits to assist in shoring up the financial foundations of our working families while they are still searching for those jobs is essential. We need to have not partisan potshots but real help for working families.

I appreciate that some Members of this Chamber may come from States that are doing quite well right now. There may be some States in America that are not in the middle of a jobs crisis, but far too many of our States are similar to Oregon, where families need assistance. The delay of providing an extension of unemployment benefits will cause real pain to families in those States and slow down the effort for our economy as a whole to recover.

I urge my colleagues to join in supporting the working families of Douglas County, the working families of Oregon, the working families of the United States of America, and support job creation by supporting this extension of unemployment benefits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

(The remarks of Ms. KLOBUCHAR pertaining to the submission of S. Res. 317 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Ms. KLOBUCHAR. 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. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes.

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

## MEDICARE PHYSICIAN PAYMENT FIX

Mr. VOINOVICH. Mr. President, several weeks ago I came to the floor to

remind my colleagues and all Americans about the fiscal realities in which we find ourselves. I promised I would continue these efforts until we did something to address this crisis, so my colleagues are going to see a lot of me between now and the end of the year. Hopefully something will get done on this issue before the end of the year.

Unfortunately, I return today to tell my colleagues that the bill to repeal the Medicare physician payment formula the Senate considered earlier today is a step in the opposite direction, and I was very pleased with the vote on that. There were 47 votes for cloture and 53 votes in opposition, so we had more opposed than we had for cloture.

When I spoke here earlier this fall, I discussed one of my children's favorite stories, "The Emperor's New Clothes" by Hans Christian Anderson. This little piece of artwork I have in the Chamber is in that fairytale.

In the tale, an emperor goes about the land wearing a nonexistent suit sold to him by a new tailor who convinced the monarch the suit was made of the finest silks. The tailors—two swindlers—tell the emperor that the threads of his robes will be so fine that they will look invisible to those dim-witted or unfit for their position. The emperor and his ministers, themselves unable to see the clothing, lavish the tailor with praise for the suit because they do not want to appear to be dim-witted or incompetent.

Word spread across the kingdom of the emperor's beautiful new clothes. To show off the extraordinary suit, a parade was formed. People lined the streets to see the emperor show off his new clothes. Again, afraid to appear stupid or unfit, everyone pretends to see the suit. It is only when a child cries out "the emperor wears no clothes" does the crowd acknowledge that the emperor is, in fact, naked.

Mr. President, much like the emperor in this story, America's elected leaders know we face a fiscal train wreck, but we are choosing to ignore our current economic reality. The American people know "we are naked," and so does the rest of the world, and our credibility and our credit are at risk, but we refuse to acknowledge what is obvious: When it comes to fiscal responsibility, "the emperor wears no clothes." Yet earlier today we had a vote on whether to proceed to a bill that would have added \$247 billion to our Nation's debt. The interest alone adds another \$50 billion in debt over the next 10 years. We are just going to put it on the national credit card and let our children and grandchildren take care of it. We are the biggest credit card abusers in the world, and the credit cards we are using are the credit cards of my children and grandchildren and other Americans. I am pleased, as I said, that a majority of my colleagues joined me in opposing moving forward with this legislation.

The President has said the health care reform bill would not add one

dime to the deficit. Yet the bill we voted on earlier today should be a larger part of reform legislation, and it is going to spend over \$¼ trillion without paying for it—that is what would have happened.

I suppose it is easy to make claims about health care reform legislation not adding to the deficit when Congress takes the parts that cost money off the table, but to do so is fiscally irresponsible and morally corrupt.

The physician fix was left out of the Finance Committee, I suspect, not because my colleagues do not agree it is a fundamental part of health care reform but because it would have cost money my colleagues did not want to account for in the bill. If the Finance Committee would have included the fix in their bill, the \$81 billion surplus they say the bill will create would have quickly turned into a deficit. That is unacceptable, and I am not the only one who feels that way. The Washington Post discussed the effort to take the fix for the sustainable growth formula—the formula that calculates reimbursement for physicians under Medicare—out of the larger health care bill as a “shell game” and “budgetary smoke and mirrors.” This is just another illustration of our out-of-control spending that has caused our national debt to skyrocket.

One of the reasons I ran for the Senate and came to Washington a long time ago was to reduce the Federal debt and balance our budgets. That is what I did when I was mayor of Cleveland. That is what I did when I was Governor of Ohio. When I arrived in the Senate in 1999, the gross national debt stood at \$5.6 trillion, or 61 percent of the GDP. Today, the gross national debt is nearly \$11.8 trillion, and the President will be coming before us to raise the national debt to, I think, over \$12 trillion. The 2009 deficit stands at about \$1.4 trillion.

I just got back 2 weeks ago from Athens, Greece, and an Organization for Security and Co-operation meeting in Athens. When I shared with my colleagues that we borrowed \$1.4 trillion to run the government—and they were all asking for help—they were astounded. They just could not believe it. I also reminded them that debt was like the debt we racked up during the Second World War. In other words, that is the period to which you can compare it. So the 2009 deficit stands at \$1.4 trillion and at \$9.1 trillion over the next decade, which does not include the borrowing from the trust funds and which is three times the largest deficit in our history.

It does not take an economist to realize our current course is unsustainable. The Medicare Program is scheduled to be bankrupt by 2017. I cannot understand why we are not talking about that. That means the supply of money coming in is not going to be enough to take care of the demand—just what is happening now in Social Security. In the next couple

years, the money coming in is not going to be adequate to take care of people who are on Social Security, so we are going to have to borrow that money in order to take care of their needs. We need to take a comprehensive look at the program.

I will be the first to admit we must honor our commitment to our Nation's seniors and ensure they have access to quality health care services. I have heard it firsthand from family and friends that in some places in Ohio, Medicare beneficiaries face delays for physician services right now. In fact, 6.8 percent of Ohioans live in a designated primary care shortage area. We need more doctors and nurses. The situation is only going to get worse. Thirty-nine percent of physicians are over the age of 50 and considering limiting the amount of time they see patients.

For these reasons, I have been advocating for the past several years that we need a permanent and commonsense fix for the flawed sustainable growth rate formula, which we refer to as the doc fix. I do not think there is anyone on either side of the aisle who disagrees. We need to do that. Yet this bill we just considered is not the way to do it. Any fix must be part of a larger conversation, and it must be done in a way that does not simply add to the burden we are already placing on our children and grandchildren.

I am pleased that in a letter last week to Senator REID, 10 Senate Democrats joined me in this conclusion, asking the majority leader that he get serious about the Federal debt and tax and entitlement reform. They believe, as I do, that we cannot continue to keep spending without consequence. As I have been advocating, we must give larger reform serious thought before it is too late. We must act on the tough issues today.

As Gerald Seib noted in the Wall Street Journal yesterday:

Administration officials also know they have little choice but to start showing early next year that they take the deficit seriously, for both political and economic reasons.

That is why Senator LIEBERMAN and I have introduced legislation called Securing America's Future Economy, which basically creates a bipartisan commission that would deal with the deficit and deal with tax reform; that if a supermajority of those agree to the solution, that would get expedited procedure on the floor of the Senate and move to an up-or-down vote, very much like we do with the BRAC process. We have been trying to do this now for 4 years. We have talked to the OMB Director, Peter Orszag. It is interesting. Two years ago he was with a lot of former CBO Directors and said, We have to have a commission. It is the only way we are going to deal with entitlements; it is the only way we are going to deal with tax reform, yet we are not able to convince the administration to move forward with us to tackle this very heavy responsibility.

Time is running out. The dollar is going down. People are talking about not using the dollar as an exchange anymore. Most of the economic experts say if we keep going on this unsustainable course, we are going to see interest rates start to skyrocket in this country. Over half our debt is in the hands of the Chinese and the Indians and the OPEC nations and Japan. We are in bad shape. The public understands it. They understand. They understand that the emperor has no clothes. We are not doing anything about the problem, and they get it today.

I happen to believe that the undertow that is out there in the country today in terms of health care reform and in terms of climate change is the fact that the American people understand that things aren't right. The American people in the Presiding Officer's State, in my State, do you know what they are doing? They are buying less. They are not putting it on their cards. They are trying to save some money. They know they have been on a binge. They look to us and they say, What are you doing? What are you doing? We care about ourselves, but we also care about our children and grandchildren. It is not fair to those individuals to do what we are doing.

We have a moral obligation to do what we can to try to make sure this generation's standard of living will not be less than those who came before them. Many people believe that is going to be the case. The passage of the legislation to fix the physician payment formula by borrowing more money will only help guarantee that they are right.

We have a serious problem. I will be coming to the floor over and over to see if we can't do it. I am going to do what I can to convince the President that he ought to participate in setting up this commission, working with Senator GREGG and Senator KENT CONRAD, to see if we can't get them together to agree on what this commission would look like. We are hoping the President is alert enough to know that if he doesn't deal with this problem, it is not only a substantive problem that needs to be dealt with but a major political problem that he is going to have. The American public demands that we start talking about doing something about this problem and they know we are running out of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

INTERNET NEUTRALITY

Mr. DORGAN. Mr. President, tomorrow at the Federal Communications Commission there will be a vote on a proposed rulemaking. It is a rulemaking on something called net neutrality. Let me put that in English, if I might. It is about Internet freedom. I wish to talk for a moment about the importance of this.

One would think, given the reaction by some and dozens and dozens of letters that are now going to the FCC,

that what is going to happen tomorrow is some unbelievable vote on some controversial proposal that has had no discussion. It is not that at all. It is a notice of proposed rulemaking. It is the beginning of a process to describe a rulemaking on what is called net neutrality or the principle of non-discrimination with respect to the Internet.

I wish to describe how important that is. The Internet is an unbelievable new invention in our lifetime. It was created by the Federal Government. A bunch of scientists and engineers in the Federal Government described this method of communicating one to another with computer technology and it became the Internet. The Internet developed over a number of years in a completely free and open architecture. That meant that anyone could go to anyplace and see anybody on the Internet. So the stories are legend.

It was, I believe, 11 years ago when Larry and Sergey, two young men in college in a dormitory room started a company. They moved it to a garage that had a garage door opener, and it had eight employees, and they had this idea, a new company, a new search engine. It had eight employees and it was in a garage with a garage door opener 11 years ago. Well, now it is called Google.

But it is not just Larry and Sergey having a dream and a vision. It is so many others as well. It is Jeff Bezos who drove to California with an idea and that idea became Amazon.com, selling books, and then selling almost everything. Or it became someone with an idea about having an auction on the Internet, and it became eBay, and most of us know about eBay. Or it became Mark Zuckerberg who had an idea of something called Facebook. Well, I am talking about huge successes. But for every one of those—Facebook, eBay, Amazon, Google—for every one of those large companies that have now grown on the Internet, there are millions of people out there who are conducting a business in their kitchen, in their dorm room, in their garage, because they are the next enterprising person to succeed on the Internet.

The question is this: If there is someone in my hometown—and let me describe that someone, because it happened to be someone who is now occupying the home that I grew up in; a very small, two-bedroom home in a small town of 300 people. I had not been back for some long while to see the home. So I knocked on the front door. When the woman answered, I asked if I could see the home that I grew up in, where I spent my first 17 years, and she said: Of course. Come on in. So I came in and she was doing something that I found kind of interesting. She had in the small kitchen on the table a camera, and the camera was pointed at an aperture with an arm and on the arm was hanging a bracelet, a little gold bracelet, and she was taking a picture of the gold bracelet.

I said: What are you doing?

Well, I have a business, she said.

I said: Well, what kind of business do you have?

Well, I sell on the Internet. I purchase jewelry and then I sell it on the Internet.

Sure enough, in the little porch coming into the home she had cardboard boxes and tape and the kinds of things you would do to box something up and send it. Here in this little town in southwestern North Dakota, a town of 300 people, a woman, in the home I grew up in, was running a business.

I said: How do you do?

She said: Pretty well. This income supplements my husband's income. She said: I sell on eBay.

Well, you know what? In that little kitchen, anybody in the world can find her business—anybody in the world can find that business. Why? Because the Internet is open. The architecture has never been closed. The whole notion of the Internet is this notion of freedom, of liberty to go anywhere you want to go. In the last 3½ years I have written two books and I have discovered in the writing of books how unbelievable the Internet is to be able to go to anywhere in the world and do research. If you want to know something, go there, and nobody is going to stop you from going wherever you wish to go. Put it in a search engine, go find it, and you will find it in some crevice on the Internet. Somebody out there has put it on the Internet for you to see. It is the most unbelievable research tool I have ever found.

So, yes, it is Google, it is Amazon, it is eBay, it is the big companies, but much more than that, it is the backbone that allows people all over this country and the world to do business. Yes, from their kitchen, from their garage. Some of those businesses will grow to become names we don't now know but will, because they will be successful. They will be the next invention, the next opportunity on this thing called the Internet.

Here is the question: The Internet was created under circumstances that required rules of nondiscrimination. For the first portion of its birth and then origin, it was an Internet that was described as a telephone service and it was subject to rules that had non-discrimination, so no one could discriminate. It was completely open, completely free. Its architecture was available to anyone at any time. Anybody can go anywhere at any time. Nobody has a toll booth, nobody is a gatekeeper. It is completely open and free. The biggest company over here and the smallest enterprise over here—big corporate executives wearing gray suits making lots of money, and two people in a dorm room or someone in a small kitchen in a small town—they are equal. Anybody has access to both sites, or all sites. That is called non-discrimination and the nondiscrimination rules say no one can set up a barrier. No one can set up a gate. No one

can set up a toll booth. Anyone has freedom and access anywhere on the Internet.

That is the way the Internet was developed. That is its origin and that is the way most of its life has existed. Then the Federal Communications Commission came along and said, We are going to redefine the Internet as an information service rather than a telephone service and the result is the non-discrimination rules fell off the chart because they attached to the telephone service. So some of us have said, Well, we certainly want to maintain and continue nondiscrimination rules. I mean, who would be for discrimination, right? So we want to maintain the non-discrimination rules. We want to, with what is called network neutrality or net neutrality, restore the non-discrimination rules and the basic freedom under which the Internet developed in the first instance. That has been our effort. That is what the Chairman of the Federal Communications Commission is attempting to do. It is to begin tomorrow with a notice of proposed rulemaking. It doesn't mean he is saying, Here is exactly what we are going to do; it is saying, Let's propose a rulemaking and that rulemaking process will allow everybody to weigh in, to make comments, to be involved with the question of exactly what kind of a rule they may or may not write.

I think what the Federal Communications Commission is doing tomorrow is exactly the right thing. I know there are some who are pushing back. In fact, there are some who have said, We want to set up a toll booth. There are some CEOs of some large companies who have suggested, You know what. Those wires belong to us. We want to be able to have some toll booths and so on.

I don't believe they should be able to set up any impediments. By that I am not suggesting they don't have a right to have security for their networks; they certainly do. I am not suggesting they don't have a right to do certain kinds of inspections to make sure that the kinds of things that are prohibited—child pornography and others—are stopped on the Internet. But what I am saying is the architecture under which the Internet itself was created is an architecture all of us should aspire to continue, and that is nondiscrimination rules and transparency. This is very simple. So tomorrow there will be a vote at the FCC. I would say to the chairman of the FCC and to all of the Commissioners that you are doing the right thing by proceeding to make certain that the future of the Internet is open and has free access with non-discrimination rules and transparency.

Here are a couple of letters I wish to have printed in the RECORD, if I might ask unanimous consent. One is a letter to Chairman Genachowski and this letter is dated October 19th:

We write to express our support for your announcement that the FCC will begin a process to adopt rules to preserve an open



Internet. We believe a process that results in common sense baseline rules is critical to ensuring that the Internet remains a key engine of economic growth, innovation, and global competitiveness.

Let me not read it all, but let me read the final paragraph of this letter:

America's leadership in the technology space has been due, in large part, to an open Internet. We applaud your leadership in initiating a process to develop rules that ensure the qualities that have made the Internet so successful are protected.

That is a letter from a large group of people who run Internet companies and applications, from Craigslist, EchoStar, Google, Mozilla, Skype, Amazon, Expedia, Netflix, Sony Electronics, XO Communications, Facebook, eBay, and so many others; Twitter, and Meetup, so many different folks who know of what they are speaking. I support this letter and commend it to the Chairman of the FCC. Again, I ask unanimous consent that it be printed in the RECORD.

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

OCTOBER 19, 2009.

Hon. JULIUS GENACHOWSKI,  
*Chairman, Federal Communications Commission, Washington, DC.*

DEAR CHAIRMAN GENACHOWSKI: We write to express our support for your announcement that the Federal Communications Commission will begin a process to adopt rules that preserve an open Internet. We believe a process that results in common sense baseline rules is critical to ensuring that the Internet remains a key engine of economic growth, innovation, and global competitiveness.

For most of the Internet's history, FCC rules have ensured that consumers have been able to choose the content and services they want over their Internet connections. Entrepreneurs, technologists, and venture capitalists have previously been able to develop new online products and services with the guarantee of neutral, nondiscriminatory access by users, which has fueled an unprecedented era of economic growth and creativity. Existing businesses have been able to leverage the power of the Internet to develop innovative product lines, reach new consumers, and create new ways of doing business.

An open Internet fuels a competitive and efficient marketplace, where consumers make the ultimate choices about which products succeed and which fail. This allows businesses of all sizes, from the smallest startup to larger corporations, to compete, yielding maximum economic growth and opportunity.

America's leadership in the technology space has been due, in large part, to the open Internet. We applaud your leadership in initiating a process to develop rules to ensure that the qualities that have made the Internet so successful are protected.

Sincerely,

Jared Kopf, Chairman & President, AdRoll.com; Craig Newmark, Founder, Craigslist; Charles E. Ergen, Chairman & CEO, EchoStar Corporation; Eric Schmidt, CEO, Google Inc.; John Lilly, CEO, Mozilla Corporation; Josh Silverman, CEO, Skype; Gilles BianRosa, CEO, Vuze, Inc.; Jeff Bezos, Founder & CEO, Amazon.com; Jay Adelson, CEO, Digg; Erik Blachford, Former CEO, Expedia.

Barry Diller, Chairman & CEO, IAC; Reed Hastings, Co-Founder & CEO,

Netflix, Inc.; Stan Glasgow, President & COO, Sony Electronics; Carl J. Grivner, CEO, XO Communications; Ashwin Navin, Co-Founder, BitTorrent, Founding Partner, i/o Ventures; Kevin Rose, Founder, Digg; Mark Zuckerberg, Founder & CEO, Facebook; Reid Hoffman, Executive Chairman, LinkedIn; Howard Janzen, CEO, One Communications; Thomas S. Rogers, President & CEO, TiVo Inc.

Steven Chen, Founder, YouTube; James F. Geiger, Chairman & CEO, Cbeyond; John Donahoe, CEO, eBay, Inc.; Caterina Fake, Founder, Flickr; Scott Heiferman, CEO & Co-Founder, Meetup; David Ulevitch, Founder, OpenDNS; Evan Williams, Co-Founder & CEO, Twitter; Mark Pincus, CEO, Zynga.

Mr. DORGAN. Mr. President, this is a letter from the largest venture capital funds in the country that have made substantial investments in these companies that have helped the Internet grow;

Dear Chairman Genachowski: We write to express our support for the Commission's ongoing efforts to adopt rules to safeguard the open Internet. As business investors in technology companies, we have first-hand experience with the importance of guaranteeing an open market for new applications for services on the Internet. Clear rules to protect and promote innovation at the edges of the Internet will reinforce the core principles that led to its extraordinary social and economic benefits. Open markets for Internet content will drive investment, entrepreneurship and innovation. For these reasons, Net Neutrality policy is pro-investment, pro-competition, and pro-consumer.

I ask unanimous consent to have printed in the RECORD this letter from the venture capital firms that know a lot about the Internet.

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

OCTOBER 21, 2009.

Hon. JULIUS GENACHOWSKI,  
*Chairman, Federal Communications Commission, Washington, DC.*

DEAR CHAIRMAN GENACHOWSKI: We write to express our support for the Commission's ongoing efforts to adopt rules to safeguard the open Internet. As business investors in technology companies, we have first-hand experience with the importance of guaranteeing an open market for new applications and services on the Internet. Clear rules to protect and promote innovation at the edges of the Internet will reinforce the core principles that led to its extraordinary social and economic benefits. Open markets for Internet content will drive investment, entrepreneurship and innovation. For these reasons, Net Neutrality policy is pro-investment, pro-competition, and pro-consumer.

Permitting network operators to close network platforms or control the applications market by favoring certain kinds of content would endanger innovation and investment in an investment sector which represents many billions of dollars in economic activity. The Commission is absolutely correct to propose clear rules that require competition. The promise of permanently securing an open Internet will deliver consumers and innovators a perfect free market that drives investment, job creation, and consumer welfare. These principles should apply across all Internet access networks, wired or wireless.

Investment and innovation at the edge of the network will create not just jobs but also

new tools and opportunities for communication, education, health care, business, and every other human endeavor.

We look forward to working with you in developing clear rules to protect the open Internet, and in building together a framework to secure its future and promote its continued growth.

Sincerely,

Immad Akhund, Co Founder, Heyzap; Brian Ascher, Venrock; Aneel Bhusri, Partner, Greylock Partners (and Co-Founder and Co-CEO, Workday); Matt Blumberg, Chairman & CEO, Return Path, Inc.; Brad Burnham, Union Square Ventures; Stewart Butterfield, Co-Founder, Flickr; Ron Conway, Founder, SV Angel LLC; John Doerr, Partner, Kleiner Perkins Caufield & Byers; Timothy Draper, Founder and Managing Director, Draper Fisher Jurvetson; Caterina Fake, Co-Founder, Flickr & Hunch.

Brad Feld, Co-Founder, Foundry Group; Peter Fenton, Benchmark Partners; Eyal Goldwenger, CEO, TargetSpot; Jude Gomila, Co founder, Heyzap; Mark Gorenberg, Managing Director, Hummer Winblad; Jordan Greenhall, Founder of Divx; Bill Gurley, Benchmark Partners; Jed Katz, Managing Director, Javelin Venture Partners; Dany Levy, Founder, DailyCandy; Mario Marino, Member, Executive Advisory Board, General Atlantic LLC.

Jason Mendelson, Managing Director, Mobius Venture Capital; Michael Moritz, Sequoia Capital; Kim Polese, CEO of Spike Source, Inc.; Avner Ronen, CEO of Boxee; Pete Sheinbaum, Former CEO of Daily Candy; Ram Shriram, Founder, Sheralo; David Sze, Partner, Greylock Partners; Albert Wenger, Union Square Ventures; Steve Westly, Managing Director, The Westly Group; Fred Wilson, Union Square Ventures.

Mr. DORGAN. Mr. President, finally, I ask unanimous consent to have printed in the RECORD a letter from the folks who created the Internet. The list is headed by Vinton Cerf, who is often called the "father of the Internet." I know Vint Cerf. He is an extraordinary man. Others signing this letter include Stephen Crocker, David Reed, Lauren Weinstein, and Daniel Lynch: these are all Internet pioneers. They were there at the beginning. They created this unbelievable engine of opportunity for the American people. They write a similar letter saying:

As individuals who have worked on the Internet and its predecessors continuously beginning in the late 1960s, we are very concerned that access to the Internet be both open and robust. We are very pleased by your recent proposal to initiate a proceeding for the consideration of safeguards to that end.

This is a letter to Chairman Genachowski from the folks I mentioned. I ask unanimous consent to have printed in the RECORD this letter.

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

OCTOBER 15, 2009.

Hon. JULIUS GENACHOWSKI,  
*Chairman, Federal Communications Commission, Washington, DC.*

DEAR MR. CHAIRMAN: We appreciate the opportunity to send you this letter. As individuals who have worked on the Internet and its predecessors continuously beginning in the

late 1960s, we are very concerned that access to the Internet be both open and robust. We are very pleased by your recent proposal to initiate a proceeding for the consideration of safeguards to that end.

In particular, we believe that your network neutrality proposal's key principles of "nondiscrimination" and "transparency" are necessary components of a pro-innovation public policy agenda for this nation. This initiative is both timely and necessary, and we look forward to a data-driven, on-the-record proceeding to consider all of the various options.

We understand that your proposal, while not even yet part of a public proceeding, already is meeting with strong and vocal resistance from some of the organizations that the American public depends upon for broadband access to the Internet. As you know, the debate on this topic has been lengthy, and many parties opposing the concept have systematically mischaracterized the views of those who endorse and support your position.

We believe that the existing Internet access landscape in the U.S. provides inadequate choices to discipline the market through facilities-based competition alone. Your network neutrality proposals will help protect U.S. Internet users' choices for and freedom to access all available Internet services, worldwide, while still providing for responsible network operation and management practices, including appropriate privacy-preserving protections against denial of service and other attacks.

One persistent myth is that "network neutrality" somehow requires that all packets be treated identically, that no prioritization or quality of service is permitted under such a framework, and that network neutrality would forbid charging users higher fees for faster speed circuits. To the contrary, we believe such features are permitted within a "network neutral" framework, so long they are not applied in an anti-competitive fashion.

We believe that the vast numbers of innovative Internet applications over the last decade are a direct consequence of an open and freely accessible Internet. Many now-successful companies have deployed their services on the Internet without the need to negotiate special arrangements with Internet Service Providers, and it's crucial that future innovators have the same opportunity. We are advocates for "permissionless innovation" that does not impede entrepreneurial enterprise.

We commend your initiative to protect and maintain the Internet's unique openness, and support the FCC process for considering the adoption of your proposed nondiscrimination and transparency principles.

Respectfully,

VINTON G. CERF,

*Internet Pioneer.*

STEPHEN D. CROCKER,

*Internet Pioneer.*

DAVID P. REED,

*Internet Pioneer.*

LAUREN WEINSTEIN,

*Internet Pioneer.*

DANIEL LYNCH,

*Internet Pioneer.*

Mr. DORGAN. Mr. President, let me finally say this: I understand this issue has been controversial. I and Senator SNOWE have worked on this issue for a long while. The only time it has been voted on in the Congress was an attempt by us to add an amendment in a Commerce Committee markup. This was about 2½ years ago. We had an 11-to-11 tie. Why was there a tie vote? It

is a controversial issue, although it should not be.

The basic principle of freedom on the Internet, open architecture on the Internet, the openness with which this Internet was created ought to persuade everyone to say: Yes, let's restore the conditions under which the Internet has always operated, up until recently; that is, nondiscrimination and transparency.

There are some interests in this country, I understand, some economic interests that say: No, we don't want that. We want some opportunity to perhaps go a different direction. We had one CEO in this country say: You know what. I want some of these companies on the Internet to pay me for the right to move on my lines. Once that starts, once we go down that road with those who have the muscle or the strength to decide who is going to cross and who is not, who can get by their toll booth and who cannot, then I am telling you there are Larrys and Sergeys in a dorm room out there someplace or a woman in a kitchen with a small business that is not going to succeed. And that innovation, that new company, that new business for this country, the expansion of the Internet and opportunity that comes with it will not exist. Why? Because we failed to continue the open architecture and the basic freedoms on which the Internet was created and on which we still ought to govern the future of the Internet.

What Julius Genachowski, the new chairman, is doing tomorrow at the FCC is exactly the right thing. He is not mandating some specific menu. He is beginning a rulemaking process which, at the end, in my judgment, will result in the restoration of two basic principles: nondiscrimination on the Internet and transparency. Is there anyone who believes those principles are not fair, are not reasonable? I don't think so.

There has been a flurry of protests, an unbelievable dust created by a lot of noise, a lot of crowd noise around this issue. I hope perhaps the chairman and those on the Commission who believe we ought to move in this direction understand there is very substantial support for what they are trying to do. That support exists in a letter I am sending today with some of my colleagues to say that support is here. Work that Senator SNOWE and I have done on this issue will be reflected as well in a message tomorrow.

I just want the Chairman to know: Keep going. You are doing the right thing. Don't worry about some of the dust that is out there. Do the public business, do the right thing, and this country will be best served.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

SUPREME COURT APPEAL

Mr. McCONNELL. Mr. President, yesterday the Supreme Court announced it would hear a case that has critical

ramifications for our ability to detain foreign nationals safely outside our borders during wartime at the U.S. naval station at Guantanamo Bay, Cuba. The case also provides insight into the question of the best place to detain and try foreign terrorists.

The case involves a group of ethnic Chinese Uighurs who are detained at Guantanamo Bay. The Uighurs won their habeas corpus petition to be released from custody. Many of these Uighurs, however, had received terrorist training in the Tora Bora Mountains of Afghanistan, including weapons training on AK-47 assault rifles at a camp run by the head of a group that our State Department has designated a terrorist organization and that the United Nations has listed as a group associated with Osama bin Laden, al-Qaida, or the Taliban.

Not surprisingly, it has not been easy to find countries eager to accept the Uighurs into their civilian populations. So the Uighurs sued to be released into the United States. Federal District Court Judge Ricardo Urbina granted the Uighurs' request and ordered them released in our country. It did not matter to Judge Urbina that the Uighurs did not have an immigration status or that they had received military-style weapons training or that they had associated with a terrorist group. He was persuaded by their argument that justice required that they be released right here in the United States.

Fortunately, the DC Circuit Court reversed Judge Urbina. It ruled that even though the Uighurs had won their habeas corpus petition, they did not have a right to be released into the United States. In other words, it ruled that even if the government had to release them, it did not have to release them into Alexandria or Annandale or Falls Church or anywhere else in Northern Virginia that the Uighurs might like to go.

The DC Circuit's ruling is important to national security in general and to the debate over where we should try foreign terrorists in particular. The DC Circuit noted that the Supreme Court has held that foreign nationals, without property or presence in the United States, have fewer legal rights than foreign nationals who are present on American soil.

The DC Circuit also noted that the Supreme Court has repeatedly ruled that a sovereign has a right to control its borders, and that means it has a right to bar from being released into its territory foreign nationals whom it has not admitted onto its soil.

In short, because these detainees remain at Guantanamo outside our borders, they have fewer legal rights than they would have if they were brought within our borders, including the right to be released into our civilian population.

We don't know how the DC Circuit would have ruled if the Uighurs had been present on U.S. soil. But we do know a couple of things. First, the DC

Circuit's reason for not releasing them into the United States was that they had not been brought into the United States. Let me say that again. The DC Circuit's reason for not releasing them in the United States was that they had not been brought here. Second, other foreign nationals who have committed murder and other serious crimes who were in the United States have been released here when our government could not transfer them to another country, either because they did not want to go to another country or because other countries did not want to take them.

The administration and its defenders in the Senate say that because we have tried terrorists in civilian courts before, we should do so again. They say there is no problem with us doing so because the administration would never release detainees into the United States, by which they really mean to say the administration would not intentionally release detainees into the United States. Both assertions miss the mark.

First, whether we can try terrorists here is not the issue. The issue is whether we should try terrorists here. We can try them here, but should we? Before he became Attorney General, Michael Mukasey was a noted Federal trial judge who presided over civilian trials of terrorists such as the trial of the so-called Blind Sheikh, Omar Abdel Rahman, for the 1993 World Trade Center bombing. He has written that there are very good reasons we should not try terrorists in a civilian court. This is a judge who presided over a terrorist trial in a U.S. civilian court, and this is what he says: We should not try terrorists in civilian court, including the additional legal rights terrorists will receive if they are brought here.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks General Mukasey's recent op-ed on the topic.

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

(See Exhibit 1.)

Mr. McCONNELL. Mr. President, second, once the administration brings detainees into the United States—right here in our country—it is no longer simply a matter for the administration. In other words, once they get here, the administration cannot entirely control the issue of whether they are going to be released. It is no longer about what it will or will not do. It is also about what a Federal judge will or will not do.

As we saw with Judge Urbina and the Uighurs, a judge may very well agree with the legal arguments of Guantanamo detainees and order them released right here in the United States. In other words, no matter what the administration's intention may be, once we bring them here, they do not control the situation; the courts do.

Those risks do not exist if the Obama administration does not bring the Guantanamo detainees into the United States. That risk does not exist if it

leaves them at Guantanamo and tries them at the modern, multimillion-dollar courtroom at Guantanamo Bay under the very military commission rules it has now rewritten to its liking and which we will soon vote on when we consider the Defense authorization conference report.

The Supreme Court should affirm the DC Circuit Court's decision and let the political branches maintain control over our borders, including deciding whether and how foreign nationals outside our borders may be admitted within them.

If it does, it will bring clarity to the debate over whether terrorist detainees at Guantanamo Bay ought to be transferred to the United States. That clarity is this: If we want certitude that foreign terrorists detained at Guantanamo Bay are not released into the United States, then do not bring them here in the first place.

Mr. President, I repeat. We could try terrorists in the United States—we could do that—but the issue is should we do that. The answer is no.

I yield the floor.

#### EXHIBIT 1

[From the Wall Street Journal, Oct. 19, 2009]

#### CIVILIAN COURTS ARE NO PLACE TO TRY TERRORISTS

(By Michael B. Mukasey)

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts in this country. This would include Khalid Sheikh Mohammed, the mastermind of the Sept. 11, 2001 terrorist attacks, and other detainees allegedly involved. The Justice Department claims that our courts are well suited to the task.

Based on my experience trying such cases, and what I saw as attorney general, they aren't. That is not to say that civilian courts cannot ever handle terrorist prosecutions, but rather that their role in a war on terror—to use an unfashionable harsh phrase—should be, as the term "war" would suggest, a supporting and not a principal role.

The challenges of a terrorism trial are overwhelming. To maintain the security of the courthouse and the jail facilities where defendants are housed, deputy U.S. marshals must be recruited from other jurisdictions; jurors must be selected anonymously and escorted to and from the courthouse under armed guard; and judges who preside over such cases often need protection as well. All such measures burden an already overloaded justice system and interfere with the handling of other cases, both criminal and civil.

Moreover, there is every reason to believe that the places of both trial and confinement for such defendants would become attractive targets for others intent on creating mayhem, whether it be terrorists intent on inflicting casualties on the local population, or lawyers intent on filing waves of lawsuits over issues as diverse as whether those captured in combat must be charged with crimes or released, or the conditions of confinement for all prisoners, whether convicted or not.

Even after conviction, the issue is not whether a maximum-security prison can hold these defendants; of course it can. But their presence even inside the walls, as proselytizers if nothing else, is itself a danger. The recent arrest of U.S. citizen Michael Finton, a convert to Islam proselytized in prison and charged with planning to blow up

a building in Springfield, Ill., is only the latest example of that problem.

Moreover, the rules for conducting criminal trials in federal courts have been fashioned to prosecute conventional crimes by conventional criminals. Defendants are granted access to information relating to their case that might be useful in meeting the charges and shaping a defense, without regard to the wider impact such information might have. That can provide a cornucopia of valuable information to terrorists, both those in custody and those at large.

Thus, in the multidefendant terrorism prosecution of Sheik Omar Abdel Rahman and others that I presided over in 1995 in federal district court in Manhattan, the government was required to disclose, as it is routinely in conspiracy cases, the identity of all known co-conspirators, regardless of whether they are charged as defendants. One of those co-conspirators, relatively obscure in 1995, was Osama bin Laden. It was later learned that soon after the government's disclosure the list of unindicted co-conspirators had made its way to bin Laden in Khartoum, Sudan, where he then resided. He was able to learn not only that the government was aware of him, but also who else the government was aware of.

It is not simply the disclosure of information under discovery rules that can be useful to terrorists. The testimony in a public trial, particularly under the probing of appropriately diligent defense counsel, can elicit evidence about means and methods of evidence collection that have nothing to do with the underlying issues in the case, but which can be used to press government witnesses to either disclose information they would prefer to keep confidential or make it appear that they are concealing facts. The alternative is to lengthen criminal trials beyond what is tolerable by vetting topics in closed sessions before they can be presented in open ones.

In June, Attorney General Eric Holder announced the transfer of Ahmed Ghailani to this country from Guantanamo. Mr. Ghailani was indicted in connection with the 1998 bombing of U.S. Embassies in Kenya and Tanzania. He was captured in 2004, after others had already been tried here for that bombing.

Mr. Ghailani was to be tried before a military commission for that and other war crimes committed afterward, but when the Obama administration elected to close Guantanamo, the existing indictment against Mr. Ghailani in New York apparently seemed to offer an attractive alternative. It may be as well that prosecuting Mr. Ghailani in an already pending case in New York was seen as an opportunity to illustrate how readily those at Guantanamo might be prosecuted in civilian courts. After all, as Mr. Holder said in his June announcement, four defendants were "successfully prosecuted" in that case.

It is certainly true that four defendants already were tried and sentenced in that case. But the proceedings were far from exemplary. The jury declined to impose the death penalty, which requires unanimity, when one juror disclosed at the end of the trial that he could not impose the death penalty—even though he had sworn previously that he could. Despite his disclosure, the juror was permitted to serve and render a verdict.

Mr. Holder failed to mention it, but there was also a fifth defendant in the case, Mamdouh Mahmud Salim. He never participated in the trial. Why? Because, before it began, in a foiled attempt to escape a maximum security prison, he sharpened a plastic comb into a weapon and drove it through the eye and into the brain of Louis Pepe, a 42-year-old Bureau of Prisons guard. Mr. Pepe was blinded in one eye and rendered nearly unable to speak.

Salim was prosecuted separately for that crime and found guilty of attempted murder. There are many words one might use to describe how these events unfolded; “successfully” is not among them.

The very length of Mr. Ghailani’s detention prior to being brought here for prosecution presents difficult issues. The Speedy Trial Act requires that those charged be tried within a relatively short time after they are charged or captured, whichever comes last. Even if the pending charge against Mr. Ghailani is not dismissed for violation of that statute, he may well seek access to what the government knows of his activities after the embassy bombings, even if those activities are not charged in the pending indictment. Such disclosures could seriously compromise sources and methods of intelligence gathering.

Finally, the government (for undisclosed reasons) has chosen not to seek the death penalty against Mr. Ghailani, even though that penalty was sought, albeit unsuccessfully, against those who stood trial earlier. The embassy bombings killed more than 200 people.

Although the jury in the earlier case declined to sentence the defendants to death, that determination does not bind a future jury. However, when the government determines not to seek the death penalty against a defendant charged with complicity in the murder of hundreds, that potentially distorts every future capital case the government prosecutes. Put simply, once the government decides not to seek the death penalty against a defendant charged with mass murder, how can it justify seeking the death penalty against anyone charged with murder—however atrocious—on a smaller scale?

Even a successful prosecution of Mr. Ghailani, with none of the possible obstacles described earlier, would offer no example of how the cases against other Guantanamo detainees can be handled. The embassy bombing case was investigated for prosecution in a court, with all of the safeguards in handling evidence and securing witnesses that attend such a prosecution. By contrast, the charges against other detainees have not been so investigated.

It was anticipated that if those detainees were to be tried at all, it would be before a military commission where the touchstone for admissibility of evidence was simply relevance and apparent reliability. Thus, the circumstances of their capture on the battlefield could be described by affidavit if necessary, without bringing to court the particular soldier or unit that effected the capture, so long as the affidavit and surrounding circumstances appeared reliable. No such procedure would be permitted in an ordinary civilian court.

Moreover, it appears likely that certain charges could not be presented in a civilian court because the proof that would have to be offered could, if publicly disclosed, compromise sources and methods of intelligence gathering. The military commissions regimen established for use at Guantanamo was designed with such considerations in mind. It provided a way of handling classified information so as to make it available to a defendant’s counsel while preserving confidentiality. The courtroom facility at Guantanamo was constructed, at a cost of millions of dollars, specifically to accommodate the handling of classified information and the heightened security needs of a trial of such defendants.

Nevertheless, critics of Guantanamo seem to believe that if we put our vaunted civilian justice system on display in these cases, then we will reap benefits in the coin of world opinion, and perhaps even in that part of the world that wishes us ill. Of course, we

did just that after the first World Trade Center bombing, after the plot to blow up airliners over the Pacific, and after the embassy bombings in Kenya and Tanzania.

In return, we got the 9/11 attacks and the murder of nearly 3,000 innocents. True, this won us a great deal of goodwill abroad—people around the globe lined up for blocks outside our embassies to sign the condolence books. That is the kind of goodwill we can do without.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

#### CAMPAIGN FINANCE REFORM

Mr. MCCAIN. Mr. President, I am joined by my friend and colleague and fellow warrior, Senator FEINGOLD. He and I both have some remarks to make. I was chosen to go first, and then Senator FEINGOLD, I know, will also want to address what we think is a very important issue. This is the issue of the U.S. Supreme Court case *Citizens United v. Federal Election Commission*.

On September 9, the U.S. Supreme Court heard oral arguments from both sides in the *Citizens United v. Federal Election Commission*. The implications of this case are very serious, and the Supreme Court’s decision could result in the unraveling of over 100 years of congressional action and judicial precedent with respect to corporate spending in political campaigns. Senator FEINGOLD and I were present in the Supreme Court chamber for the arguments in this case. I commend both sides for presenting their case in a thoughtful, intelligent manner. However, there was one part of the argument I found particularly disturbing.

While responding to a question from Justice Alito, the Solicitor General was interrupted by Justice Scalia, who said:

Congress has a self-interest. I mean, we—we are suspicious of Congressional action in the First Amendment area precisely because we—at least I am—

Here is the interesting part, when Justice Scalia said:

I doubt that one can expect a body of incumbents to draw election restrictions that do not favor incumbents. Now is that excessively cynical of me? I don’t think so.

Yes, I think it is excessively cynical. I take great exception to Justice Scalia’s statement, as should every Member of both Houses of Congress. It is an affront to the thousands of good, decent, honorable men and women who have served this Nation in these Halls for well over 200 years. Not only was Justice Scalia’s statement excessively cynical, it showed his unfortunate lack of understanding of the facts and history of campaign reform. Throughout our history, America has faced periods of political corruption, and in every instance, Congress has risen above its own self-interest and enacted the necessary reforms to address the scandals and corruption that have plagued our democratic institutions over time and throughout our history. The Tillman Act in 1907, the Publicity Act of 1910, the Federal Corrupt Practices Act in 1925, the Public Utilities Holding Act

in 1935, the Hatch Act in 1939, the Smith-Connolly Act in 1943, the Taft-Hartley Act of 1947, the Long Act in 1968, the Federal Election Campaign Act in 1974, and the bipartisan Campaign Reform Act in 2002 are just some of the reforms enacted by Congress over the years to address corruption in our government and in our campaigns.

Simply put, history has proven Justice Scalia wrong in his assessment that Congress will not act in anything but a self-serving manner.

Justice Scalia’s statement was also remarkable in that it exposed his belief that when it comes to issues relating to campaign reform, he somehow is a better arbiter of what is needed to reform the electoral process than the Congress or the American people. With all due respect, that is not the job of the judicial branch. Judges who stray beyond their constitutional role to try and take Congress’s place as policymakers falsely believe that judges somehow have a greater insight into what legislation is necessary and proper than representatives who are duly elected by the people and accountable to them every several years.

Activist judges—regardless of whether it is liberal or conservative activism—assume the judiciary is a super-legislature of moral philosophers, entitled to support Congress’s policy choices whenever they choose. I believe this judicial activism is wrong and is contrary to the Constitution.

Our Constitution is very clear in its delineation and dispersment of power. It solely tasks the Congress with creating law, not the courts. I have a long history of opposing activist judges. Judicial activism demonstrates a lack of respect for the popular will, and that is at fundamental odds with our republican system of government. I believe a judge should seek to uphold all acts of Congress and State legislatures, unless they clearly violate a specific section of the Constitution, and refrain from interpreting the law in a manner which creates new law. That is a fundamentally conservative position I have held throughout my career. I wish Justice Scalia shared that position.

Let us be very clear. At stake in the *Citizens United* case are the voices of millions and millions of Americans that could be drowned out by large corporations if the decades-old restrictions on corporate electioneering are rescinded. Overturning Supreme Court precedent would open the floodgates to unlimited corporate and union spending during elections and undermine election laws across the country. Those able to spend tens of millions of dollars, such as a Fortune 500 company or a big labor union, are much more likely to be heard during an election than the average American voter is. For this reason, I have always advocated laws that would prevent big-moneyed special interests from drowning out the voices of individual American citizens in elections and dominating the decisionmaking process of our government.

Contrary to some of my critics, I am a firm believer in the first amendment.

For more than 100 years, laws have stood to limit corporate donations to political candidates and campaigns—for more than 100 years. The concern about corporate involvement in campaigns is not new in America. On September 3, 1897, in a speech on government and citizenship, Elihu Root, who would go on to become Theodore Roosevelt's Secretary of State and a Nobel Peace Prize winner, said:

The idea . . . is to prevent the great moneyed corporations of the country from furnishing the money with which to elect members of the legislature . . . in order that those members of the legislature may vote to protect the corporations. It is to prevent the great railroad companies, the great insurance companies, the great telephone companies, the great aggregations of wealth, from using their corporate funds, directly or indirectly, to send members of the legislature to these halls, in order to vote for their protection and the advancement of their interests as against those of the public.

It strikes, Mr. Chairman, at a constantly growing evil in our political affairs, which has, in my judgment, done more to shake the confidence of the plain people of small means in our political institutions, than any other practice which has ever obtained since the foundation of our government.

Remember, this was in 1897. He went on to say:

And I believe that the time has come when something ought to be done to put a check upon the giving of \$50,000 or \$100,000 by a great corporation toward political purposes, upon the understanding that a debt is created from a political party to it; a debt to be recognized and repaid with the votes of representatives in the legislature and in Congress, or by the action of administrative or executive officers who have been elected in a measure through the use of the money so contributed.

Additionally, one can make the case that the concern about corporate influence extends as far back as our Founding Fathers. In 1816, Thomas Jefferson wrote:

I hope we shall crush in its birth the aristocracy of our moneyed corporations which dare already to challenge our government in a trial of strength, and bid defiance to the laws of our country.

Kentucky was the first State to ban corporations from spending their funds in State elections in 1891, and by 1897 Florida, Missouri, Nebraska, and Tennessee had all enacted similar corporate spending prohibitions in their State elections. While some States began enacting limits on the influence of money on politics during the Civil War era, Congress did not begin to pass major campaign finance regulations until some decades later. By that time, political contributions by major corporate interests and business leaders dominated campaign fundraising, and this development sparked the first major movement for national reform.

Progressive reformers, such as President Theodore Roosevelt and investigative journalists, charged that these business interests were attempting to gain special access and favors; thereby, corrupting the democratic process.

This reform movement, combined with allegations of financial impropriety in the 1904 Presidential election, resulted in the enactment of significant reforms.

On October 1, 1904, Joseph Pulitzer published an editorial in the *New York World* questioning President Roosevelt's ties to many of the large corporations that had donated to his campaign. Those questions led Roosevelt's opponent, Judge Alton Parker, to describe the donations as blackmail and insinuated there was a quid pro quo involved. President Roosevelt responded angrily, calling the accusations monstrous and said:

The assertion that there has been any blackmail, direct or indirect . . . is a falsehood. The assertion that there has been made any pledge or promise or that there has been any understanding as to future immunities or benefits, in recognition from any source is a wicked falsehood.

President Roosevelt, not wanting to give the appearance of improper influence, directed his staff to return a \$100,000 contribution from the Standard Oil Corporation. In his memo he wrote:

We cannot under any circumstances afford to take a contribution which can be even improperly construed as putting us under an improper obligation.

The allegations of impropriety also led Roosevelt to call for an end to corporate donations to campaigns. In his fifth annual message to the Congress on December 5, 1905, Roosevelt said:

The power of the Government to protect the integrity of the elections of its own officials is inherent and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate.

He warned:

If [legislators] are extorted by any kind of pressure or promise, express or implied, direct or indirect, in the way of favor or immunity, then the giving or receiving becomes not only improper but criminal. All contributions by corporations to any political committee or for any political purpose should be forbidden by law; directors should not be permitted to use stockholders money for such purposes; and, moreover, a prohibition of this kind would be, as far as it went, an effective method of stopping the evils aimed at in the corrupt practices acts. Not only should both the national and the several State legislatures forbid any officer of a corporation from using the money of the corporation in or about any election, but they should also forbid such use of money in connection with any legislation.

Again, the following year, in his sixth annual message to Congress in December 1906, President Roosevelt tried to limit corporate influence, stating:

I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already passed one House of Congress. Let individuals contribute as they desire . . .

I repeat what he said:

Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

In January 1907, Theodore Roosevelt signed into law the Tillman Act. This

law prohibited nationally chartered banks and corporations from contributing to campaigns. In the report to accompany the Senate version of the legislation, dated April 27, 1906, the Senate Committee on Privileges and Elections wrote:

The evils of the use of money in connection with political elections are so generally recognized that the committee deems it unnecessary to make any argument in favor of the general purpose of this measure. It is in the interest of good government and calculated to promote purity in the selection of public officials."

Following passage of the Tillman Act, Roosevelt again addressed the issue in his Seventh Annual Message to Congress in December, 1907. He said:

Under our form of government voting is not merely a right but a duty, and, moreover, a fundamental and necessary duty if a man is to be a good citizen. It is well to provide that corporations shall not contribute to Presidential or National campaigns, and furthermore to provide for the publication of both contributions and expenditures.

Although the Tillman Act constituted a landmark in Federal law, according to campaign finance expert Anthony Corrado, "its adoption did not quell the cries for reform. Eliminating corporate influence was only one of the ideas being advanced at this time to clean up political finance." In the years following the passage of the Tillman Act, reducing the influence of wealthy individuals and labor unions became a concern and reformers pushed for further limits on donations.

Consequently, in 1947, Congress enacted the Taft-Hartley Act, which explicitly banned corporate and labor union expenditures in Federal campaigns. In doing so, Senator Robert Taft made clear that the purpose of the new language was simply to affirm what had been understood to always be the case—that the 1907 corporate ban had prohibited corporate expenditures, or indirect contributions, as well as direct corporate contributions.

A ban on corporate expenditures in campaigns has been consistently upheld by the Supreme Court as constitutional and as "firmly embedded in our law."

The constitutionality of the ban on corporate campaign expenditures was upheld by the Supreme Court in the *Austin v. Michigan Chamber of Commerce* decision in 1990 and reaffirmed by the Court in the *McConnell v. Federal Election Commission* decision in 2003. And the corporate expenditure ban had been commented on favorably by the Court in earlier cases.

In 1990, in the *Austin* case, the Supreme Court acknowledged the importance of maintaining the integrity of the political process. From the Court's opinion:

Michigan identified as a serious danger the significant possibility that corporate political expenditures will undermine the integrity of the political process, and it has implemented a narrowly tailored solution to that problem. By requiring corporations to make all independent political expenditures

through a separate fund made up of money solicited expressly for political purposes, the Michigan Campaign Finance Act reduces the threat that huge corporate treasuries amassed with the aid of favorable state laws will be used to influence unfairly the outcome of elections.

In the McConnell case, the Supreme Court recognized its long-standing support for the constitutionality of bans on corporate campaign expenditures going back to its Buckley decision in 1976. From the Court's decision:

Since our decision in Buckley, Congress' power to prohibit corporations and unions from using funds in their treasuries to finance advertisements expressly advocating the election or defeat of candidates in federal elections has been firmly embedded in our law.

Additionally, in 1982, in the National Right to Work Committee case, the Supreme Court, in an opinion authored by Chief Justice William Rhenquist, stated regarding the Federal ban on corporate and labor union expenditures:

The careful legislative adjustment of the federal electoral laws, in a cautious advance, step by step, to account for the particular legal and economic attributes of corporations and labor organizations warrants considerable deference. [I]t also reflects a permissible assessment of the dangers posed by those entities to the electoral process.

In order to prevent both actual and apparent corruption, Congress aimed a part of its regulatory scheme at corporations. The statute reflects a legislative judgment that the special characteristics of the corporate structure require particularly careful regulation. Nor will we second guess a legislative determination as to the need for prophylactic measures where corruption is the evil feared. As we said in *California Medical Association v. FEC*, the "differing structures and purposes; of different entities 'may require different forms of regulation in order to protect the integrity of the electoral process . . .'"

The governmental interest in preventing both actual corruption and the appearance of corruption of elected representatives has long been recognized, *First National Bank of Boston v. Bellotti*, supra, and there is no reason why it may not in this case be accomplished by treating unions, corporations and similar organizations different from individuals.

In 1986, in the *Massachusetts Citizens for Life* case, the Supreme Court stated regarding the Federal ban on corporate expenditures in campaigns:

This concern over the corrosive influence of concentrated corporate wealth reflects the conviction that it is important to protect the integrity of the marketplace of political ideas . . . Direct corporate spending on political activity raises the prospect that resources amassed in the economic marketplace may be used to provide an unfair advantage in the political marketplace . . . The resources in the treasury of a business corporation . . . are not an indication of popular support for the corporation's political ideas. They reflect instead the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas.

By requiring that corporate independent expenditures be financed through a political committee expressly established to engage

in campaign spending, section 441b seeks to prevent this threat to the political marketplace. The resources available to this fund, as opposed to the corporate treasury, in fact reflect popular support for the political positions of the committee.

If anyone has doubts about the influence of big-moneyed special interests on policy makers in this town, let me relay a personal observation. During the Senate Commerce Committee's consideration of the 1996 Telecommunications Act, every company affected by the legislation had purchased a seat at the table with soft money. Consequently, the bill attempted to protect them all, a goal that is obviously incompatible with competition. Consumers, who only give us their votes, had no seat at the table, and the lower prices that competition produces never materialized. Cable rates went up. Phone rates went up. And huge broadcasting giants received billions of dollars in digital spectrum, property that belonged to the American people, for free. They got it for free, billions of dollars worth of spectrum.

Information gathered from various sources in the press at the time indicated that the special interest groups involved spent nearly \$150 million to lobby Congress on telecommunications reform—and they all came out on top—at the expense of the American consumer.

Similarly, the pharmaceutical industry has spent millions of dollars to sway lawmakers against the idea of drug importation. In the 2008 election cycle, pharmaceutical companies gave almost \$30 million in campaign contributions to Members of Congress. Just this year, according to an article published in the June 3 edition of *The Hill*, the prescription drug industry has given more than one million dollars to both Republicans and Democrats. And these contributions were from the limited funds of corporate PACs—a fraction of the flood of money that could be spent out of corporate treasuries if the Supreme Court changes the law by judicial fiat.

As my colleagues know, for many years my colleague from Wisconsin, Senator FEINGOLD and I fought to ban soft money—the large, unregulated donations from corporations, labor unions, and wealthy individuals—from Federal elections. As the sponsors of the Bipartisan Campaign Finance Reform Act, we submitted, together with our colleagues from the House, Representatives Shays and Meehan, a brief for the court. In this brief we stated:

More fundamentally, Austin and McConnell were correctly decided. Unlimited expenditures supporting or opposing candidates may create at least the appearance of corruption, as *Caperton v. A.T. Massey Coal Co.* illustrates. The tremendous resources business corporations and unions can bring to bear on elections, and the greater magnitude of the resulting apparent corruption, amply justify treating corporate and union expenditures differently from those by individuals and ideological nonprofit groups.

So, too, does the countervailing free-speech interest of the many shareholders

who may not wish to support corporate electioneering but have no effective means of controlling what corporations do with what is ultimately the shareholders' money. Austin was rightly concerned with the corruption of the system that will result if campaign discourse becomes dominated not by individual citizens—whose right it is to select their political representatives—but by corporate and union war-chests amassed as a result of the special benefits the government confers on these artificial "persons." That concern remains a compelling justification for restrictions on using corporate treasury funds for electoral advocacy—constraints that ban no speech but only require that it be funded by individuals who have chosen to do so.

The holdings of Austin and McConnell—that it is constitutional to require business corporations to use segregated funds contributed by shareholders, officers and employees for express candidate advocacy or its functional equivalent—remain sound today. The interests in preventing actual or apparent corruption of the electoral process and protecting shareholders provide compelling justification for such requirements, which neither unduly burden nor overbroadly inhibit protected speech.

The corporate PAC option, moreover, is ideally suited to balancing the First Amendment interests of corporate entities and their shareholders. It allows the corporation to direct political spending only to the extent shareholders have personally decided to contribute for that specific purpose. It thus ensures that the corporation may have a voice, but one that is not subsidized unwillingly by those who may disagree with its electoral message. And there is no basis in the record for concluding that PACs are inadequate or unduly burdensome for business corporations, whatever may be true of certain ideological nonprofit corporations. Indeed, PAC requirements pale in comparison with the detailed recordkeeping and accounting otherwise required of corporations and unions.

The ability of corporate campaign expenditures to buy influence with Federal officeholders, and to create the appearance of such influence-buying is sadly evident in nearly every aspect of the legislative process. This fact was recognized in the McConnell case.

The brief filed in the McConnell case by me and my colleagues stated:

Not surprisingly, the McConnell record provided strong corroboration that corporate and union expenditures on ads that were the functional equivalent of express advocacy created the appearance of corruption. Based on that record, Judge Kollar-Kotelly found that such expenditures "permit corporations and labor unions to inject immense aggregations of wealth into the process" and "radically distort the electoral landscape." She further found that candidates are "acutely aware of" and "appreciate" such expenditures, and "feel indebted to those who spend money to help get them elected." She concluded that "the record demonstrates that candidates and parties appreciate and encourage corporations and labor unions to deploy their large aggregations of wealth into the political process," and that "the record presents an appearance of corruption stemming from the dependence of officeholders and parties on advertisements run by these outside groups."

According to the Solicitor General's brief, the record in the McConnell case showed that:

Federal officeholders and candidates were aware of and felt indebted to corporations

and unions that financed electioneering advertisements on their behalf or against their opponents.

The brief further stated:

[T]he record compiled in the McConnell case indicated that corporate spending on candidate-related speech, even if conducted independent of candidates, had come to be used as a means of currying favor with and attempting to influence Federal office-holders.

It is important for us to remember that this case does not affect solely the integrity of Federal elections. The States also have a great deal at stake in this case. In a brief filed in the Citizens United case, 26 State attorneys general wrote that "Courts have repeatedly upheld these State and Federal corporate electioneering restrictions from their inception."

In their brief, the attorneys general wrote:

This case does not concern the traditional regulation of corporate spending by State Laws. Instead it presents the application of a recent Federal statute to a novel form of political campaigning through the medium of video-on-demand and the message of a ninety-minute film. These and other political campaign innovations present an occasion to draw on State law experiments, not end them. The court cannot reach the validity of these laws under Austin without departing from its conventional approach to constitutional avoidance and as-applied review of campaign finance statutes, and ignoring its cautions against facial challenges in election law generally.

Austin follows a century of campaign finance law at the State and Federal level honed by six decades of this Court's holdings. Those decisions, and the State and Federal laws that gave rise to and rely on them, delineate a workable segregated-fund requirement for corporate electioneering that is embedded in campaign laws and practice at the Federal and State level. While imposing minimal burdens on corporations, the segregated fund protects the integrity of the political process from the corrupting influence of corporate executives funding political campaigns that have no proven support from the shareholders or customers whose money pays for the advocacy. The flourishing of corporate speech through PACs, and continued harms of direct corporate electioneering, has vindicated rather than undermined Austin's approval of segregated funds.

It is clear that the Austin and McConnell cases were correctly decided on the merits and those decisions remain sound today. According to the brief filed by the U.S. Solicitor General:

The Court in Austin held that corporations may constitutionally be prohibited from financing electoral advocacy with funds derived from business activities. That holding was correct when issued and should not be overturned now. Use of corporate treasury funds for electoral advocacy is inherently likely to corrode the political system both by actually corrupting political officeholders and by creating the appearance of corruption. Moreover, such use of corporate funds diverts shareholders' money to the support of candidates who the shareholders may oppose.

Congress's interest in preventing these pernicious consequences is compelling, and Congress has chosen a valid message of achieving it, requiring a corporation to fund its electoral advocacy through the voluntary

contributions of officers and shareholders who agree with its political statements.

The Solicitor General's brief further stated:

Corporate participation in candidate elections creates a substantial risk of corruption or the appearance thereof. Corporations can use electoral spending to curry favor with particular candidates and thus to acquire undue influence over the candidates' behavior once in office.

The record in McConnell, which is by far the most extensive body of evidence ever compiled on these issues, indicates that during the period leading up to BCRA's enactment, Federal office-holders and candidates were aware of and felt indebted to corporations and unions that financed electioneering advertisements on their behalf or against their opponents.

The nature of business corporations makes corporate political activity inherently more likely than individual advocacy to cause quid pro quo corruption or the appearance of such corruption. Even minor modifications in complex legislation have great potential to benefit or burden particular companies, industries, or sectors. The economic stake of corporations in the nuances of such matters as industry-specific tax credits, subsidies, or tariffs generally dwarfs that of any set of individuals.

And when those benefits can be obtained through a game of "pay to play," corporations are better suited than individuals to afford the ante. Corporate managers need not assemble a coalition of the like-minded; they can draw on the firm's entire capitalization without seeking the approval of shareholders. If only businesses can afford the investment necessary to pursue rents in this way, only businesses can reap the (even larger) reward. And the public perception that businesses reap such rewards from legislators whom they support in campaigns creates an appearance of corruption that corrodes popular confidence in our democracy.

At the heart of the Citizens United case is a critical question: Do the cherished individual rights protected by the Constitution extend in the same manner to corporations? Corporations, after all, are artificial creations of law, provided for by acts of Congress and the State legislatures, and endowed under these laws with perpetual existence, special tax status, and other privileges, all for the sole purpose of economic gain. The resolution of this question in the affirmative will have wide-ranging and unpredictable results for our legal system.

For example, if the Court determines corporations have first amendment rights, it will be logical that corporations also have fifth amendment rights against self-incrimination. Is a corporation "endowed by its creator with inalienable rights"? Just last year the Court found that the second amendment right to bear arms is a personal right. If the Court were to determine that corporations had the same rights as persons, would corporations have the right to arm themselves? Would lobbies of Fortune 500 companies contain grand weapon caches? The absurdity of the argument should be apparent to the members of the Court.

John Marshall, former Chief Justice of the Supreme Court, wrote in 1819 that corporations were "an artificial

being, invisible, intangible." Therefore, he stated, "Being the more creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as incidental to its very existence."

Essential to a corporation's existence is a first amendment right to speak about their products and services. Essential to a corporation's existence is the right to sue for the theft of its intellectual property. Essential to a corporation's existence is the right to enter into contracts. Not essential to a corporation's existence is the ability to contribute unlimited funds to political candidates.

It is for this reason and others that the Supreme Court has repeatedly and consistently upheld a ban on direct contributions to political candidates by corporations and unions. Chief Justice Roberts stated at one point during the argument in the Citizens United case that: "We do not put our First Amendment rights in the hands of FEC bureaucrats." I agree. And that is why the Court has repeatedly upheld bans passed by the Congress of the United States and by the State legislators on unlimited corporate or union spending in elections.

Under current law, corporations are free to give to political candidates through political action committees. In an editorial in the Boston Globe entitled "Corporations Aren't People Yet," the editorial board rightly states: "Even under current financial restrictions, health care industry groups are pouring millions of dollars into Congressional campaigns in the hope of thwarting reforms that might constrain their members."

A September 10, 2009 editorial in the Philadelphia Inquirer stated:

Allowing corporations to flood elections with their aggregate corporate wealth would place a heavy thumb on the scales of democracy. If a certain industry did not like the way a Senator voted on environmental regulations, for example, there would be nothing to stop that industry from dumping \$200 million into the campaign of that Senator's opponent.

The editorial goes on to say:

If the high court rules now that corporations have the same political speech rights as individuals, average citizens will have that much more trouble being heard . . . the distinction between corporate speech and individual speech is clear enough, and the importance of limiting the undue influence of money and politics is significant enough that the court, in all its wisdom, should leave well enough alone.

I agree.

In conclusion, the Court should not overturn precedent and Congress's clear intent to limit corporate contributions to political candidates. In summary, there are three simple points raised by the Court's consideration of the Citizens United case. First, whatever one thinks of a first amendment right for corporations, it is not appropriate for a nondemocratic branch of government to raise a question of the broadest scope at the last minute when

such a question was not raised in the trial court and there is no ability to build a record.

Congress is the most democratically elected branch of government and should be able to make laws that do not stand in the face of the Constitution whether or not the members of the Court would themselves support such legislation if they served in the elected branches of government.

Secondly, the principle enshrined in law for many years was that corporations, because of their artificial legal nature and special privileges, including perpetual existence, pose a unique threat to our democracy. However, the current court seems poised to find that Thomas Jefferson, Theodore Roosevelt, and others were wrong despite there being no record built on this point in this case. In *McConnell*, there was a record built to support the decision. Here, the trial court never examined the idea of corporations having broad first amendment rights. The Court is reaching to find such a conclusion as part of the *Citizens United* case.

Lastly, I stress again to my colleagues the implications of the decision the Court may reach in this case. The Court is considering a question that may lead to corporations being treated as "persons" under the Constitution, would allow corporations to assert a fifth amendment right to refuse to testify under oath and to keep documents from lawful investigations, and would allow corporations to be subject to individual tax brackets.

Are my colleagues prepared to provide such rights to corporations? Are my colleagues prepared to pass legislation that taxes corporations and persons at the same rate? If the Court provides full first amendment rights to corporations, there is no reason that corporations could not receive the benefits as well as the responsibilities of being a person.

Justice Sandra Day O'Connor wrote in the *McConnell* decision, and I think with such accuracy, that "money, like water, will always find an outlet," and that the government was therefore justified in taking steps to prevent schemes developed to get around the contribution limits. Again, Justice O'Connor knew better than most jurists, as a former Arizona State Senator, and majority leader of the Arizona State Senate. I hope and wish that the current Court heeds the words of this brilliant jurist who had real-life experiences in politics.

Needless to say, I am very concerned about the integrity of our elections should the Supreme Court rule to overturn the *Austin* decision. I sincerely hope that the Justices will practice restraint and rule in a manner consistent with judicial precedent and the Constitution of the United States of America.

I again want to, as I have on many occasions, thank my friend from Wisconsin, a man of courage and a man of integrity, and a man I have always

been proud to be associated with on issues such as these that are important to the integrity of the institution that we both try to serve with honor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona for all the work he has done over these many years to improve our campaign finance system. We have been partners in this effort for over a decade. In fact, it will soon be 15 years. Of course, there is no one in this body whom I admire more than JOHN MCCAIN.

In early September, Senator MCCAIN and I had the opportunity to walk across the street to the Supreme Court and hear the oral argument in the *Citizens United* case. It was a morning of firsts: The first case that Justice Sonia Sotomayor has heard since the Senate confirmed her nomination to become only the third woman to sit on our Nation's highest court. And the first oral argument that Solicitor General Elena Kagan has done since becoming the first woman to hold that important position in our government.

And it was the first time since the Tillman Act was passed in 1907 prohibiting spending by corporations on elections, and the Taft-Hartley Act in 1947 clarified and strengthened that prohibition, that a majority of the Court has suggested it is prepared to hold that Congress and the many State legislatures that have passed similar laws have violated the Constitution. Such a decision could have a truly calamitous impact on our democracy.

Until a few months ago, as the Senator from Arizona pointed out, no one had any idea that the *Citizens United* case would potentially become the vehicle for such a wholesale uprooting of the principles that have governed the financing of our elections for so long. The case started out as a simple challenge to the application of title II of the law that Senator MCCAIN and I sponsored, the Bipartisan Campaign Reform Act of 2002. The issue was whether the provisions of BCRA relating to so-called issue ads could constitutionally be applied to a full-length feature film about then-Presidential candidate Hillary Clinton. The movie was to be distributed solely as video on demand.

Yet somehow at the end of its last term, instead of deciding the case on the basis of the briefs and arguments submitted by the parties early this year, the Court reached out and asked for supplemental briefing on whether it should overturn its decisions in *McConnell v. FEC*, the case that upheld BCRA in 2003, and *Austin v. Michigan Chamber of Commerce*, a 1991 decision that upheld a State statute prohibiting corporate funding of campaign ads expressly advocating the election or defeat of a candidate. That set the stage for the recent special session to hear reargument in the case. And now we await the Court's verdict on whether

these longstanding laws will be in jeopardy.

I certainly hope the Court steps back from the brink. A decision to overturn the *Austin* decision would open the door to corporate spending on elections the likes of which this Nation truly has never seen. Our elections would become like NASCAR races—underwritten by companies. Only in this case, the corporate underwriters wouldn't just be seeking publicity, they would be seeking laws and policies that the candidates have the power to provide.

We were headed well down that road in the soft money system that BCRA stopped. It may seem like a long time ago, but the Senator from Arizona and I remember that hundreds of millions of dollars were contributed by corporations and unions to the political parties between 1988 and 2002. The system led to scandals like the White House coffees and the sale of overnight stays in the Lincoln bedroom. The appearance of corruption was well documented in congressional hearings and fully justified the step that Congress took in 2002—prohibiting the political parties from accepting soft money contributions.

Before BCRA was passed, corporations were making huge soft money donations. They were also spending money on phony issue ads. That is what title II was aimed at. But what they were not doing was running election ads that expressly advocated the election or defeat of a candidate. That has been prohibited in this country for at least 60 years, though it is arguable that the Tillman Act in 1907 prohibited it 40 years before that. So it is possible that the Court's decision will not just take us back to a pre-McCain-Feingold era, but back to the era of the robber baron in the 19th century. That result should frighten every citizen of this country. The Court seems poised to ignite a revolution in campaign financing with a stroke of its collective pen that no one contemplated even 6 months ago.

While I have disagreed with many Supreme Court decisions, I have great respect for that institution and for the men and women who serve on the Court. But this step would be so damaging to our democracy and is so unwarranted and unnecessary that I must speak out. That is why Senator MCCAIN and I have taken the unusual step of coming to the floor today.

To overrule the *Austin* decision in this case, the Court would have to ignore several time-honored principles that have served for the past two centuries to preserve the public's respect for and acceptance of its decisions. First, it is a basic tenet of constitutional law that the Court will not decide a case on constitutional grounds unless absolutely necessary, and that if there is no choice but to reach a constitutional issue, the Court will decide the case as narrowly as possible.

This is the essence of what some have called "judicial restraint." What seems



to be happening here though is the antithesis of judicial restraint. The Court seems ready to decide the broadest possible constitutional question—the constitutionality of all restrictions on corporate spending in connection with elections in an obscure case in which many far more narrow rulings are possible.

The second principle is known as *stare decisis*, meaning that the Court respects its precedents and overrules them only in the most unusual of cases. Chief Justice John Roberts, whom many believe to be the swing justice in this case, made grand promises of what he called “judicial modesty,” when he came before the Senate Judiciary Committee in 2005. Respect for precedent was a key component of the approach that he asked us to believe he possessed. Here is what he said:

I do think that it is a jolt to the legal system when you overrule a precedent. Precedent plays an important role in promoting stability and evenhandedness. It is not enough—and the court has emphasized this on several occasions—it is not enough that you may think the prior decision was wrongly decided. That really doesn't answer the question, it just poses the question. And you do look at these other factors, like settled expectations, like the legitimacy of the court, like whether a particular precedent is workable or not, whether a precedent has been eroded by subsequent developments. All of those factors go into the determination of whether to revisit a precedent under the principles of *stare decisis*.

So said then Judge Roberts. Talk about a jolt to the legal system. It is hard to imagine a bigger jolt than to strike down laws in over 20 States and a Federal law that has been the cornerstone of the Nation's campaign finance system for 100 years. The settled expectations that would be upset by this decision are enormous. And subsequent developments surely have not shown that the Austin decision is unworkable. Indeed, the Court relied on it as recently as 2003 in the McConnell case and even cited it in the Wisconsin Right to Life decision just 2 years ago, written by none other than Chief Justice Roberts. To be sure, there are Justices on the Court who dissented from the Austin decision when it came down and continue to do so today. But if *stare decisis* means anything, a precedent on which so many State legislatures and the American people have relied should not be cast aside simply because a few new Justices have arrived on the Court.

Third, the courts decide cases only on a full evidentiary record so that all sides have a chance to put forward their best arguments and the court can be confident that it is making a decision based on the best information available. In this case, precisely because the Supreme Court reached out to pose a broad constitutional question that had not been raised below, there is no record whatsoever to which the Court can turn. None. The question here demands a complete record be-

cause the legal standard under prevailing first amendment law is whether the statute is designed to address a compelling State interest and is narrowly tailored to achieve that result. My colleagues may recall that when we passed the McCain-Feingold bill, a massive legislative record was developed to demonstrate the corrupting influence of soft money. And the facial constitutional challenge to that bill led to months of depositions and the building of an enormous factual record for the court. None of that occurred here. And furthermore, the over 20 States whose laws would be upended if Austin is overruled were given no opportunity to defend their legislation and show whatever legislative record had been developed when their statutes were enacted.

Instead, the Court seems to be ready to rely on its intuition, its general sense of the political process. From what I observed at oral argument, that intuition is sorely lacking. One Justice blithely asserted that the 100-year-old congressional decision to bar corporate expenditures must have been motivated by the self-interest of Members of Congress as incumbent candidates, ignoring the fact that the modern Congress prohibited soft money contributions even though the vast majority of those contributions were used to support incumbents. Another Justice opined that it was paternalistic for Congress to be concerned about corporations using their shareholders' money for political purposes, even though most Americans invest through mutual funds and have little or no idea what corporations their money has actually gone to.

For the Court to overrule Austin and McConnell in this case would require it to reject these three important principles of judicial modesty. It would amount to the unelected branch of government reaching out to strike down carefully considered and longstanding judgments of the most democratic branch. It would be, in my view, a completely improper exercise of judicial power.

Let me discuss for a moment the consequences of this decision. A fundamental principle of our democracy is that the people elect their representatives. Each citizen gets just one vote. Our system of financing campaigns with private money obviously gives people of means more influence than average voters, but Congress over the years has sought to provide some reasonable limits and preserve the importance of individual citizens' votes. One of the most important and longstanding limits is that only individuals can contribute to candidates or spend money in support of or against candidates. Corporations and unions are prohibited from doing so, except through their PACs, which themselves raise money only from individuals. The Supreme Court may very well be about to change that forever.

According to a 2005 IRS estimate, the total net worth of U.S. corporations

was \$23.5 trillion, and after-tax profits were nearly \$1 trillion. During the 2008 election cycle, Fortune 100 companies alone had profits of \$605 billion. That is quite a war chest that may be soon unleashed on our political system. Just for comparison, spending by candidates, outside groups, and political parties on the last Presidential election totaled just over \$2 billion. Federal and State parties spent about \$1.5 billion on all Federal elections in 2008. PACs spent about \$1.2 billion. That usually sounds like a lot of money, but it is nothing compared to what corporations and unions have in their treasuries. So we are talking here about a system that could very easily be completely transformed by corporate spending in 2010.

Does the Supreme Court really believe that the first amendment requires the American people to accept a system where banks and investment firms, having just taken our country into its worst economic collapse since the Great Depression, can spend millions upon millions of dollars of ads directly advocating the defeat of those candidates who didn't vote to bail them out or want to prevent future economic disaster by imposing strict new financial services regulations? I say that because that is where we are headed. Is the Court really going to say that oil companies that oppose action on global warming are constitutionally entitled to spend their profits to elect candidates who will oppose legislation to address that problem?

The average winning Senate candidate in 2008 spent \$8.5 million. The average House winner spent a little under \$1.4 million. A single major corporation could spend three or four times those amounts without causing even a smudge on its balance sheet. This is not about the self-interest of legislators who will undoubtedly fear the economic might that might be brought against them if they vote the wrong way. This is about the people they represent, who live in a democracy and who deserve a political system where their views and their interests are not completely drowned out by corporate spending.

At the oral arguments last month, one Justice seemed to suggest it is perfectly acceptable for a tobacco company to try to defeat a candidate who wants to regulate tobacco and to use its shareholders' money to do so. This is the system the Supreme Court may bequeath to this country if it does not turn back.

Some will say that corporate interests already have too much power and that Members of Congress listen to the wishes of corporations instead of their constituents. I will not defend the current system, but I will say: Imagine how much worse things would be in a system where every decision by a Member of Congress that contradicts the wishes of a corporation could unleash a tsunami of negative advertising in the next election.

In light of the immense wealth a corporation can bring to bear on such a project, I frankly wonder how our democracy would function under such a system. We are talking about a political system where corporate wealth rules in a way that we have simply never seen in our history.

So, once again, I certainly want to thank my friend from Arizona for his friendship and his courage. We will continue to fight for a campaign finance system that allows the American people's voices to be heard.

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

The PRESIDING OFFICER (Mr. BENNETT). 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.

HEALTH INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT

Mr. WHITEHOUSE. Mr. President, I come to the floor to speak in strong support of the Health Insurance Industry Antitrust Enforcement Act, introduced by the senior Senator from Vermont, the chairman of our Judiciary Committee, Mr. PATRICK LEAHY. I believe this bill is an important part of health care reform, and I am hopeful it can be included in the final reform bill as it makes its way through this body.

Our antitrust laws embody the proud American idea that democracy shapes capitalism and not vice versa; that vigorous economic competition is not an amoral, Hobbesian contest but disciplined by a strong rule of law tradition; and that ours is not a society in which might makes right and only the powerful write the rule book.

The great Supreme Court jurist and antitrust crusader William O. Douglas, wrote:

Industrial power should be decentralized. It should be scattered into many hands so that the fortunes of the people will not be dependent on the whim or caprice, the political prejudices, the emotional stability of a few self-appointed men. . . . That is the philosophy and the command of the Sherman [Antitrust] Act.

The passage of the Sherman Antitrust Act and the Clayton Antitrust Act and the creation of the Federal Trade Commission and the Antitrust Division at the Department of Justice demonstrated a Federal commitment to a level economic playing field. Small businessmen and entrepreneurs, shouldering the enormous task of starting and sustaining a new enterprise, would know that powerful competitors could not collude to keep them out of the market. Consumers could rest assured that prices were not being fixed artificially high by scheming monopolists. Every industry, every vector of American business, was made subject to these rules of the road—except for one: the insurance industry.

In 1944, insurance companies challenged the Federal Government's very

ability to enforce antitrust laws against them, and the Supreme Court ruled that the insurance business was subject to antitrust laws just like everybody else. In response, insurance companies came to Congress, where they launched a massive lobbying campaign, pressuring Congress to invalidate the Supreme Court's decision—not unlike the current lobbying barrage they are aiming at killing health care reform. That campaign back in 1944 was successful. In March 1945, the McCarran-Ferguson Act exempted insurance companies entirely from the reach of America's antitrust laws. If that exemption ever made sense, it no longer does, especially when it comes to health insurance coverage.

Today, Americans pay ever-higher premiums for less care because a small group of wealthy, powerful companies control the health insurance market. Just consider these numbers: A study by the American Medical Association shows that 94 percent of metropolitan areas—virtually every one—has a health insurance market that is “highly concentrated,” as measured by Department of Justice standards. This means that if the Department of Justice's Antitrust Division had enforcement authority over the health insurance industry, it would be carefully scrutinizing this market for signs of anticompetitive conduct that hurts consumers. But due to the antitrust exemption, the Department of Justice cannot do that job. That same study shows that, in 39 States 2 health insurers control at least half of the health insurance market and in 9 States a single insurer controls at least 70 percent of the market.

Back in 1945, the insurance industry argued that it should be exempted from the antitrust laws because the market was heavily localized and not concentrated. Well, if that were true then, it is not true now.

Overhead for private insurers is an astounding 20 to 27 percent—charges that consumers pay for in higher premiums. A Commonwealth Fund report indicates that private insurer administrative costs increased 109 percent from 2000 to 2006—109 percent in those 6 years—and the McKinsey Global Institute estimates that Americans spend roughly \$150 billion annually on what the report calls “excess administrative overhead” in the private health insurance market. Mr. President, \$150 billion a year in “excess administrative overhead.” Clearly, this is not a competitive market. If it were, companies would be driven to cut these costs in order to compete effectively in the marketplace.

Without competition and without economic incentive to avoid massive administrative costs, health insurance premiums have increased 120 percent—more than doubled—in one decade, while insurance industry profits increased 428 percent in the same period—428 percent.

Doctors and other health care providers have been hurt as well. For

many years, United Health Care, a massive health insurance company, owned and operated a computerized pricing system that was used by almost every other health insurer. The New York attorney general recently found that the system was designed to systematically underpay doctors for their services and that this had been going on for years. United Health paid \$400 million to settle lawsuits by the State, but if the Federal Trade Commission or the U.S. Department of Justice had tried to bring suit under the Federal antitrust laws, they would have been blocked by McCarran-Ferguson.

Finally, ironically, health insurers threaten and sue doctors all the time under these same antitrust laws while protecting their own exemption from the laws they seek to impose on the providers and the doctors whom they torment.

One might ask how this exemption has survived so long. A certain school of political thought holds that the only proper relationship of government to the market is hands off, that any government involvement in the marketplace is unnatural and unwelcome. But with respect to antitrust enforcement, we crossed that Rubicon long ago, and every industry in the country is required to play by rules that support the market by increasing competition, again, except insurance. Experience in those other areas has shown that the government referee on the field of play creates a better environment for competition, and the public wins.

Think of the benefits of a competitive health insurance market. Insurers would have to compete on price, lowering premiums for individuals and small businesses purchasing insurance, and work hard to lower those unnecessary administrative costs. New competitors would be able to enter more easily and offer better consumer service, quicker claims processing, streamlined enrollment—competition that is desperately needed in a market where 36 percent of physician overhead is consumed by fighting with the insurance industry over inappropriate denial and delay of health insurance claims.

Senator LEAHY's Health Insurance Industry Antitrust Enforcement Act would repeal the unique and peculiar exemption for health insurance and medical malpractice insurance companies. The bill ensures that these companies are no longer permitted to engage in the most egregious forms of antitrust violations—price fixing, bid rigging, and market allocations—while preserving insurers' ability to share statistical information with each other in a procompetitive manner, with appropriate approvals.

Let me conclude with the words of a distinguished Senator, one of the greatest advocates for the elderly, ill, and disabled this Chamber has seen, Senator Claude Pepper. Senator Pepper, at the time, strongly opposed the McCarran-Ferguson antitrust exemption for the insurance industry, and he

warned of the “carte blanche authority . . . which had been contained in no previous legislation . . . [and] which for the first time gives the States carte blanche to legitimize the very vices against which the Clayton Act and the Sherman Act were directed.”

It appears to me the exemption for the insurance industry was a mistake then, and it is assuredly unwise now. Let’s repeal this unfair law and give health insurance consumers the same benefits of free, open, and fair competition that all Americans enjoy.

Let me finally add that the state of the health insurance market reinforces the need to which I have spoken, and so many of my colleagues have spoken before, for an efficient, nonprofit public health insurance option. The health insurance industry has been artificially sheltered by government for decades, building huge profit margins, massive market share, and colossal overhead and administrative costs. Now these same companies argue vehemently against the public option on the grounds that it would amount to government interference—government interference with their government protection from competition. That irony just doesn’t pass the laugh test.

According to the AMA study I quoted in the beginning of my remarks, Rhode Island is the second most concentrated health insurance market in the country. Just two insurers control 95 percent of the market. My constituents desperately would like the chance to choose a public option and would benefit from a more competitive health insurance market, one in which vigorous competition brings down costs and improves the quality of care and encourages health insurers to treat people decently.

Mr. President, I have concluded the remarks on the McCarran-Ferguson exemption. I wish to turn to another topic, but I see the majority whip on the Senate floor, and I would be delighted to yield to him if he wishes to take a moment.

I will continue, then. I thank the distinguished majority whip.

#### BIPARTISAN CAMPAIGN REFORM ACT

Mr. President, I wish now to say a few words about the colloquy that took place between Senator McCAIN and Senator FEINGOLD on the Senate floor a few moments ago over the need to protect our Nation’s political system from the influence of corporate money.

For more than a decade, Senators MCCAIN and FEINGOLD have been stalwart defenders of the integrity of our political system, and they achieved a hard-fought victory in 2002 with the passage of the Bipartisan Campaign Reform Act, which everybody around here knows as the McCain-Feingold law. As they said in their remarks, we face a real danger that an activist Supreme Court will strike down portions of that law, overturn the will of Congress and the American people, and allow corporations to spend freely in order to elect and defeat candidates

and influence public policy to meet their ends. The consequences of such a decision by our Supreme Court could be nightmarish.

Federal laws restricting corporate spending on campaigns have a long pedigree. Back in 1907, the Tillman Act restricted corporate spending on political campaigns. While various loopholes have come and gone over the years, the principle embodied in that law that corporations aren’t free to spend unlimited dollars to influence political campaigns is a cornerstone of our American system of government. That principle now appears to be at risk as the Supreme Court may be poised to open the floodgates now holding back corporate cash.

In September, the Supreme Court heard oral argument in *Citizens United v. The Federal Election Commission*. *Citizens United* is an organization that accepts, channels, and funnels corporate funding. It sought to broadcast a documentary attacking our former colleague, Senator Clinton, now Secretary of State Clinton, at the time a candidate for President, on On Demand cable broadcasts. Current law prohibits the broadcast of this kind of corporate advocacy on the eve of an election. *Citizens United* filed a lawsuit arguing that the law infringed on its first amendment rights.

Many observers expected the Court to rule narrowly on the case, perhaps focusing on whether McCain-Feingold applies to On Demand broadcasts. Instead, after hearing oral argument, the Court asked for an additional briefing and a new round of oral argument, something the Supreme Court does very rarely, to consider whether the first amendment bans such restrictions on corporate campaign spending. There is some indication that the activist conservative wing of the Court believes it does. We may be on the verge of another effort by a Roberts court to advance its ideologically charged view of the Constitution. In so doing, the Court would overturn its own longstanding precedents, opinions such as *Austin v. Michigan State Chamber of Commerce* where Justice Thurgood Marshall warned of “the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public support for the corporation’s political ideas.”

Should the Court upturn so much long-settled law, it would upend our entire political system and we could see a new era of corporate influence over politics not seen in the history of our Republic.

Imagine for a moment what our political system would look like if the Court takes the fateful step of allowing corporations to unrestrictedly spend money to influence campaigns. Corporate polluters under investigation by the Department of Justice, running unlimited advertisements for a more sympathetic Presidential candidate; fi-

nancial services companies spending unlimited money to defeat Members of Congress who have the nerve to want to reform the way things are done on Wall Street; defense contractors overwhelming candidates who dare question a weapons program they build. It would become government of the CEOs, by the CEOs, and for the CEOs.

Nothing in the history of the first amendment requires the protection of such activities. To the contrary, Congress long has been understood to hold the power to protect the electoral process from the corrupting flood of corporate money. This is because, as the Supreme Court long has recognized, a corporation holds no inalienable right to participate in an election. Unlike the people from whom the sovereign power of the State is drawn, a corporation is created by and subject to the sovereign power of the State. Indeed, as Chief Justice John Marshall explained in 1809, only 18 years after ratification of the first amendment, a corporation is “a mere creature of the law, invisible, intangible, and incorporeal and certainly not a citizen.”

In 1906, a century later, the Supreme Court explained that:

The corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law.

Corporations are created by government charter. They are legal fictions, tools for organizing human behavior. Neither logic nor history justifies unleashing them from the bonds of government to master and control the very government that created them—new monsters on the political landscape, bending public wealth to their peculiar private purposes.

How might they do that? Well, let’s look at one recent case involving Bank of America.

All of us remember in September of 2008, Bank of America announced that it would buy Merrill Lynch for \$50 billion. In August of this year, the Securities and Exchange Commission filed a civil suit against the Bank of America alleging that it had made a misrepresentation to its shareholders that Merrill Lynch would not pay bonuses to its executives in 2008 when, in fact, Bank of America had agreed that Merrill Lynch could pay up to \$5.8 billion in bonuses to its executives. That is the background.

Bank of America and the Securities and Exchange Commission submitted a proposed final consent judgment proposing to resolve that case by giving \$33 million of shareholder money to the Securities and Exchange Commission. The U.S. District Court in New York took a look at this proposal and threw it out. The judge rightfully rejected it as neither fair nor reasonable nor adequate. The Court said it well; I can’t improve on the Court’s decision:

The parties were proposing that the management of Bank of America—having allegedly hidden from the bank’s shareholders

that as much as \$5.8 billion of their money, shareholder money, would be given as bonuses to the executives of Merrill who had run that company nearly into bankruptcy—would settle the legal consequences of their lying by paying the SEC \$33 million more of their shareholders' money.

As the Court noted, this was all done “at the expense not only of the shareholders, but also of the truth.”

That is a pretty stark example of corporate management trying to use shareholder money to serve its own ends, even against shareholder interests. Well, guess whose interests corporate managers would pursue politically if they could open the spigots of shareholder money in elections.

Longstanding statutes and judicial precedents that limit corporate involvement in campaigns rests on the well-established and long-accepted recognition that corporations and their corrupting self-interests must be controlled. There is no reason now for a fundamental rethinking of such a plain and well-settled principle. The right-wing of the Supreme Court will be hard pressed to justify departing from such settled understandings of the first amendment, from the century-long tradition of controlling corporate spending, to invent new constitutional rights for corporations against real human beings.

In closing, I stand with my colleagues, Senator MCCAIN and Senator FEINGOLD, in readiness to do what it takes to protect our system of campaign finance laws from the danger of corporate corruption. I look forward to working with them and my other colleagues to ensure that our elections remain enlivened by a robust debate among human participants in which CEOs don't have favored princely status because they can direct corporate funds to drown out people's voices.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Mr. President, let me say at the outset the Senator from Rhode Island has addressed two issues that are timely and important. I certainly concur with him and cosponsor the legislation offered by the chairman of the Senate Judiciary Committee, Senator PATRICK LEAHY, which would repeal the McCarran-Ferguson Act as it relates to health insurance companies and medical malpractice insurers. The McCarran-Ferguson Act, since the 1940s, if I am not mistaken, has exempted the insurance industry from antitrust regulation, which literally means those insurance companies, exempt from the supervision of the Justice Department, can engage in conduct absolutely illegal and unacceptable by any other corporation in America, save one. Organized baseball is given the same basic exemption for reasons that are lost in the pages of history. But I will say that under the current McCarran-Ferguson law, the health insurance companies have the power to fix prices, to allocate mar-

kets. In other words, they can make good on their threat 2 weeks ago that they are going to raise health insurance premiums if we pass health care reform in America. There is nothing we can do to stop them, short of creating a competitive model where they might have an actual competitor in markets such as Rhode Island and Illinois. It is known as the public option. Some people brand it as socialism or some wild French idea, but what it comes down to is basic competition—something the health insurance companies loathe. Because of the antitrust exemption, McCarran-Ferguson, they have not been held to the same standards as any other business in America.

I believe Senator LEAHY is on the right track. It is part of the health care reform. I know he is supported by Senator HARRY REID, the majority leader, that we should repeal the McCarran-Ferguson antitrust legislation as it exists today.

I concur with Senator WHITEHOUSE as well on the notion that the case which is now pending before the U.S. Supreme Court could, in my mind, completely destroy our political climate and campaigning in America. If we allow corporations to be exempt from limitations in their involvement in this political process, it is virtually the end of campaigns as we have known them.

It is time for us to not only endorse the position that has been expressed by Senator MCCAIN, Senator FEINGOLD, and Senator WHITEHOUSE, but also step back and take an honest look at this system, which I think is unsustainable and intolerable.

I have introduced legislation with Senator SPECTER calling for public financing of campaigns. When will we ever reach the conclusion that this system, if it is not corrupt, is corrupting? In order to take the big money out of politics, whether from corporations or from individuals, we need to move to a model that has been embraced by States that are more progressive in their outlooks. The States of Maine and Arizona have moved in this direction. We should as well.

I support public financing, and I hope our Rules Committee can consider a hearing on this important measure soon.

#### UNEMPLOYMENT INSURANCE BENEFITS

Yesterday, I came to the Senate floor to talk about a Republican hold on our efforts to extend unemployment insurance benefits to millions of Americans. These are people who have worked hard their entire adult lives and are struggling now to make ends meet. Some of them earned six-figure salaries and others more modest incomes, and now they are struggling to put food on the table. Some had high-ranking bank jobs, others more mundane and routine jobs. But they are all in trouble, and they are counting on us to let them have the money they put into a fund for their unemployment.

These people worked for years on factory floors, building expertise in ma-

chines and equipment, and now have depleted their savings and do not know where to turn, and they are frightened.

Listen to the words a husband and father from Joliet, IL, has written to me:

I am one of the millions who has become dependent on my unemployment benefits to help carry our family from week to week. I've been employed full time since I was legally old enough to work and have always had a job.

I worked at the same company for 8 years before losing my job due to lack of work. Confident that I'd find a job right away, I didn't sweat it. But I haven't. Eighteen months later and I'm still unemployed and terrified because I'm about to receive my last unemployment check.

I have two young children, a modest house, one vehicle and a lot of bills. I'm horrified at the thought that I won't be able to pay my bills or put food on our table. We just got hit with unforeseen medical bills that the insurance company has decided not to cover (apparently vaccinating children falls under the “unimportant” category), my truck needs tires and brakes, but we can't afford to pay for either, and my refrigerator is threatening to die on me.

My entire world feels like it's crumbling around me but I was confident that the government, my government, would be there to back us up and I'm appalled that this extension is being held up.

Without this extension, things are going to get much worse. I'm scared. Please don't let us fall through the cracks.

I say to the Senator from Rhode Island, I am sure he has received similar messages from his State, and I am sure our Republican colleagues have received similar messages. They have held us up in our attempt to extend unemployment benefits to millions of people just like the man who wrote to me from Joliet, IL.

Here is something I just learned. The Republicans say: We cannot go onto unemployment benefits because we want to offer some amendments. This is a common plank we hear from them, that they don't have enough of a chance to offer amendments. I have not seen the amendments, but they were described to me. I think the Senator from Rhode Island may be surprised to learn that two of the amendments they want to offer—the reason they are holding up unemployment benefits is because they want to take another whack at ACORN. Think about that. The Republican Senate leadership has reached the point where they would consider amendments on the organization of ACORN as an alternative or at least holding up even the most basic unemployment benefits for unemployed workers across America.

ACORN is a controversial organization. I know that as well as anyone. I said the people who were disclosed on a video several weeks ago should be held accountable. I know they have been fired. And if they have broken laws, they should be prosecuted, period. I called for an investigation of ACORN's involvement with the Federal Government to find out if there has been wrongdoing and misuse of Federal funds. We have gone even further on the floor of the Senate to actually barring ACORN from doing business with

the Federal Government. But that is not enough on the Republican side of the aisle. In order to feed the mouths of the rightwing cable shows, they keep pushing ACORN down our throats at the expense of unemployment benefits for millions of Americans.

When you look at this, this is such a vacuous, frivolous, embarrassing outcome that we would say to people like the man who has just written to me: Sorry, we cannot give you the peace of mind you get with an unemployment check; we have to take another whack at ACORN and we have to hold up the bill for weeks until we satisfy a few Senators who cannot get enough of this exercise. I don't think it is responsible. I sure don't think it is fair. And I can tell you that the people who are suffering because they lost their jobs and are feeling the pain and frustration are not going to be satisfied to know a few Republican Senators want to offer another amendment on ACORN.

Listen to the frustration and pain of a veteran from Cicero, IL. He writes:

My age is 61. I have been unemployed since March 2008. I am actively looking for work. It has been more than 6 months since I've even had an interview.

When I've had interviews, I feel that once the interviewer sees my gray hair, I am eliminated from competition, saying I'm over qualified.

I'm realistic, and willing to take a cut in pay [get a job].

What I'm writing about is the extension of unemployment benefits. I've received notices from the State of Illinois my extended benefits and emergency benefits from the State of Illinois have expired.

I understand that the House [of Representatives in Washington] has voted to extend benefits by an overwhelming majority. But the extension is being held up in the Senate.

Sir, I am facing losing my home and all my possessions that I can't pack in my car.

I must urge you once again to look positively and in a timely manner to a vote in the Senate. Now, I must also ask you to consider extending relief to those who no longer have benefits.

I have now applied for State welfare benefits. I am now waiting for my scheduled interview to have my application reviewed.

All of these people have been helped by unemployment insurance. All of them are at risk of losing that lifeline.

Since I spoke on the floor yesterday about the Republican obstructionism stopping us from bringing up unemployment benefits, 7,000 people have lost their unemployment insurance, 7,000 more will lose it today and 7,000 more tomorrow. Why? So that several Senators can have another amendment attacking ACORN. Does that make any sense? Is that fair or just? These Senators ought to go home to their States and tell the people who are out of work and not receiving unemployment: Sorry, we can't help you yet because we have a few more political items to work on, an agenda.

Republicans in this body, unfortunately—some of them—are too concerned about the political agenda and not concerned enough about the human agenda of hard-working Americans out of work. Mr. President, 1.3 million

Americans will lose benefits by the end of the year if we do not pass the Democratic extension of unemployment benefits; 1.3 million Americans will suffer needless poverty and deprivation for their families because of this obstructionism. These are working-class families. These are families we value in this country. These are families who deserve a fighting chance.

I say to my Republican colleagues who have stopped the Democrats from extending unemployment insurance benefits: What are you waiting for? Don't you receive the same e-mails, mail, and phone calls we receive? You have unemployed people in your State. Clearly, they need help.

Mr. President, 50,000 families in Illinois will lose their unemployment insurance, while they look for work, by the end of the year if the Senate does not act. Some seem to be worried about how to pay for this extension, but we have paid into this for years. Workers put in a little bit of money out of their paychecks, and employers as well. It goes right into a fund to cover unemployment. So it is not as if the money is not there; it is just the political will is lacking. Unfortunately, there are other things that are more important to some people on the other side of the aisle.

I say to my colleagues in the Senate, it is time for us—in fact, it is over time for us—to pass extension of unemployment benefits.

#### HATE CRIMES LEGISLATION

Mr. President, the Defense authorization bill includes hate crimes language which for several years has been passed by both the House and the Senate only to see it blocked by filibuster threats or by the threat of a veto. What a difference a year has made. When Congress took up the hate crimes bill last Congress, President George W. Bush called it "unnecessary and constitutionally questionable." He said he would veto it.

The American people said last November that they wanted a new President and a change. They wanted our country to move in a different direction. President Obama is doing that. In this case, he is supporting the hate crimes legislation.

This bill has another important champion who sadly is no longer with us. Senator Ted Kennedy of Massachusetts was our leader on this issue for over a decade. I only wish he were here to vote and join us on the passage of this important legislation. Nobody spoke to this issue with more authority and clarity than Senator Ted Kennedy. He was the heart and soul of the Senate, and passing this bill will honor the great work he gave in his public career to the cause of civil rights.

I generally believe Congress should be careful in federalizing crime, but in the case of hate crimes, there is a demonstrated problem and a carefully crafted solution.

There are two parts to this problem. First, the existing Federal hate crimes

law, which was passed over 40 years ago in 1968 after the assassination of Dr. Martin Luther King Jr., only carries six narrow categories of conduct. The hate crime has to take place, for example, while using a public accommodation. The hate crimes bill now being considered would expand coverage so that hate crimes could be prosecuted wherever they take place. Federal prosecutors would no longer be limited to these six narrow categories.

Second, the bill would expand the categories of people covered under the Federal hate crimes law. The current law provides no coverage for hate crimes based on the victim's sexual orientation, gender, gender identity, or disability. Unfortunately, statistics tell us that hate crimes based on sexual orientation are the third most common after those based on race and religion. About 15 percent—one out of six or seven—of all hate crimes is based on sexual orientation. We cannot ignore this reality.

Let me address one or two arguments made against this bill.

Many have written to me and said they believe this bill would be an infringement on religious speech. Their concern is that a minister in a religious setting could be prosecuted if he sermonizes against homosexuality and then a member of his congregation assaults someone on the basis of their sexual orientation. I certainly understand this, but their concern is misplaced.

The chair of the Senate Judiciary Committee, Senator LEAHY, held a hearing a few months ago with Attorney General Eric Holder. I attended the hearing, and I asked the Attorney General of the United States pointblank whether a religious leader could be prosecuted under the facts I just described. This is what the Attorney General said in response to the hypothetical question I raised:

This bill seeks to protect people from conduct that is motivated by bias. It has nothing to do with regard to speech. The minister who says negative things about homosexuality, about gay people, this is a person I would not agree with, but is not somebody who would be under the ambit of this statute.

This clear representation from the Nation's top law enforcement officer puts to rest, in my mind and the mind of any reasonable person listening to it, any misunderstanding people might have about how this law would work.

It is also important to note that the hate crimes bill requires bodily injury before prosecution. Words are not enough. It does not apply to speech or harassment. It does not apply to those who would carry signs with messages which exhibit their religious belief. Attorney General Holder assured the Senate that unless there is bodily injury involved, no hate crimes prosecution could be brought. I don't know how he could have been clearer and more definitive. People who listen to his statement in good faith will understand it.

I also note that 24 States, nearly half the States in our Nation, have hate crime laws on the books that include sexual orientation, and religious leaders are not being prosecuted in those States.

That is not the purpose of the hate crimes law. Prosecutors aren't looking to put ministers in jail for their religious beliefs. To the contrary, the hate crimes bill will actually help religious communities. Understand, 20 percent of all hate crimes that are committed in the United States are committed on the basis of religion. This bill would eliminate the narrow requirements that currently prevent Federal prosecutors from bringing certain hate crimes cases motivated by religious bias.

Another criticism of the legislation is there is no need to pass a Federal hate crimes law because some States are already doing it on their own. This argument is similar to one we faced before. Almost a century ago, when Congress debated an antilynching law between 1881 and 1964, almost 5,000 people were lynched in the United States. The victims were mostly—but not exclusively—African American. Yet Congress resisted addressing this problem for generations. Criminal law is primarily a State and local function. I understand that. An estimated 95 percent of prosecutions for crimes occur at that level. But in some areas of criminal law, the Federal Government can and should step in to help.

We have 4,000 Federal criminal laws, 600 of which have been passed in the last 10 years. Hate crimes are a sad and tragic reality in America. The killing this past summer of an African-American security guard at the Holocaust Museum here in Washington, DC, was a reminder that hate-motivated violence still plagues our Nation.

Earlier this year, in my home State of Illinois, two White men in the town of Joliet used a garbage can to beat a 43-year-old Black man outside a gas station, while yelling racial epithets and stating: "This is for Obama." The victim sustained serious injuries, lacerations, and bruises to his head.

Just 2 weeks ago, in Springfield, in my hometown, three University of Illinois students were arrested for viciously beating and punching two men while yelling antigay slurs at them.

These are incidents in my home State, a State I am proud to represent, but I am not proud of this criminal conduct, and I don't think America should be proud of it.

According to FBI data, based on voluntary reporting, there are 8,000 hate crimes annually in America. Some experts think the number is closer to 50,000. The hate crimes bill would not eliminate hate crimes, but it will help ensure these crimes do not go unpunished.

In closing, I wish to quote the words of Senator Kennedy when he introduced the hate crimes bill in April. This is what he said:

It has been over 10 years since Matthew Shepard was left to die on a fence in Wyoming because of who he was. It has also been 10 years since this bill was initially considered by Congress. In those 10 years, we have gained the political and public support that is needed to make this bill into law. Today, we have a President who is prepared to sign hate crimes legislation into law, and a Justice Department that is willing to enforce it. We must not delay the passage of this bill. Now is the time to stand up against hate-motivated violence and recognize the shameful damage it has done to our Nation.

We will honor the memory and legacy of Senator Edward Kennedy by passing this Defense authorization conference report, which includes the hate crimes law language. We need to send this to President Obama, who has promised he will sign it into law. I urge my colleagues to join me in support of this important legislation.

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. DURBIN. Mr. President, 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. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### TRIBUTE TO REV. AND MRS. MELVIN SANDERS

Mr. REID. Mr. President, I rise today to honor Rev. Melvin Sanders and his wife Emma Sanders for 40 years of service to the Las Vegas community. Mr. SANDERS and his wife moved to Las Vegas, NV, from Arizona in 1954. Mr. and Mrs. Sanders entered the business field successfully and have remained involved for over 40 years.

Reverend Sanders and Emma Sanders are known all over Las Vegas for their generosity and warmth toward their neighbors. He and his wife assisted multiple families in financial need and have also provided ministerial and spiritual outreach to the people of the Las Vegas Valley. The Sanders are known as Mom and Dad to literally hundreds of Nevadans. Reverend Sanders and his beloved wife have been married for 57 years and are the proud parents of six children, one of whom tragically preceded them in death. The Sanders' church has been in existence for 40 years.

The House of Holiness Church has been open to its congregation for 40 years, and may best be described as a vibrant and joyful place of worship. The church has Sunday school, afternoon service, evening service, prayer

and Bible band as well as Bible study. The House of Holiness may best be described by a verse of Scripture which attests "Holiness becometh thine house o Lord for ever." It is clear that Reverend Sanders and his wife are holy people who try to live as lights for God in our world.

President Obama once said "Focusing your life solely on making a buck shows a certain poverty of ambition. It asks too little of yourself. Because it's only when you hitch your wagon to something larger than yourself that you realize your true potential." This ideal is exemplified by Reverend Sanders and Emma, as together they serve others and help make Nevada a better place. Whether it be through their volunteer efforts with the Salvation Army or by way of their many other selfless endeavors, the Sanders help to better their community.

The Sanders and the House of Holiness Church have a bright future on their horizon. I congratulate the Sanders on 57 years of loving marriage and 40 years of saintly service to the Las Vegas community.

#### HONORING OUR ARMED FORCES

##### CAPTAIN BENJAMIN A. SKLAVER

Mr. LIEBERMAN. Mr. President, I wish pay tribute to CPT Benjamin A. Sklaver, U.S. Army, of Hamden, CT, who died of injuries sustained when an improvised explosive device detonated near his dismounted patrol in Murcheh, Afghanistan, on October 2, 2009.

Captain Sklaver was assigned to Headquarters Company, 422nd Civil Affairs Battalion, U.S. Army Reserve, of Greensboro, NC.

Ben Sklaver was a remarkable young man. He lived not only as a true patriot and defender of our Nation's principles of freedom and justice but as a compassionate ambassador of good will and humanitarian assistance to thousands in need.

Though he was called "Captain" by those soldiers around him, he was known as "Moses Ben" to thousands of Ugandans who now have clean water thanks to Ben's efforts. After serving in Africa and being struck by the number of deaths and illnesses resulting from dirty drinking water, he returned home and founded ClearWater Initiative. In the short time since its inception, with the aid of his parents Laura and Gary, ClearWater Initiative constructed wells for more than 6,500 people, primarily in northern Uganda.

Captain Sklaver served as a messenger of high justice and idealism in the best tradition of American principles and patriotism. Our Nation extends its heartfelt condolences to his mother and father, Laura and Gary Sklaver, his brother Samuel, sister Anna, and fiancée Beth, whom I have known since she was a baby because she is the daughter of my dear friends Jim and Barbara Segaloff.

To Ben's family and the people he touched during his life, we extend our

deepest appreciation for sharing this outstanding soldier and humanitarian with us. Ben was a true national hero, and his many contributions made significant and lasting impacts throughout the world. You may be justifiably proud of his contributions which extend above and beyond the call of duty.

#### REPUBLIC OF CONGO

Mr. FEINGOLD. Mr. President, I am deeply concerned by the deteriorating humanitarian situation in the eastern and northeastern regions of the Democratic Republic of Congo. In the east, the FDLR rebels have deliberately and brutally targeted civilians in response to a new military offensive, while the Congolese military—an undisciplined force now including several former militias—has also targeted civilians with killings, rapes, and looting amidst ongoing operations. Last week, a coalition of 84 humanitarian agencies released a report stating that more than 1,000 civilians have been killed and nearly 900,000 displaced in eastern Congo since January. In addition, the United Nations reports that there have been over 5,000 cases of rape in South Kivu Province in the first 6 months of this year alone, and that number is increasing. With the offensive continuing and the onset of the dry season, the level of violence is likely to increase in the months ahead.

Meanwhile, Doctors without Borders reported last week that hundreds of thousands of people in northeastern Congo are fleeing from renewed attacks by the Lord's Resistance Army. For two decades, the LRA operated in northern Uganda and southern Sudan, but they have shifted their base of operations in recent years into northeastern Congo. This year, facing renewed pressure from a cross-border Ugandan military offensive, the LRA have scaled up their attacks on civilians, killing an estimated 1,200 Congolese and abducting 1,500 in the first 6 months alone. Ongoing Ugandan military operations have reportedly had some success, but the LRA leader Joseph Kony continues to evade capture and his forces exploit the region's porous borders. The Congolese military has deployed new forces to the northeast, but their inability to protect civilians from the LRA and their own abuses against civilians have only made things worse.

Over the last decade, the people of eastern Congo have already lived through violent conflict and humanitarian crisis. According to the best estimates, more than 5.4 million people have been killed, making this the single deadliest conflict since the Second World War. Millions have been displaced from their homes, forced to live in squalid conditions. Women and girls and even some men and boys in the Congo have endured horrific levels of sexual violence. Yet, rather than coming to an end of this nightmare, I am worried that Congo is now entering an-

other chapter of it. Without a clear and viable plan for civilian protection, continuing military operations and deployments will likely lead to further reprisal attacks by armed groups and greater displacement. At the same time, without real progress to demilitarize the economy and reform the Congolese military, any security gains are likely to be short-lived.

I was very pleased that Secretary Clinton chose to travel to eastern Congo during her trip to Africa in August and pledged \$17 million in new funds to address the sexual violence there. I also know the State Department has been exploring ways to build on her historic visit. And last week, the United States hosted meetings with our European and U.N. partners under the auspices of the Great Lakes Contact Group to discuss our collective efforts going forward. This is all well and good. I hope the international community will take immediate steps to bolster civilian protection and humanitarian access in both the east and northeast. But as we go forward, we also need to finally get serious about pressing regional governments to address the underlying causes of the conflict: the continued plunder and militarized trade of eastern Congo's rich mineral base, the region's porous and unregulated borders, outside support of armed groups, and the lack of accountability and discipline in the Congolese army.

Addressing these issues will not be easy. But continuing to rely on half-measures and focusing on the symptoms offer little hope of ending Congo's crises. It is time for a comprehensive and concerted international effort toward the Congo and the Great Lakes Region of Africa, and I am confident that there is no better administration in recent history to lead such an effort. President Obama has already demonstrated his commitment to and understanding of this issue with his work on the DRC Relief, Security and Democracy Promotion Act of 2006. Secretary Clinton was reportedly the most senior U.S. Government official to ever visit eastern Congo. And finally, Johnnie Carson is perhaps the most experienced Assistant Secretary for African Affairs that we have ever had. Together, we have an opportunity to reverse the trends and address Congo's crises—both in the east and with the LRA—and I hope we will seize it. For Africa, few achievements could be more important for the sake of regional stability and saving lives.

#### ADDITIONAL STATEMENTS

##### 100TH ANNIVERSARY OF UNION MISSIONARY BAPTIST CHURCH

• Ms. STABENOW. Mr. President, it is my great pleasure today to congratulate the Union Missionary Baptist Church on its 100th anniversary. This wonderful church was the first African-

American Baptist church in Lansing, established by a small group of worshippers meeting in a living room. In 2001, the congregation built a Family Life Center, which ministers to the community with classrooms, a computer lab, a chapel, a prayer garden, and a commercial kitchen. The congregation today consists of over 700 members.

The church has been blessed by excellent leadership over the years. The first pastor was Rev. H.C. Randolph, who was succeeded by many other distinguished pastors over the years, including Rev. G.W. Carr, Rev. J.G. Bruce, Rev. S.L. Johnson, Rev. Norris Jackson, Rev. Joel L. King (uncle of Dr. Martin Luther King), Rev. Charles J. Patterson, and the current pastor, a wonderful leader and a dear friend, Rev. Melvin T. Jones.

Throughout its great history, Union Missionary Baptist Church has enriched the lives of thousands of people who have come through its doors to worship. It has been my privilege to work with Reverend Jones over the years. He and his church truly reflect what Paul urged of the Galatians: "Whenever we have an opportunity, let us work for the good of all." I congratulate Reverend Jones and the congregation, and I look forward to participating in the church's centennial celebrations.●

#### MESSAGES FROM THE HOUSE

At 12:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

H.R. 3763. An act to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

H.R. 3819. An act to extend the commercial space transportation liability regime.

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

At 3:52 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1793. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 43. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

#### ENROLLED BILLS SIGNED

At 4:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

H.R. 621. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3763. An act to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3819. An act to extend the commercial space transportation liability regime; to the Committee on Commerce, Science, and Transportation.

#### 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-3423. A communication from the Chief of the Planning and Regulatory Affairs Branch, Supplemental Foods Programs Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment" (RIN0584-AD71) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3424. A communication from the Deputy Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3425. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Robert Wilson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3426. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Ronald S. Coleman, United States Ma-

rine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3427. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Terry L. Gabreski, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3428. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-3429. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Production Incentives for Cellulosic Biofuels; Reverse Auction Procedures and Standards" (RIN1904-AB73) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Energy and Natural Resources.

EC-3430. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Tungsten-Iron-Fluoropolymer Shot Alloys as Nontoxic for Hunting Waterfowl and Coots; Availability of Final Environmental Assessment" (RIN1018-AW46) received in the Office of the President of the Senate on October 20, 2008; to the Committee on Environment and Public Works.

EC-3431. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Foreign Repairs to American Vessels" ((CPB Dec. 09-40)(RIN1505-AB71)) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3432. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to List of User Fee Airports: Removal of User Fee Status for Roswell Industrial Air Center, Roswell, New Mexico and March Inland Port Airport, Riverside, California and Name Change for Capital City Airport, Lansing, Michigan" (CPB Dec. 09-39) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3433. A communication from the Regulations Officer, Office of Legislative and Regulatory Affairs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases" (RIN0960-AG57) received in the Office of the President of the Senate on October 16, 2009; to the Committee on Finance.

EC-3434. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2010" (RIN0938-AP48) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3435. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the

report of a rule entitled "Medicare Program; Part A Premium for Calendar Year 2010 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AP43) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3436. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2010" (RIN0938-AP42) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 668. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes (Rept. No. 111-90).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009.

\*Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

\*Brian Hayes, of Massachusetts, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2012.

\*Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2013.

\*Rolena Klahn Adorno, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

\*Marvin Krislov, of Ohio, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

\*Robert James Grey, Jr., of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

\*John Gerson Levi, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

\*Martha L. Minow, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

\*Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

\*Gloria Valencia-Weber, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

\*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.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HAGAN:

S. 1819. A bill to require the Secretary of the Treasury to mint coins in commemoration of the opening of the International Civil Rights Center and Museum; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 1820. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. LEMIEUX, and Mr. LEAHY):

S. 1821. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1822. A bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 1823. A bill to renew the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BAUCUS:

S. 1824. A bill to extend the temporary suspension of duty on lug bottom boots for use in fishing waders; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1825. A bill to extend the authority for relocation expenses test programs for Federal employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 1826. A bill to suspend temporarily the duty on certain glass snow globes; to the Committee on Finance.

By Mr. BAUCUS:

S. 1827. A bill to suspend temporarily the duty on certain glass polyresin magnets; to the Committee on Finance.

By Mr. BAUCUS:

S. 1828. A bill to suspend temporarily the duty on certain metal key chains with acrylic mini-globes; to the Committee on Finance.

By Mr. BAUCUS:

S. 1829. A bill to suspend temporarily the duty on certain acrylic snow globes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER):

S. 1830. A bill to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY:

S. 1831. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, and Mr. HARKIN):

S. 1832. A bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. UDALL of Colorado:

S. 1833. A bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1834. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; 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. ENZI (for himself, Mr. BARRASSO, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 315. A resolution relative to the death of Clifford Peter Hansen, former United States Senator for the State of Wyoming; considered and agreed to.

By Mr. MENENDEZ (for himself and Mr. ENSIGN):

S. Res. 316. A resolution calling upon the President to ensure that the foreign policy of

the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. KOHL, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CRAPO, Ms. COLLINS, Mr. SPECTER, Ms. LANDRIEU, Ms. STABENOW, Mr. KAUFMAN, Mr. DURBIN, Mr. BROWN, and Mr. BURRIS):

S. Res. 317. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mrs. BOXER, Mr. CARPER, Mr. CASEY, Mrs. GILLIBRAND, Mr. INOUE, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. SANDERS, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. SPECTER):

S. Res. 318. A resolution supporting "Lights On Afterschool", a national celebration of afterschool programs; considered and agreed to.

By Mr. JOHANNIS (for himself, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. ROBERTS, Ms. STABENOW, Mr. ISAKSON, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. KOHL, Mr. BAUCUS, Mr. PRYOR, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. BARRASSO, Mr. LEAHY, Ms. COLLINS, Mr. GRASSLEY, Mr. CRAPO, Mr. BENNETT, and Mrs. SHAHEEN):

S. Res. 319. A resolution commemorating 40 years of membership by women in the National FFA Organization and celebrating the achievements and contributions of female members of the National FFA Organization; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 252

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are

able to travel safely and conveniently on and across federally funded streets and highways.

S. 621

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 621, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 831

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. 945

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 945, a bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 950, a bill to amend title XVIII

of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 952

At the request of Ms. SNOWE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 952, a bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 964

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 964, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. LaFollette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1413

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 1413, a bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes.

S. 1442

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1442, a bill 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, establish a grant program for Indian Youth Service Corps, 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.

S. 1518

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1559

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1559, a bill to consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO membership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes.

S. 1723

At the request of Mr. CORKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1723, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1728

At the request of Mrs. MCCASKILL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1728, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1731

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1731, a bill to require certain mortgages to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes.

S. 1743

At the request of Mr. LEAHY, his name 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. 1749

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1772

At the request of Mr. BUNNING, the names of the Senator from Nebraska (Mr. JOHANNIS), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), the Senator from Mississippi (Mr. WICKER), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1772, a bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

S.J. RES. 12

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S.J. Res. 12, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 275

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. Res. 275, a resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary.

S. RES. 312

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2683

At the request of Mr. CHAMBLISS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 2683 intended to be proposed to H.R. 2847, a bill 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.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1820. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, today I am introducing the Clean Cruise Ship Act of 2009. This bill would address a serious and growing threat to U.S. waters by placing limits on the dumping of wastewater by cruise ships. Cruise ships generate millions of gallons of wastewater every day—much of it vile sewage. These ships can directly dump their waste into the oceans with minimal oversight.

This bill would require cruise ships to obtain permits through EPA's National Pollutant Discharge Elimination System in order to discharge sewage, graywater, and bilge water. It also would require cruise ships to upgrade their wastewater treatment systems to meet the standards of today's best available technology. This technology significantly reduces the pollutants that ships discharge and is already being used successfully on cruise ships in Alaska, thanks to that state's forward-thinking regulations.

The problem is real. The number of cruise ship passengers has been growing nearly twice as fast as any other mode of travel. In the U.S. alone the numbers are approaching ten million passengers a year, with some ships carrying 3,000 or more passengers. These ships produce massive amounts of waste: one ship can produce over 200,000 gallons of sewage each week; a million gallons of graywater from kitchens, laundry, and showers; and over 25,000 gallons of oily bilge water that collects in ship bottoms.

I have nothing against cruise vacations. They can be a wonderful way to visit beautiful places. What my bill proposes to do is change the way the cruise ships manage the removal of waste. Here is the unpleasant reality. Within three miles of shore, vessels can discharge human body wastes and other toilet waste provided that a "marine sanitation device" is installed. The Environmental Protection Agency released a report in December of 2008, however, that concluded that these systems simply don't work. These sewage treatment devices leave discharges that consistently exceed national effluent standards for fecal coliform and

other pathogens and pollutants. In fact, fecal coliform levels in effluent are typically 20 to 200 times greater than in untreated domestic wastewater.

Beyond three miles from shore there are no restrictions on sewage discharge. Cruise ships can directly dump raw sewage into U.S. waters.

The situation with cruise ship graywater also requires attention. While cruise ships must obtain permits to discharge graywater within three miles of the coast, there is still a pollution issue. Graywater from sinks, tubs, and kitchens contains large amounts of pathogens and pollutants. Fecal coliform concentrations, for example, are 10 to 1000 times greater than those in untreated domestic wastewater. These pollutants sicken our marine ecosystems, wash up onto our beaches, and contaminate food and shellfish that end up on our dinner plates.

Beyond 3 miles from shore there are no restrictions on graywater discharge. Cruise ships can directly dump graywater into U.S. waters.

Following the lead of Alaska, the Clean Cruise Ship Act seeks to address these oversights. No discharges would be allowed within twelve miles of shore. Beyond twelve miles, discharges of sewage, graywater, and bilge water would be allowed, provided that they meet national effluent limits consistent with the best available technology. That technology works and is commercially available now. The recent Environmental Protection Agency study found that these "advanced wastewater treatment" systems effectively remove pathogens, suspended solids, metals, and oil and grease.

Under this legislation, the release of raw, untreated sewage would be banned. No dumping of sewage sludge and incinerator ash would be allowed in U.S. waters. All cruise ships calling on U.S. ports would have to dispose of hazardous waste in accordance with the Resource Conservation and Recovery Act. The bill would establish inspection and enforcement mechanisms to ensure compliance.

The protection of U.S. waters is vital to our Nation's health and economy. The oceans not only support the life of nearly 50 percent of all species on Earth, but they also provide 20 percent of the animal protein and 5 percent of the total protein in the human diet.

Some cruise ship companies already are trying to improve their environmental footprint. They also want to preserve the environment that attracts their passengers. But the efforts between cruise ship companies are not uniform. A Federal standard would apply one set of requirements to all companies.

It is time to bring the cruise ship industry into the 21st century. It is time to update the laws that protect our oceans, and urge adoption of the best available wastewater treatment technology at sea.

Working together, we can support the industry while protecting the natural treasures that are our oceans. I think the approach taken in the Clean Cruise Ship Act will achieve that goal. I encourage my colleagues here in the Senate to work with me to pass legislation that will put a stop to the dumping of hazardous pollutants along our coasts. Together we can clean up this major source of pollution that is harming our waters.

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. 1820

*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 “Clean Cruise Ship Act of 2009”.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) cruise ships carry millions of passengers through North American waters each year, showcase some of the most beautiful ocean and coastal environments in the United States, and provide opportunities for passengers to relax and enjoy oceans and marine ecosystems;

(2) the number of cruise passengers continues to grow, making the cruise industry one of the fastest growing tourism sectors in the world;

(3) in 2007, more than 10,000,000 passengers departed from North America on thousands of cruise ships;

(4) during the 2 decades preceding the date of enactment of this Act, the average cruise ship size has increased at a rate of approximately 90 feet every 5 years;

(5) an average-sized cruise vessel generates millions of gallons of liquid waste and many tons of solid waste;

(6) in just 1 week, a 3000-passenger cruise ship generates approximately 210,000 gallons of human sewage, 1,000,000 gallons of water from showers and sinks and dishwashing water (commonly known as “graywater”), 37,000 gallons of oily bilge water, more than 8 tons of solid waste, and toxic wastes from dry cleaning and photo-processing laboratories;

(7) in an Environmental Protection Agency survey of 29 ships traveling in Alaskan waters, reported sewage generation rates ranged from 1,000 to 74,000 gallons per day per vessel, with the average volume of sewage generated being 21,000 gallons per day per vessel;

(8) those frequently untreated cruise ship discharges deliver nutrients, hazardous substances, pharmaceuticals, and human pathogens, including viruses and bacteria, directly into the marine environment;

(9) in the final report of the United States Commission on Ocean Policy, that Commission found that cruise ship discharges, if not treated and disposed of properly, and the cumulative impacts caused when cruise ships repeatedly visit the same environmentally sensitive areas, “can be a significant source of pathogens and nutrients with the potential to threaten human health and damage shellfish beds, coral reefs, and other aquatic life”;

(10) pollution from cruise ships not only has the potential to threaten marine life and human health through consumption of contaminated seafood, but also poses a health

risk for recreational swimmers, surfers, and other beachgoers;

(11) according to the Environmental Protection Agency, “Sewage may host many pathogens of concern to human health, including Salmonella, Shigella, Hepatitis A and E, and gastro-intestinal viruses. Sewage contamination in swimming areas and shellfish beds poses potential risks to human health and the environment by increasing the rate of waterborne illnesses”;

(12) the nutrient pollution from human sewage discharges from cruise ships can contribute to the incidence of harmful algal blooms;

(13) algal blooms have been implicated in the deaths of marine life, including the deaths of more than 150 manatees off the coast of Florida;

(14) in a 2005 report requested by the International Council of Cruise Lines, the Science Panel of the Ocean Conservation and Tourism Alliance recommended that—

(A) “[a]ll blackwater should be treated”;

(B) treated blackwater should be “avoided in ports, close to bathing beaches or water bodies with restricted circulation, flushing or inflow”;

(C) blackwater should not be discharged within 4 nautical miles of shellfish beds, coral reefs, or other sensitive habitats;

(15) that Science Panel further recommended that graywater be treated in the same manner as blackwater and that sewage sludge be off-loaded to approved land-based facilities;

(16) in a summary of recommendations for addressing unabated point sources of pollution, the Pew Oceans Commission states that, “Congress should enact legislation that regulates wastewater discharges from cruise ships under the Clean Water Act by establishing uniform minimum standards for discharges in all State waters and prohibiting discharges within the U.S. Exclusive Economic Zone that do not meet effluent standards.”; and

(17) a comprehensive statutory regime for managing pollution discharges from cruise vessels, applicable throughout the United States, is needed—

(A) to protect coastal and ocean areas from pollution generated by cruise vessels;

(B) to reduce and better regulate discharges from cruise vessels; and

(C) to improve monitoring, reporting, and enforcement of standards regarding discharges.

(b) PURPOSE.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to establish national standards and prohibitions for discharges from cruise vessels.

#### SEC. 3. CRUISE VESSEL DISCHARGES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) CRUISE VESSEL DISCHARGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) BILGE WATER.—

“(i) IN GENERAL.—The term ‘bilge water’ means wastewater.

“(ii) INCLUSIONS.—The term ‘bilge water’ includes lubrication oils, transmission oils, oil sludge or slops, fuel or oil sludge, used oil, used fuel or fuel filters, and oily waste.

“(B) COMMANDANT.—The term ‘Commandant’ means the Commandant of the Coast Guard.

“(C) CRUISE VESSEL.—

“(i) IN GENERAL.—The term ‘cruise vessel’ means a passenger vessel that—

“(I) is authorized to carry at least 250 passengers; and

“(II) has onboard sleeping facilities for each passenger.

“(ii) EXCLUSIONS.—The term ‘cruise vessel’ does not include—

“(I) a vessel of the United States operated by the Federal Government;

“(II) a vessel owned and operated by the government of a State; or

“(III) a vessel owned by a local government.

“(D) DISCHARGE.—The term ‘discharge’ means the release, escape, disposal, spilling, leaking, pumping, emitting, or emptying of bilge water, graywater, hazardous waste, incinerator ash, sewage, sewage sludge, trash, or garbage from a cruise vessel into the environment, however caused, other than—

“(i) at an approved shoreside reception facility, if applicable; and

“(ii) in compliance with all applicable Federal, State, and local laws (including regulations).

“(E) EXCLUSIVE ECONOMIC ZONE.—The term ‘exclusive economic zone’ has the meaning given the term in section 2101 of title 46, United States Code (as in effect on the day before the date of enactment of Public Law 109-304 (120 Stat. 1485)).

“(F) FUND.—The term ‘Fund’ means the Cruise Vessel Pollution Control Fund established by paragraph (11)(A)(i).

“(G) GARBAGE.—The term ‘garbage’ means solid waste from food preparation, service and disposal activities, even if shredded, ground, processed, or treated to comply with other requirements.

“(H) GRAYWATER.—

“(i) IN GENERAL.—The term ‘graywater’ means galley water, dishwasher, and bath, shower, and washbasin water.

“(ii) INCLUSIONS.—The term ‘graywater’ includes, to the extent not already covered under provisions of law relating to hazardous waste—

“(I) spa, pool, and laundry wastewater;

“(II) wastes from soot tanker or economizer cleaning;

“(III) wastes from photo processing;

“(IV) wastes from vessel interior surface cleaning; and

“(V) miscellaneous equipment and process wastewater.

“(I) HAZARDOUS WASTE.—The term ‘hazardous waste’ has the meaning given the term in section 6903 of the Solid Waste Disposal Act (42 U.S.C. 6903).

“(J) INCINERATOR ASH.—The term ‘incinerator ash’ means ash generated during the incineration of solid waste or sewage sludge.

“(K) NEW VESSEL.—The term ‘new vessel’ means a vessel, the construction of which is initiated after promulgation of standards and regulations under this subsection.

“(L) NO-DISCHARGE ZONE.—

“(i) IN GENERAL.—The term ‘no-discharge zone’ means an area of ecological importance, whether designated by Federal, State, or local authorities.

“(ii) INCLUSIONS.—The term ‘no-discharge zone’ includes—

“(I) a marine sanctuary;

“(II) a marine protected area;

“(III) a marine reserve; and

“(IV) a marine national monument.

“(M) PASSENGER.—The term ‘passenger’ means any person (including a paying passenger and any staff member, such as a crew member, captain, or officer) traveling on board a cruise vessel.

“(N) SEWAGE.—The term ‘sewage’ means—

“(i) human and animal body wastes; and

“(ii) wastes from toilets and other receptacles intended to receive or retain human and animal body wastes.

“(O) SEWAGE SLUDGE.—

“(i) IN GENERAL.—The term ‘sewage sludge’ means any solid, semi-solid, or liquid residue removed during the treatment of on-board sewage.

“(ii) INCLUSIONS.—The term ‘sewage sludge’ includes—

“(I) solids removed during primary, secondary, or advanced wastewater treatment;

“(II) scum;

“(III) septage;

“(IV) portable toilet pumpings;

“(V) type III marine sanitation device pumpings (as defined in part 159 of title 33, Code of Federal Regulations (or a successor regulation)); and

“(VI) sewage sludge products.

“(iii) EXCLUSIONS.—The term ‘sewage sludge’ does not include—

“(I) grit or screenings; or

“(II) ash generated during the incineration of sewage sludge.

“(P) TRASH.—The term ‘trash’ means solid waste from vessel operations and passenger services, even if shredded, ground, processed, or treated to comply with other regulations.

“(2) PROHIBITIONS.—

“(A) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from, or calling on, a port of the United States may discharge sewage sludge, incinerator ash, or hazardous waste into navigable waters, including the contiguous zone and the exclusive economic zone.

“(ii) OFF-LOADING.—Sewage sludge, incinerator ash, and hazardous waste described in clause (i) shall be off-loaded at an appropriate land-based facility.

“(B) PROHIBITION ON DISCHARGE OF SEWAGE, GRAYWATER, AND BILGE WATER.—

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from or calling on, a port of the United States may discharge sewage, graywater, or bilge water into navigable waters, including the contiguous zone and the exclusive economic zone, unless—

“(I) the sewage, graywater, or bilge water is treated to meet all applicable effluent limits established under this section and is in accordance with all other applicable laws;

“(II) the cruise vessel is underway and proceeding at a speed of not less than 6 knots;

“(III) the cruise vessel is more than 12 nautical miles from shore; and

“(IV) the cruise vessel complies with all applicable standards established under this Act.

“(ii) NO-DISCHARGE ZONES.—Notwithstanding any other provision of this paragraph, no cruise vessel departing from, or calling on, a port of the United States may discharge treated or untreated sewage, graywater, or bilge water into a no-discharge zone.

“(C) SAFETY EXCEPTION.—

“(i) SCOPE OF EXCEPTION.—Subparagraphs (A) and (B) shall not apply in any case in which—

“(I) a discharge is made solely for the purpose of securing the safety of the cruise vessel or saving human life at sea; and

“(II) all reasonable precautions have been taken to prevent or minimize the discharge.

“(ii) NOTIFICATION.—

“(I) IN GENERAL.—If the owner, operator, master, or other person in charge of a cruise vessel authorizes a discharge described in clause (i), the person shall notify the Administrator and the Commandant of the decision to authorize the discharge as soon as practicable, but not later than 24 hours, after authorizing the discharge.

“(II) REPORT.—Not later than 7 days after the date on which a discharge described in clause (i) occurs, the owner, operator, master, or other person in charge of a cruise vessel, shall submit to the Administrator and the Commandant a report that describes—

“(aa) the quantity and composition of each discharge authorized under clause (i);

“(bb) the reason for authorizing each such discharge;

“(cc) the location of the vessel during the course of each such discharge; and

“(dd) such other supporting information and data as are requested by the Commandant or the Administrator.

“(III) DISCLOSURE OF REPORTS.—Upon receiving a report under subclause (II), the Administrator shall make the report available to the public.

“(3) EFFLUENT LIMITS.—

“(A) EFFLUENT LIMITS FOR DISCHARGES OF SEWAGE, GRAYWATER, AND BILGE WATER.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate effluent limits for sewage, graywater, and bilge water discharges from cruise vessels.

“(ii) REQUIREMENTS.—The effluent limits shall—

“(I) be consistent with the capability of the best available technology to treat effluent;

“(II) take into account the best available scientific information on the environmental effects of sewage, graywater, and bilge water discharges, including conventional, nontoxic, and toxic pollutants and petroleum;

“(III) take into account marine life and ecosystems, including coral reefs, shell fish beds, endangered species, marine mammals, seabirds, and marine ecosystems;

“(IV) take into account conditions that will affect marine life, ecosystems, and human health, including seamounts, continental shelves, oceanic fronts, warm core and cold core rings, and ocean currents; and

“(V) require compliance with all relevant Federal and State water quality standards.

“(ii) MINIMUM LIMITS.—The effluent limits promulgated under clause (i) shall require, at a minimum, that treated sewage, treated graywater, and treated bilge water effluent discharges from cruise vessels, measured at the point of discharge, shall, not later than the date described in subparagraph (C)—

“(I) satisfy the minimum level of effluent quality specified in section 133.102 of title 40, Code of Federal Regulations (or a successor regulation); and

“(II) with respect to the samples from the discharge during any 30-day period—

“(aa) have a geometric mean that does not exceed 20 fecal coliform per 100 milliliters;

“(bb) not exceed 40 fecal coliform per 100 milliliters in more than 10 percent of the samples; and

“(cc) with respect to concentrations of total residual chlorine, not exceed 10 milligrams per liter.

“(B) REVIEW AND REVISION OF EFFLUENT LIMITS.—The Administrator shall—

“(i) review the effluent limits promulgated under subparagraph (A) at least once every 5 years; and

“(ii) revise the effluent limits to incorporate technology available at the time of the review in accordance with subparagraph (A)(ii).

“(C) COMPLIANCE DATE.—The Administrator shall require compliance with the effluent limits promulgated pursuant to subparagraph (A)—

“(i) with respect to new vessels put into water after the date of enactment of this subsection, as of the date that is 180 days after the date of promulgation of the effluent limits; and

“(ii) with respect to vessels in use as of that date of enactment, as of the date that is 1 year after the date of promulgation of the effluent limits.

“(D) SAMPLING, MONITORING, AND REPORTING.—

“(i) IN GENERAL.—The Administrator shall require sampling, monitoring, and reporting to ensure compliance with—

“(I) the effluent limitations promulgated under subparagraph (A);

“(II) all other applicable provisions of this Act;

“(III) any regulations promulgated under this Act;

“(IV) other applicable Federal laws (including regulations); and

“(V) all applicable international treaty requirements.

“(ii) RESPONSIBILITIES OF PERSONS IN CHARGE OF CRUISE VESSELS.—The owner, operator, master, or other person in charge of a cruise vessel, shall at a minimum—

“(I) conduct sampling or testing at the point of discharge on a monthly basis, or more frequently, as determined by the Administrator;

“(II) provide real-time data to the Administrator, using telemetric or other similar technology, for reporting relating to—

“(aa) discharges of sewage, graywater, and bilge water from cruise vessels;

“(bb) pollutants emitted in sewage, graywater, and bilge water from cruise vessels; and

“(cc) functioning of cruise vessel components relating to fuel consumption and control of air and water pollution;

“(III) ensure, to the maximum extent practicable, that technologies providing real-time data have the ability to record—

“(aa) the location and time of discharges from cruise vessels;

“(bb) the source, content, and volume of the discharges; and

“(cc) the operational state of components relating to pollution control technology at the time of the discharges, including whether the components are operating correctly;

“(IV) establish chains of custody, analysis protocols, and other specific information necessary to ensure that the sampling, testing, and records of that sampling and testing are reliable; and

“(V) maintain, and provide on a monthly basis to the Administrator, electronic copies of required sampling and testing data.

“(iii) REPORTING REQUIREMENTS.—The Administrator shall require the compilation and production, and not later than 1 year after the date of enactment of this subsection and biennially thereafter, the provision to the Administrator and the Commandant in electronic format, of documentation for each cruise vessel that includes, at a minimum—

“(I) a detailed description of onboard waste treatment mechanisms in use by the cruise vessel, including the manufacturer of the waste treatment technology on board;

“(II) a detailed description of onboard sludge management practices of the cruise vessel;

“(III) copies of applicable hazardous materials forms;

“(IV) a characterization of the nature, type, and composition of discharges by the cruise vessel;

“(V) a determination of the volumes of those discharges, including average volumes; and

“(VI) the locations, including the more common locations, of those discharges.

“(iv) SHORESIDE DISPOSAL.—The Administrator shall require documentation of shore-side disposal at approved facilities for all wastes by, at a minimum—

“(I) establishing standardized forms for the receipt of those wastes;

“(II) requiring those receipts to be sent electronically to the Administrator and Commandant and maintained in an onboard record book; and

“(III) requiring those receipts to be signed and dated by the owner, operator, master, or other person in charge of the discharging vessel and the authorized representative of the receiving facility.

“(v) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum, implement the sampling, monitoring, and reporting protocols required by this subparagraph.

“(4) INSPECTION PROGRAM.—

“(A) IN GENERAL.—The Administrator shall establish an inspection program to require that—

“(i) regular announced and unannounced inspections be conducted of any relevant aspect of cruise vessel operations, equipment, or discharges, including sampling and testing of cruise vessel discharges;

“(ii) each cruise vessel that calls on a port of the United States be subject to an unannounced inspection at least once per year; and

“(iii) inspections be carried out by the Environmental Protection Agency or the Coast Guard.

“(B) COAST GUARD INSPECTIONS.—If the Administrator and the Commandant jointly agree that some or all inspections are to be carried out by the Coast Guard, the inspections shall—

“(i) occur outside the Coast Guard matrix system for setting boarding priorities;

“(ii) be consistent across Coast Guard districts; and

“(iii) be conducted by specially-trained environmental inspectors.

“(C) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum—

“(i) designate responsibility for conducting inspections;

“(ii) require the owner, operator, master, or other person in charge of a cruise vessel to maintain and submit a logbook detailing the times, types, volumes, flow rates, origins, and specific locations of, and explanations for, any discharges from the cruise vessel not otherwise required by the International Convention for the Prevention of Pollution from Ships, 1973 (done at London on November 2, 1973; entered into force on October 2, 1983), as modified by the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (done at London, February 17, 1978);

“(iii) provide for routine announced and unannounced inspections of—

“(I) cruise vessel environmental compliance records and procedures; and

“(II) the functionality, sufficiency, redundancy, and proper operation and maintenance of installed equipment for abatement and control of any cruise vessel discharge (including equipment intended to treat sewage, graywater, or bilge water);

“(iv) ensure that—

“(I) all crew members are informed of, in the native language of the crew members, and understand, the pollution control obligations under this subsection, including regulations promulgated under this subsection; and

“(II) applicable crew members are sufficiently trained and competent to comply with requirements under this subsection, including sufficient training and competence—

“(aa) to effectively operate shipboard pollution control systems;

“(bb) to conduct all necessary sampling and testing; and

“(cc) to monitor and comply with recording requirements;

“(v) require that operating manuals be on the cruise vessel and accessible to all crew members;

“(vi) require the posting of the phone number for a toll-free whistleblower hotline on all ships and at all ports using language likely to be understood by international crews;

“(vii) require any owner, operator, master, or other person in charge of a cruise vessel, who has knowledge of a discharge from the cruise vessel in violation of this subsection, including regulations promulgated under this subsection, to report immediately the discharge to the Administrator and the Commandant;

“(viii) require the owner, operator, master, or other person in charge of a cruise vessel to provide, not later than 1 year after the date of enactment of this subsection, to the Administrator, Commandant, and on-board observers (including designated representatives), a copy of cruise vessel plans, including—

“(I) piping schematic diagrams;

“(II) construction drawings; and

“(III) drawings or diagrams of storage systems, processing, treating, intake, or discharge systems, and any modifications of those systems (within the year during which the modifications are made); and

“(ix) prohibit illegal discharges by prohibiting all means of altering piping, tankage, pumps, valves, and processes to bypass or circumvent measures or equipment designed to monitor, sample, or prevent discharges.

“(D) DISCLOSURE OF LOGBOOKS.—The logbook described in subparagraph (C)(ii) shall be submitted to the Administrator and the Commandant.

“(5) CRUISE OBSERVER PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator, shall establish and carry out a program for the hiring and placement of 1 or more trained, independent, observers on each cruise vessel.

“(B) PURPOSE.—The purpose of the cruise observer program established under subparagraph (A) is to monitor and inspect cruise vessel operations, equipment, and discharges to ensure compliance with—

“(i) this subsection (including regulations promulgated under this subsection); and

“(ii) all other relevant Federal and State laws and international agreements.

“(C) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator and the Attorney General, shall promulgate regulations that, at a minimum—

“(i) specify that the Coast Guard shall be responsible for the hiring of observers;

“(ii) specify the qualifications, experience, and duties of the observers;

“(iii) specify methods and criteria for Coast Guard hiring of observers;

“(iv) establish the means for ensuring constant observer coverage and allowing for observer relief and rotation; and

“(v) establish an appropriate rate of pay to ensure that observers are highly trained and retained by the Coast Guard.

“(D) RESPONSIBILITIES.—Cruise observers participating in the program established under subparagraph (A) shall—

“(i) observe and inspect—

“(I) onboard liquid and solid handling and processing systems;

“(II) onboard environmental treatment systems;

“(III) use of shore-based treatment and storage facilities;

“(IV) discharges and discharge practices; and

“(V) documents relating to environmental compliance, including—

“(aa) sounding boards, logs, and logbooks;

“(bb) daily and corporate maintenance and engineers' logbooks;

“(cc) fuel, sludge, slop, waste, and ballast tank capacity tables;

“(dd) installation, maintenance, and operation records for oily water separators, incinerators, and boilers;

“(ee) piping diagrams;

“(ff) e-mail archives;

“(gg) receipts for the transfer of materials, including waste disposal;

“(hh) air emissions data; and

“(ii) electronic and other records of relevant information, including fuel consumption, maintenance, and spares ordering for all waste processing- and pollution-related equipment;

“(ii) have the authority to interview and otherwise query any crew member with knowledge of cruise vessel operations;

“(iii) have access to all data and information made available to government officials under this subsection;

“(iv) immediately report any known or suspected violation of this subsection or any other applicable Federal law or international agreement to—

“(I) the owner, operator, master, or other person in charge of a cruise vessel;

“(II) the Commandant; and

“(III) the Administrator;

“(v) maintain inspection records to be submitted to the Commandant and the Administrator on a semiannual basis; and

“(vi) have authority to conduct the full range of duties of the observers within the United States territorial seas, contiguous zone, and exclusive economic zone.

“(E) PROGRAM EVALUATION.—The cruise observer program established and carried out by the Commandant under subparagraph (A) shall include—

“(i) a method for collecting and reviewing data relating to the efficiency, sufficiency, and operation of the cruise observer program, including—

“(I) the ability to achieve program goals;

“(II) cruise vessel personnel cooperation;

“(III) necessary equipment and analytical resources; and

“(IV) the need for additional observer training; and

“(ii) a process for adopting periodic revisions to the program based on the data collected under clause (i).

“(F) OBSERVER SUPPORT.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator, shall implement a program to provide support to observers, including, at a minimum—

“(i) training for observers to ensure the ability of the observers to carry out this paragraph;

“(ii) necessary equipment and analytical resources, such as laboratories, to carry out the responsibilities established under this subsection; and

“(iii) support relating to the administration of the program and the response to any recalcitrant cruise vessel personnel.

“(G) REPORT.—Not later than 3 years after the date of establishment of the program under this paragraph, the Commandant, in consultation with the Administrator, shall submit to Congress a report describing—

“(i) the results of the program in terms of observer effectiveness, optimal coverage, environmental benefits, and cruise ship cooperation;

“(ii) recommendations for increased effectiveness, including increased training needs and increased equipment needs; and

“(iii) other recommendations for improvement of the program.

“(6) REWARDS.—

“(A) PAYMENTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, of an amount not to exceed ½ of the amount of the civil penalty or criminal fine, to any individual who furnishes information that leads to the payment of the civil penalty or criminal fine.

“(ii) MULTIPLE INDIVIDUALS.—If 2 or more individuals provide information described in clause (i), the amount available for payment as a reward shall be divided equitably among the individuals.

“(iii) INELIGIBLE INDIVIDUALS.—No officer or employee of the United States, a State, or an Indian tribe who furnishes information or renders service in the performance of the official duties of the officer or employee shall be eligible for a reward payment under this paragraph.

“(B) PAYMENTS TO INDIAN TRIBES.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, to an Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

“(C) PAYMENTS DIVIDED AMONG INDIAN TRIBES AND INDIVIDUALS.—In a case in which an Indian tribe and an individual under subparagraph (A) are eligible to receive a reward payment under this paragraph, the Administrator or the court shall divide the amount available for the reward equitably among those recipients.

“(7) LIABILITY IN REM.—A cruise vessel operated in violation of this subsection or any regulation promulgated under this subsection—

“(A) shall be liable in rem for any civil penalty or criminal fine imposed for the violation; and

“(B) may be subject to a proceeding instituted in any United States district court of competent jurisdiction.

“(8) PERMIT REQUIREMENT.—A cruise vessel may operate in the waters of the United States, or visit a port or place under the jurisdiction of the United States, only if the cruise vessel has been issued a permit under this section.

“(9) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (6)(A) and (12)(B) of section 502 shall not apply to any cruise vessel.

“(10) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this subsection—

“(A) restricts the rights of any person (or class of persons) to regulate or seek enforcement or other relief (including relief against the Administrator or Commandant) under any statute or common law;

“(B) affects the right of any person (or class of persons) to regulate or seek enforcement or other relief with regard to vessels other than cruise vessels under any statute or common law; or

“(C) affects the right of any person (or class of persons) under any statute or common law, including this Act, to regulate or seek enforcement or other relief with regard to pollutants or emission streams from cruise vessels that are not otherwise regulated under this subsection.

“(11) ESTABLISHMENT OF FUND; FEES.—

“(A) CRUISE VESSEL POLLUTION CONTROL FUND.—

“(i) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, to be known as the ‘Cruise Vessel Pollution Control Fund’ (referred to in this paragraph as the ‘Fund’).

“(ii) AMOUNTS.—The Fund shall consist of such amounts as are deposited in the Fund under subparagraph (B)(vi).

“(iii) AVAILABILITY AND USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be—

“(I) available to the Administrator and the Commandant as provided in appropriations Acts; and

“(II) used by the Administrator and the Commandant only for purposes of carrying out this subsection.

“(B) FEES ON CRUISE VESSELS.—

“(i) IN GENERAL.—The Commandant and the Administrator shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this subsection.

“(ii) ADJUSTMENT OF FEE.—

“(I) IN GENERAL.—The Commandant and the Administrator shall biennially adjust the amount of the fee established under clause (i) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during the most recent 2-year period for which data are available.

“(II) ROUNDING.—The Commandant and the Administrator may round an adjustment under subclause (I) to the nearest 1/10 of a dollar.

“(iii) FACTORS IN ESTABLISHING FEES.—

“(I) IN GENERAL.—In establishing fees under clause (i), the Commandant and Administrator may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

“(aa) size;

“(bb) economic share; and

“(cc) such other factors as are determined to be appropriate by the Commandant and the Administrator.

“(iv) FEE SCHEDULES.—Any fee schedule established under clause (i), including the level of fees and the maximum amount of fees, shall take into account—

“(I) cruise vessel routes;

“(II) the frequency of stops at ports of call by cruise vessels; and

“(III) other applicable considerations.

“(v) COLLECTION OF FEES.—A fee established under clause (i) shall be collected by the Administrator or the Commandant from the owner or operator of each cruise vessel to which this subsection applies.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. LEMIEUX, and Mr. LEAHY):

S. 1821. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am proud to join Senators KOHL, MIKULSKI, and LEMIEUX to introduce the Elder Abuse Victims Act of 2009, a bill to protect older Americans from abuse and exploitation. It is clear that we are not doing enough to combat crime against seniors, and the Elder Abuse Victims Act will give us important tools to better prevent and punish this deplorable behavior.

I have long fought to improve and protect the lives of older Americans. In

2000, I joined Senator BAYH in sponsoring the Protecting Seniors from Fraud Act, which was signed into law nearly nine years ago today. A key provision that I worked to incorporate into that legislation required the Attorney General to conduct a study of crime against seniors and to include specific information about crimes that disproportionately affect seniors in the National Crime Victimization Survey. The information collected as a result of those provisions has been valuable in understanding the scope of crime perpetrated against seniors and how best to combat it. In 2003, I sought further protections by introducing the Seniors Safety Act. That bill aimed to strengthen enforcement of many of the most prevalent crimes perpetrated against seniors, including health care fraud, nursing home abuse, telemarketing fraud, and pension fraud.

The Elder Abuse Victims Act builds on these earlier efforts and ensures that fighting the abuse and exploitation of our seniors is a top law enforcement priority. Specifically, the bill provides grants to train prosecutors and establish elder justice units within State and local courts and law enforcement offices. It also requires the U.S. Department of Justice to further study state and local enforcement of elder abuse laws and establish more uniform procedures to improve the identification and handling of elder justice matters. Additionally, the bill provides funding for elder abuse victims advocacy groups to ensure that vulnerable seniors have access to critical support services.

It is particularly important that we strengthen our ability to protect older Americans because they are the most rapidly growing population group in our society, making them an ever more attractive target for criminals. The Department of Health and Human Services has predicted that the number of older Americans will grow from 13 percent of the U.S. population in 2000 to 20 percent by 2030. In Vermont, seniors comprise about 12 percent of the population, a number that is expected to increase to 20 percent by 2025.

The growing number of older Americans demands that we have enough advocacy programs and law enforcement services in place to protect our seniors. We all deserve to age with dignity, free of the threat of abuse or fraud. The Elder Abuse Victims Act can help by giving our justice system the tools it needs to prosecute offenders who prey on the elderly. I look forward to working with Senators KOHL, MIKULSKI, LEMIEUX, and others to better protect seniors from crime and abuse.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1822. A bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes; to the Committee

on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, I join today with Senator BOXER of California to introduce legislation that will help create jobs by getting credit flowing to small businesses and consumers.

Small businesses employ half of the Nation's workforce and are key to creating jobs. Sadly, they have been hit hard by the credit crisis. Less than one-third of small businesses report that their credit needs are being met today, and 59 percent of them now rely on credit cards to finance their daily operations, up from 44 percent at the end of last year. We urgently need to speed credit to small businesses so that they can create jobs and grow the economy. The best way to do so is through the thousands of community banks located across our Nation.

Community banks are essential to small business lending. Our Nation's 7,500 community banks of under \$1 billion in assets hold 11 percent of our Nation's assets, but they make 38 percent of our Nation's small business loans by asset. Due to the current economic recession, these responsible, well-regulated institutions have seen their capital bases shrunk and have been forced to reduce lending, which negatively impacts surrounding businesses and communities. These institutions can help us turn our economy around if we give them the capital they need to increase the flow of credit to small businesses and entrepreneurs.

The Bank on Our Communities Act will help get capital to community banks—on the condition that they restart lending. The bill empowers the Secretary of the Treasury to redeploy up to \$15 billion in TARP into a new Community Credit Renewal Fund. Community banks of \$5 billion in assets or less can qualify for investment by the Fund if they conduct an internal stress test to determine the amount of capital they need to remain well-capitalized during adverse economic conditions and restart small business and consumer lending and raise at least 50 percent of that target recapitalization amount from private investors. Once in receipt of their new capital, participating banks would be required to increase small business and consumer lending by at least the amount provided by the Fund and to increase small business lending in particular by at least 5 percent over the lowest point in 2009. Additional incentives are given to increase lending to credit-worthy businesses above the minimum levels required for program participation.

This bill is common sense legislation with common sense values. It will give the folks on Main Street the same access and opportunity as those on Wall Street and create much needed jobs in the process. I ask that my colleagues join me in the effort to help small businesses thrive in our local communities and get our economy back on track.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER):

S. 1830. A bill to establish the Chief of Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President I rise to introduce a bill that would improve the Federal Government's efforts to become more energy efficient and ensure accountability within executive branch agencies for meeting energy efficiency targets. The legislation would also amend Federal contracting rules to encourage energy efficiency across the Federal, State, and local governments by making energy-saving technologies more widely available and at lower costs to taxpayers. I am pleased to be joined by Senators LIEBERMAN and CARPER on this important bill.

As the largest institutional user of energy in the world, the Federal Government has ample opportunity to implement energy efficiency policies and technologies. According to the U.S. Department of Energy's Federal Energy Management Program, the Federal Government consumes 1.6 percent of the Nation's total energy—about \$17.5 billion in annual energy costs. Electricity at Federal buildings accounts for almost half of this usage.

Improving energy efficiency is not only good for the environment; it can also produce savings for taxpayers.

Agencies that have been more aggressive in implementing energy savings initiatives and have fully complied with existing laws and regulations have also enjoyed significant cost savings. For example, two of the Department of Energy laboratories have developed environmental management systems, which have shown a total of \$16.6 million in cost savings and avoidance within a 4-year period. Environmental management systems are a strategic approach to ensuring that an organization's environmental priorities are integrated into operational, planning, and management decisions. The systems these laboratories developed emphasized achieving full compliance, pollution prevention, and effective and focused communications and community outreach.

Over the last few decades, more than a dozen laws, regulations, and Executive Orders have been implemented to encourage energy efficiency and reduce environmental impacts of government operations. Unfortunately, agencies have been inconsistent and sporadic in meeting their environmental goals. The lack of a unified effort and accountability with agencies has undermined the good intentions of these policies.

A great variance exists across the government, both in terms of compliance with energy efficiency laws and regulations, as well as with initiatives individual agencies have developed to reduce energy usage.

Agencies should explore diverse and innovative ways to save money by de-

creasing energy consumption, as well as have greater incentives to undertake initiatives to meet energy reduction mandates.

The Obama administration issued an Executive Order earlier this month, which makes strides in establishing a more integrated strategy toward sustainability and energy efficiency.

This Executive Order, however, does not go far enough in providing agency officials with the authority and accountability necessary to enforce applicable efficiency mandates. The Executive Order directs each agency head to designate an "Agency Senior Sustainability Officer" from among the agency's senior management officials. This position is too similar to the agency environmental executives created by Executive Order in 2007, which did very little to improve agencies' compliance with applicable laws.

Our legislation, however, would create a Chief Conservation Officer within each agency. The officer would be drawn from career Senior Executives. These officers will help spur long-term leadership on this issue.

In contrast to the Executive Order, implementing energy efficiency and sustainability policies would also be the primary responsibility of this individual. Dedicating a senior-level career official to energy efficiency policy would improve the government's focus on implementation of existing laws and policies, enhance innovation, and help identify future initiatives.

The Chief Conservation Officer would also be responsible for incorporating environmental considerations into agency procurement practices. This involvement will encourage efficiency improvements in the agency's procurement of goods and services.

To improve the availability of efficiency technologies and help lower their costs, the bill would make several improvements in government procurement policies.

Specifically, the bill would allow state and local government to purchase "green" commodities and services off the General Services Administration Schedule. This procurement authority would help State and local governments reduce the administrative costs of negotiating their own contracts and would increase competition and lower costs. Federal agencies should also reap the benefits of this program as more goods and services become available at reduced costs.

Participation in the program would be voluntary for State and local governments, as well as vendors. The proposal would also provide small businesses with "green" products more efficient access to State and local markets, markets that geography and cost might otherwise foreclose. For comparison sake, 80 percent of GSA Schedule contracts are with small businesses.

Over the next 5 years, the legislation would also allow agencies to enter into power purchase agreements for electricity produced by renewable energy



sources. These agreements could last not more than 20 years and agencies would need to assess that the agreement would be cost effective before entering into them.

We know from examples such as the solar power system at Nellis Air Force Base what a well-designed public-private partnership can accomplish, if executed correctly. This project cost the Air Force less than \$100,000 in capital costs, yet saved the government more than \$1.2 million in its first year of operation by supplying ¼ of the total power used at the base, where 12,000 people live and work. Additionally, the project is expected to reduce carbon emissions by 24,000 tons annually.

Finally, the bill would expand the definition of renewable energy in Federal purchase requirements beyond electricity. Under the current definition, agencies cannot take advantage of “green” technologies like geothermal energy because geothermal energy is not considered electric.

By promoting accountability for meeting existing energy efficiency mandates and by encouraging initiatives to decrease energy usage and spur innovation, this bill would help “green” our federal operations. The associated savings should improve our government’s bottom line—to the benefit of taxpayers.

By Mr. KERRY:

S. 1831. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, our country’s small businesses continue to struggle with access to credit and capital for maintaining and growing their businesses. Small businesses are the engine of our economy and a key factor in addressing unemployment. They employ more than half of all private sector employees and have generated approximately 64 percent of the net new jobs over the past 15 years. We should be doing more to aid small businesses so they can not only stay on their feet but also flourish to their full potential.

That is why I am reintroducing the Small Business Venture Capital Act, which reauthorizes the New Markets Venture Capital Program and promotes geographic equity so businesses across the country may benefit from the program. This program addresses the market gap in venture capital for companies located in low- and moderate-income, rural, and urban areas—i.e., high unemployment areas—as well as the need for smaller deals that neither traditional venture funds nor the SBIC Program will make. It has proven successful so far, and we need more community development venture capital to create sustainable, high-quality, local jobs.

Without this Government partnership, these investments are not going to be done. Particularly at a time when

our economy is pressured and hurting, when we need to create jobs, I encourage my colleagues to support this bill. Last Congress, this bill came out of the Small Business Committee in a totally bipartisan fashion and it is my hope that this time we complete the process.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1834. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, today I introduce the Pet Safety and Protection Act of 2009. The legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally. I am pleased to be joined by a number of my colleagues, serving as cosponsors of the legislation including Senator SUSAN COLLINS, Senator FRANK LAUTENBERG, Senator CARL LEVIN, and Senator ROBERT MENENDEZ.

More than 40 years ago, Congress passed the Animal Welfare Act, AWA, to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. While the AWA has helped to safeguard animals across the country, we still find that the Act does not adequately provide pets and pet owners with reliable protection against the action of some unethical Class B dealers. Of the eleven Class B dealers licensed by the Department of Agriculture, USDA, to sell live dogs and cats for experimentation, one has been issued to a 5-year license suspension, and seven others are under investigation for apparent violations of the AWA.

Despite new enforcement guidelines and intensified inspection efforts by USDA, it is nearly impossible to assure that stolen or lost pets will not enter research laboratories via the Class B dealer system. Each year, hundreds of thousands of dollars are spent on regulating Class B dealers. Enactment of the Pet Safety and Protection Act helps reduce the Department of Agriculture’s regulatory burden by allowing the Department to use its resources more efficiently and effectively. In order to combat any future violations of the AWA, this bill increases the penalties under the Act to a minimum of \$1,000 per violation, in addition to any other existing penalties.

My legislation promotes humane treatment of animals and preserves the integrity of research laboratories to obtain animals from legitimate sources, while complying with the AWA. Such legitimate sources include USDA-licensed Class A dealers or breeders; municipal pounds that choose to release dogs and cats for research purposes; legitimate pet owners who want to donate their animals to research; and private and Federal facilities that breed their own animals.

These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand.

A May 2009 study conducted by the National Academies, “Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research” found that while some random-source dogs and cats may be necessary and desirable for research that is funded by the National Institute of Health, NIH, Class B dealers are not necessary to supply such animals for NIH funded research. Further this report makes clear that there are sufficient, alternative sources to acquire animals with characteristics similar to animals provided by Class B dealers. As there are legitimate sources of such animals, the report leave little doubt that Class B dealers are no longer necessary.

In light of this recent report, this bill is an appropriate and feasible action, as alternatives to Class B dealers do exist to meet research needs. This bill does not address the larger issue of whether animals should or should not be used in research facilities. In fact, this bill does not impair or impede research. Medical research is one of our primary tools in the discovery of new drugs and surgical techniques that help develop cures for life-threatening diseases and animal research has been, and continues to be, a fundamental part of scientific advancements. Instead, this legislation targets the unethical practice of selling stolen pets and stray animals to research facilities by ending the fraudulent practices of Class B dealers, as well as the unnecessary suffering of animals in their care. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

ANIMAL WELFARE INSTITUTE,  
Washington, DC, October 19, 2009.

Hon. DANIEL AKAKA,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR AKAKA: We want to thank you for reintroducing the Pet Safety and Protection Act. For too long, Class B dealers who sell dogs and cats to research laboratories have flouted the Animal Welfare Act, acquiring animals through theft and fraud, lying about the origins of the animals, and keeping them in inhumane conditions. Despite the hundreds of thousands of tax dollars that the U.S. Department of Agriculture spends trying to regulate Class B dealers, the agency cannot guarantee that dogs and cats are not being illegally acquired for use in experiments.

A May 2009 report from the National Academy of Sciences supports the position that this bill will not have an adverse impact on the conduct of research. In addressing the question of whether Class B dealers are needed to supply NIH-sponsored research with random source animals, the NAS concluded that they are not. It found that animals with similar qualities are available from alternative sources. “The Committee therefore determined Class B dealers are not necessary

as providers of random source animals for NIH-related research." In fact, many researchers do not use Class B dealers to acquire dogs and cats, and it is time for the remainder who do to end their embarrassing association with these habitual violators of the law.

We are grateful to you for again taking on the important job of ensuring the safety of companion animals. We will do all that we can to achieve passage of this bill. Please contact me at 202-446-2121 or Lauren Silverman at the Humane Society of the U.S. if we can be of further assistance.

With much appreciation,

CATHY LISS,

*President.*

On behalf of: American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, Born Free USA Humane Society of the United States In Defense of Animals, International Fund for Animal Welfare Last Chance for Animals Massachusetts Society for the Prevention of Cruelty to Animals Physicians Committee for Responsible Medicine World Society for the Protection of Animals.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 315—RELATIVE TO THE DEATH OF CLIFFORD PETER HANSEN, FORMER UNITED STATES SENATOR FOR THE STATE OF WYOMING

Mr. ENZI (for himself, Mr. BARRASSO, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National

Cowboy Hall of Fame as a "Great Westerner;"

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963-1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States Senate from 1967-1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

#### SENATE RESOLUTION 316—CALLING UPON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE, AND FOR OTHER PURPOSES

Mr. MENENDEZ (for himself and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 316

*Resolved*,

##### SHORT TITLE

SEC. 1. This resolution may be cited as the "Affirmation of the United States Record on the Armenian Genocide Resolution".

##### FINDINGS

SEC. 2. The Senate finds the following:

(1) The Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and the elimination of the over 2,500-year presence of Armenians in their historic homeland.

(2) On May 24, 1915, the Allied Powers of England, France, and Russia, jointly issued a statement explicitly charging for the first time ever another government of committing "a crime against humanity".

(3) This joint statement stated that "the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres".

(4) The post-World War I Turkish Government indicted the top leaders involved in the "organization and execution" of the Armenian Genocide and in the "massacre and destruction of the Armenians".

(5) In a series of courts-martial, officials of the Young Turk Regime were tried and convicted, as charged, for organizing and executing massacres against the Armenian people.

(6) The chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy

Jemal were all condemned to death for their crimes, but, the verdicts of the courts were not enforced.

(7) The Armenian Genocide and these domestic judicial failures are documented with overwhelming evidence in the national archives of Austria, France, Germany, Great Britain, Russia, the United States, the Vatican and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences.

(8) The United States National Archives and Record Administration holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings under Record Group 59 of the United States Department of State, files 867.00 and 867.40, which are open and widely available to the public and interested institutions.

(9) The Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide.

(10) Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as "a campaign of race extermination," and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the "Department approves your procedure ... to stop Armenian persecution".

(11) Senate Concurrent Resolution 12, 64th Congress, agreed to February 9, 1916, resolved that "the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians," who at the time were enduring "starvation, disease, and untold suffering".

(12) President Woodrow Wilson concurred and also encouraged the formation of the organization known as Near East Relief, chartered by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32), which contributed some \$116,000,000 from 1915 to 1930 to aid Armenian Genocide survivors, including 132,000 orphans who became foster children of the American people.

(13) Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part that "the testimony adduced at the hearings conducted by the sub-committee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered".

(14) The resolution followed the April 13, 1920, report to the Senate of the American Military Mission to Armenia led by General James Harbord, that stated "[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages".

(15) As displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying "[w]ho, after all, speaks today of the annihilation of the Armenians?" and thus set the stage for the Holocaust.

(16) Raphael Lemkin, who coined the term "genocide" in 1944, and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century.

(17) The first resolution on genocide adopted by the United Nations at Mr. Lemkin's urging, the December 11, 1946, United Nations General Assembly Resolution 96(1), and the United Nations Convention on the Prevention and Punishment of Genocide recognized the Armenian Genocide as the type of

crime the United Nations intended to prevent and punish by codifying existing standards.

(18) In 1948, the United Nations War Crimes Commission invoked the Armenian Genocide, "precisely . . . one of the types of acts which the modern term 'crimes against humanity' is intended to cover," as a precedent for the Nuremberg tribunals.

(19) The Commission stated that "[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of 'crimes against humanity' as understood by these enactments".

(20) House Joint Resolution 148, 94th Congress, adopted on April 8, 1975, resolved, "That April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry . . .".

(21) President Ronald Reagan, in proclamation number 4838, dated April 22, 1981 (95 Stat. 1813), stated that, in part "[l]ike the genocide of the Armenians before it, and the genocide of the Cambodians, which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten".

(22) House Joint Resolution 247, 98th Congress, adopted on September 10, 1984, resolved, "That April 24, 1985, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry . . .".

(23) In August 1985, after extensive study and deliberation, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled "Study of the Question of the Prevention and Punishment of the Crime of Genocide," which stated that "[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915-1916".

(24) This report also explained that "[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eye-witnesses. This is corroborated by reports in United States, German and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany".

(25) The United States Holocaust Memorial Council, an independent Federal agency, unanimously resolved on April 30, 1981, that the United States Holocaust Memorial Museum would include the Armenian Genocide in the Museum and has since done so.

(26) Reviewing an aberrant 1982 expression (later retracted) by the Department of State asserting that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the

United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide "contradicted long-standing United States policy and was eventually retracted".

(27) On June 5, 1996, the House of Representatives adopted an amendment to House Bill 3540, 104th Congress (the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997), to reduce aid to Turkey by \$3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Government of Turkey acknowledged the Armenian Genocide and took steps to honor the memory of its victims.

(28) President William Jefferson Clinton, on April 24, 1998, stated: "This year, as in the past, we join with Armenian-Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915-1923."

(29) President George W. Bush, on April 24, 2004, stated: "On this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire."

(30) Despite the international recognition and affirmation of the Armenian Genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that just resolution of this issue will help prevent future genocides.

#### DECLARATION OF POLICY

##### SEC. 3. The Senate—

(1) calls upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls upon the President in the President's annual message commemorating the Armenian Genocide issued on or about April 24, to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide.

#### SENATE RESOLUTION 317—SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD CONTINUE TO RAISE AWARENESS OF DOMESTIC VIOLENCE IN THE UNITED STATES AND ITS DEVASTATING EFFECTS ON FAMILIES AND COMMUNITIES, AND SUPPORT PROGRAMS DESIGNED TO END DOMESTIC VIOLENCE.

Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. KOHL, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CRAPO, Ms. COLLINS, Mr. SPECTER, Ms. LANDRIEU, Ms. STABENOW, Mr. KAUFMAN, Mr. DURBIN, Mr. BROWN, and Mr. BURRIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

#### S. RES. 317

Whereas the President has designated October 2009 as "National Domestic Violence Awareness Month";

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims of domestic violence, and 1 in 4 women will experience domestic violence at some point in her life;

Whereas on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas in 2005, 1,181 women were murdered by an intimate partner constituting 78 percent of all intimate partner homicides that year;

Whereas a 2001 study by the Centers for Disease Control and Prevention found that female intimate partners are more likely to be murdered with a firearm than all other means combined;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 1 out of 3 Native American women will be raped and 6 out of 10 will be physically assaulted in their lifetimes;

Whereas the cost of intimate partner violence exceeds \$5,800,000,000 each year, \$4,100,000 of which is for direct medical and mental health care services;

Whereas ¼ to ½ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at \$727,800,000 with over 7,900,000 paid workdays lost per year;

Whereas some landlords deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help after a domestic violence incident, such as by calling 911, or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas one large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

Whereas nearly 1,500,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and 1 in 4 teenage girls has been in a relationship in which she was pressured by her partner into performing sexual acts;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas 88 percent of men in a national poll reported that they think that our society should do more to respect women and girls;

Whereas a recently released multi-State study shows conclusively that the Nation's

domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas a 2008 National Census Survey reported that 60,799 adults and children were served by domestic violence shelters and programs around the Nation in a single day;

Whereas those same understaffed programs were unable to meet 8,927 requests for help that day;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

Ms. KLOBUCHAR. Mr. President, I rise to speak about an issue that has been very important to me for a long time, when I was a prosecutor as well as a member of the Judiciary Committee with the Senate; that is, domestic violence.

I am here because I am submitting a resolution supporting the goals and ideals of National Domestic Violence Awareness Month. A number of our colleagues are cosponsoring the resolution. I am also here on behalf of Pam Taschuk.

The police in Lino Lakes, MN, knew Pam Taschuk and they knew her husband Allen. The police knew both of them because of the dozens of 911 calls that had been made about Mr. Allen over the last 15 years. He bullied his wife, their sons, and other people so many times that local police had set up a special tactical response plan just to respond to calls at the Taschuk house.

Pam Taschuk was not your ordinary domestic violence victim, if there is such a thing. She was actually a juvenile probation officer and so many police I know in Minnesota knew her. They worked with her. She was a long-time probation officer and had worked in the field for years. She was also a social worker. So it goes to show you anyone can be a victim of domestic violence.

In January of 2008, Pam called the police and reported that her husband had threatened to kill her, that Allen Taschuk had threatened to kill her. On August 25 of this year, Allen Taschuk bloodied Pam's nose, split her lip, and trapped her in their home overnight. He was arrested, but he posted bail and was released.

On October 1, 2009, the Lino Lakes Police Department received the last 911 call they would ever get about Allen Taschuk. On that day, Allen Taschuk called 911 himself to preemptively report a shooting at his house. By the time the police arrived at his home, both he and Pam Taschuk were dead of gunshot wounds.

This happened last month in our State. This looks like a murder-suicide. Of course, it looks like Allen killed Pam before finally turning the gun on himself. But we do not need to speculate about the final end order to focus on the sad prelude to this story—so many previous 911 calls, so many earlier acts of violence, yet another victim of what some domestic violence advocates have called the war at home; a war that affected Pam, their children, and the community at large.

The most disturbing part of this story is Pam's death is not a tragic anomaly. Pam is one of 200 Minnesota women killed as a result of domestic violence since 2000.

That is why I am submitting a resolution today to designate October National Domestic Violence Awareness Month, because Pam Taschuk and too many other women and children have to fight this "war at home" every day.

In the past several decades, thanks to the work of many individuals and organizations, there has been a sea change in the way our society looks at the issue of domestic violence. Police, the courts, and the public used to consider it a private family matter. Not surprisingly, domestic violence was the No. 1 underreported crime in the country.

Today, there is much more awareness, and we have started to pass critical legislation at both the State and Federal level to combat domestic violence. So there has been a lot of progress, but there is still a lot more to be done.

Last year, a survey done by the National Network to End Domestic Violence found that in 1 day, while more than 60,000 people received help from domestic violence programs, nearly 9,000 requests for help went unanswered because the resources were not there.

The current statistics are staggering. Currently, one in four women will experience abuse. More than three women are killed every day by their husbands or boyfriends. Millions of children witness abuse every year, some studies say as many as 10 million children.

I remember the cases we had when I was county attorney for Hennepin County. When we looked at the records of someone who was an offender, we would find way back in the records that they lived in a home where there was domestic violence. In fact, statistics show that a child who grows up in a home where there is domestic violence is 76 times more likely to commit an act of domestic violence. That is why we had a poster framed in the hallway of our office. It was a picture of a woman with a Band-Aid on her nose, holding a little baby, and the words under the picture read: "Beat your wife and your son will go to jail."

We all must recognize as well that it doesn't take a bruise or a broken bone for a child to be a victim of domestic violence. Kids who witness this violence are victims too. Witnessing violence between adults in the home, especially when it is repeated and ongoing,

inflicts a real trauma on kids that can have damaging effects for years to come. In many respects, ending the cycle of violence in communities begins by getting violence out of the home because a violent home is, in fact, a factory for producing a new generation of violent offenders.

When I was a county attorney, I saw firsthand how domestic abuse harmed women and children, destroyed families, and challenged local law enforcement agencies, the court system, social service, and health care providers. We actually had a recent shooting of a well-respected and longtime police officer who was killed responding to a domestic abuse call. Both the prevention and prosecution of domestic violence were always among my top priorities when I was county attorney. We had one of the most landmark, cutting-edge domestic abuse service centers in the country, and still do in Hennepin County.

Sheila Wellstone, whom we honored this month for Domestic Violence Awareness Month, would always point to the work in that center. It was a one-stop shop. It is hard enough for lawyers to get through the redtape of a courtroom. This was a place where a victim of domestic violence, man or woman, could get a protective order signed, fill out a complaint, talk to a police officer, with a play area for children. Also—and this was unique for this center—there were representatives from domestic violence shelters there so they could find a place to live.

The other challenge I found we had in these cases was working with the victims so the case could be prosecuted after they filed the complaint. That is why it is so important we reauthorize the Violence Against Women Act. It was landmark legislation when it was passed over 15 years ago. It has helped to train police so they do a better job dealing with victims and children of domestic violence. It also gives them a sense, when they go to the scene, of the kind of evidence they should look for. Many times victims get scared and decide not to prosecute. We have had many cases where we could prosecute with a reticent victim simply because of the evidence police were able to gather at the scene.

The Violence Against Women Act created a new culture for police officers, judges, and those who work in the courthouse to treat this crime as the serious crime it is. It is a very important tool, and it must be reauthorized. As a member of the Judiciary Committee and one of two women on the committee, I look forward to working hard to reauthorize the Violence Against Women Act in 2010.

During tough economic times, we need to be extra vigilant against domestic violence. Millions of Americans have already lost their jobs, their homes, or their retirement savings. Some have lost all three. This kind of stress in the home and in the checkbook can lead to substance abuse and

acts of violence. We need to make sure law enforcement has the tools it needs to protect families. That is why in the Economic Recovery Act, we included \$225 million for Violence Against Women Programs and \$100 million for programs that are part of the Victims of Crime Act. We also provided critical funding for law enforcement to keep cops on the street and support law enforcement programs and services through the Byrne Grant Program.

There is so much at stake, and there is so much each of us can still do to make a difference. We have to remember that any act of domestic violence hurts not only the individual victim, it hurts their family and hurts our community at large.

I will always remember a case we prosecuted when I was county attorney that brought home that point to me. It was a very sad case. The victim was a Russian immigrant. She was very isolated from the community, didn't have many friends, a victim of domestic violence, they later learned, over the years. Her husband murdered her one day. They had a little 4-year-old girl. I don't want to get into the gory details of what happened with her body, but he basically sickly brought her body to another State with the 4-year-old girl in the back seat. He later confessed to the crime, and there was a little service. I say "little" because the only people at the funeral service were her parents, who were from Russia, and her identical twin sister, the victim's identical twin sister. I was there, and the victim witness advocate was there. That was it. The little 4-year-old girl, I was told, had been at the airport when the plane came in from Russia to meet for the first time her grandmother and her now deceased mother's identical twin sister.

When they got off the plane and came into the airport, this little girl ran across the airport and hugged that identical twin sister and said: Mommy, mommy, mommy. She thought it was her mother who had come back.

That moment and that story always remind me that when we are talking about domestic violence, it is not just one victim. It is the children and it is our entire community. That is why it is so important we recognize Domestic Violence Month as well as reauthorize the Violence Against Women Act.

I thank Senators LEAHY, KOHL, FEINGOLD, GILLIBRAND, CRAPO, COLLINS, SPECTER, LANDRIEU, STABENOW, KAUFMAN, DURBIN, BROWN, and Senator BURRIS, the Presiding Officer, for being cosponsors. I invite all other colleagues to join us.

I am proud to come from a State that has long been a leader in a nationwide effort to end domestic violence. We opened one of the first shelters in the country in 1974, and we started one of the first programs aimed at addressing batterers in the early 1980s. The city of Duluth, MN, was the first city to mandate that its police officers make arrests in domestic abuse cases. The city

of Duluth in northern Minnesota recognized before the rest of the country that violence is violence, whether it is perpetrated by someone you love or a stranger on the street.

We can never stop working on behalf of women, children, and families everywhere to end domestic violence.

I ask unanimous consent to add Senator BURRIS as a cosponsor of the resolution.

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

SENATE RESOLUTION 318—SUPPORTING "LIGHTS ON AFTERSCHOOL", A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mrs. BOXER, Mr. CARPER, Mr. CASEY, Mrs. GILLIBRAND, Mr. INOUE, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. SANDERS, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 318

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 22, 2009, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

SENATE RESOLUTION 319—COMMEMORATING 40 YEARS OF MEMBERSHIP BY WOMEN IN THE NATIONAL FFA ORGANIZATION AND CELEBRATING THE ACHIEVEMENTS AND CONTRIBUTIONS OF FEMALE MEMBERS OF THE NATIONAL FFA ORGANIZATION

Mr. JOHANNIS (for himself, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr.

ROBERTS, Ms. STABENOW, Mr. ISAKSON, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. KOHL, Mr. BAUCUS, Mr. PRYOR, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. BARRASSO, Mr. LEAHY, Ms. COLLINS, Mr. GRASSLEY, Mr. CRAPO, Mr. BENNET, and Mrs. SHAHEEN) submitted the following resolution; which was considered and agreed to:

S. RES. 319

Whereas the National FFA Organization is a premier student leadership organization with more than 507,000 members in all 50 States, Puerto Rico, and the Virgin Islands;

Whereas the mission of the National FFA Organization is to make a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education;

Whereas women were first admitted as members of the National FFA Organization in 1969 at the 42nd Annual National FFA Convention;

Whereas, by 2009, 41 percent of all members of the National FFA Organization were women, and more than 50 percent of leadership positions in the National FFA Organization were held by women; and

Whereas female members have made positive contributions to the goals of the National FFA Organization, including proficient agricultural leadership and advocacy, community citizenship, volunteerism, and cooperation: Now, therefore, be it

*Resolved*, That the Senate congratulates the National FFA Organization for 40 years of membership by women and celebrates the achievements and contributions of female members of the National FFA Organization.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2696. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table.

SA 2697. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1776, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2696. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Physician Fairness Act of 2009".

SEC. 2. MEDICARE PHYSICIAN FEE SCHEDULE UPDATE FOR 2010 THROUGH 2014.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

"(10) UPDATE FOR 2010 THROUGH 2014.—

"(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in

paragraph (1)(C) that would otherwise apply for each of 2010, 2011, 2012, 2013, and 2014, the update to the single conversion factor shall be 0.5 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2015 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2015 and subsequent years as if subparagraph (A) had never applied.”

**SEC. 3. REDUCTION IN TARP FUNDS TO OFFSET THE COSTS OF THE PAYMENT UPDATE FOR MEDICARE PHYSICIANS' SERVICES.**

Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by striking “\$1,259,000,000” and inserting “\$179,259,000,000”.

**SA 2697.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . HEALTH INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT OF 2009.**

(a) **SHORT TITLE.**—This section may be cited as the “Health Insurance Industry Antitrust Enforcement Act of 2009”.

(b) **PURPOSE.**—It is the purpose of this section to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

(c) **PROHIBITION OF ANTI-COMPETITIVE ACTIVITIES.**—Notwithstanding any other provision of law, nothing in the Act of March 9, 1945 (15 U.S.C. 1011 et seq., commonly known as the “McCarran-Ferguson Act”), shall be construed to permit health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91) or issuers of medical malpractice insurance to engage in any form of price fixing, bid rigging, or market allocations in connection with the conduct of the business of providing health insurance coverage (as defined in such section) or coverage for medical malpractice claims or actions.

(d) **APPLICATION TO ACTIVITIES OF STATE COMMISSIONS OF INSURANCE AND OTHER STATE INSURANCE REGULATORY BODIES.**—Nothing in this section shall apply to the information gathering and rate setting activities of any State commission of insurance, or any other State regulatory entity with authority to set insurance rates.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, October 28, 2009, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the role of natural gas in mitigating climate change.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie\_Calabro@energy.senate.gov

For further information, please contact Kevin Rennert at (202) 224-7826, or Deborah Estes at (202) 224-5360 or Rosemarie Calabro at (202) 224-5039.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 21, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on October 21, 2009, at 10 a.m. in SD-430.

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 21, 2009, at 9:30 a.m. to conduct a hearing entitled “H1N1 Flu: Monitoring the Nation’s Response.”

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

**COMMITTEE ON THE JUDICIARY**

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 21, 2009, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

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

**COMMITTEE ON VETERANS' AFFAIRS**

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on October 21, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

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

**COMMITTEE ON SCIENCE AND SPACE**

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Science and Space of the

Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 21, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

**PRIVILEGES OF THE FLOOR**

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Kyle Sheahen and Spencer Baldwin, legal interns on my Judiciary Committee staff, be granted the privilege of the floor for the remainder of this session.

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

**RELATIVE TO THE DEATH OF CLIFFORD PETER HANSEN, FORMER UNITED STATES SENATOR FOR THE STATE OF WYOMING**

Mr. ENZI. Mr. President, it is with a great deal of sadness that Senator BARRASSO and Representative LUMMIS and I inform our colleagues that we have lost one of our good friends and a former Member of this body, Clifford P. Hansen.

Cliff Hansen passed away on Tuesday night at the age of 97. His was, in every sense, a truly remarkable life. He was a man to match his mountains. He came from the shadow of the Tetons. If you have ever been there, you know that when God made the Alps he had a couple left over and he took the biggest ones and he put them in Wyoming, and that is where Jackson Hole is.

Times such as these always draw me to the words of the Bible which remind us that “to everything there is a season, a time for every purpose under heaven.” So it is with all of us. Each role we play, each task we are called to perform is another time for us, another season in our lives.

As has often been said, Cliff Hansen was Wyoming through and through, a favorite son of the West who knew and understood our western way of life better than anyone else. He knew it because he lived it and he lived it each and every day.

Cliff Hansen lived most of his life in the Jackson Hole area—all of his life, except the time he was providing public service. He was born at the base of the Tetons and he lived a life in which he stood as tall and as proud in his support of Wyoming as those magnificent mountains. His parents were homesteaders and from them he learned the importance of working hard for what you believe in and always giving it your best. It was a philosophy that suited him well. A lot of people don't know that as a child he was a stut-terer, but he had a phenomenal teacher who worked with him, put rocks in his mouth. He attributed his success at oratory to her help through those years.

A rancher by profession, Cliff spent the early part of his life working the

land and learning to appreciate what a tremendously important resource it was. For him, the land was a precious gift, a legacy that helped him establish himself as a rancher. As he tended the land, he also was working at the local level to address the issues of the day. But that kind of success wasn't enough for him. Determined to find something else he could do to help make a difference, he soon found his way to run for public office. He was a county commissioner and, as a part of that season, he served as Wyoming's Governor.

There was a lot to be done, so Cliff rolled up his sleeves and got right to the tasks at hand. To help the people of our State, Cliff worked to lower the voting age from 21 to 18. To make life a little easier for our senior citizens, he supported increasing retirement pay for State employees. To help the next generation of our State's leaders, he helped increase funding for our schools and our education system.

At that point, Cliff could have called it a day and returned to the ranch to sit back and enjoy reminiscing about all he had accomplished. Once again, it wasn't enough for Cliff. He still had some good ideas and an interest in getting things done. That great heart of his wouldn't let him quit. So it was back to the campaign trail and an offer he once again made to the people of Wyoming to serve them again and began another season in his life. This one resulted in a run for the Senate and a defeat of a very popular Democrat on the way, Teno Roncalio.

In the Senate, Cliff served on the Veterans' Affairs Committee, the Finance Committee, and the Special Committee on Aging. At each post, amid every opportunity, Cliff always had his eye on Wyoming and how he could best be of service to the people back home. He focused on issues such as reservoir projects, recreation and wilderness areas, and making sure we were good stewards of the Federal Treasury. He kept spending under control.

He also made a major change for Wyoming. In the early days, the States got about 37.5 percent royalty on minerals and he was able to raise that, with the help of a lot of his fellow Senators, working across the aisle, to 50 percent. When he got that passed, it was at the time that Gerald Ford was the President and the Chief of Staff was a Wyoming boy named Dick Cheney. Dick Cheney had to initiate a call to Cliff Hansen and let him know the President had some bad news for him.

At that point Dick Cheney put President Ford on the phone and the President said, I have some bad news for you, Cliff. I am going to have to veto that bill.

Cliff Hansen said, I have some bad news for you. I am going to find the votes to override it, and he did.

It has been a great boon to our State.

While Cliff was serving in the Senate, I was serving as president of the Wyoming Jaycees. Diana and I were in

Washington to meet with him. He invited us to the Senate dining room for breakfast. It was a great thrill for Diana and me to have a chance to meet with a Senator. We will never forget how it was to be in that dining room with this good person who turned out to be a trusted and valued friend. It was also my first encounter with grits. I found they taste as the name suggests.

Although Cliff had every reason to be proud of what he had achieved at every stage of his life, he would always be the first to say that he could never have done it alone. Fortunately, he didn't have to, for when he returned to Jackson Hole after graduating from college he married a very special woman, Martha. I have to tell you, her dad was a little bit skeptical. He said, This guy comes from the valley that is known as the safe harbor for horse thieves. Well, it happened, it stuck, and they started a wonderful love story that would last forever. It is an adage that love is stronger than anything that comes to us in life. Cliff and Martha will be forever great examples of that and their story of life and love that lasted 75 years.

Diana and I always enjoyed seeing them together for they were the epitome of a great marriage. Cliff had a warm, engaging personality, he was full of life, and he had a smile that reflected the genuine happiness and contentment that he found in his life and in his family. Martha, by his side, was a kind and gracious woman. With her support and encouragement, Cliff had a tremendous asset in his life and in his political career. She also helped to keep him grounded. I remember one of the stories he often told of coming back from one of the Washington-type gala events where he had been presented an award as legislator of the year, one of 535 people to receive this award. As he was driving home he was reflecting and saying, Martha, how many truly recognized people are there in this world, she quickly said, One less than you think. It is a lesson that he always kept.

I am pleased with the number of calls and e-mails we have had from former staff members. His staff counsel mentioned the kindness he always had, knowing the people who worked at the doors and the elevators, and at that time there were a lot of them who worked in the elevators. But one time he was waiting outside the Chamber door for him to come for a vote and he was getting a little worried that the vote was going to run out, so he went looking for him and found that he was helping a lady in a wheelchair up some of the steps so she could get into the building. It was just the kind of thing he would do, go out of his way to help out.

When I arrived in the Senate, Cliff and Martha became role models for Diana and me. They blazed a trail together and we learned a good deal from watching how they did it. Diana and I

weren't the only ones to learn from Cliff. One thing that so many of us will always remember about him was his love for teaching the next generation about Wyoming's heritage and our land, our agricultural industry, an aspect so important to our State's economy that it is noted on our State seal.

Cliff was very proud of the training arena that was established at his alma mater, the University of Wyoming, in his name. He went there often to visit the College of Agriculture and to meet with the students. Cliff knew full well that the future of our State could be measured by how well we took care of our State's land and he was determined that those who were to follow would have a sense of great responsibility with which they had been entrusted.

Cliff understood the importance of everything he had been given in life, from the greatest of resources to the smallest of everyday things. I remember hearing a story from his grandson that I can't tell as well as his grandson, but I am going to make an attempt at anyway. He was doing something called straightening nails with his grandson and some of his grandson's friends. For those of you who don't know about straightening a nail, you take a nail that is bent that you pull out of some piece of wood and as you pull it, you bend it. He had a coffee can full of those and he had an empty coffee can, and he would take one of the bent nails, put it on a board and tap it with a hammer and then examine it to see if it was straight. His grandson and the other boys who were there said, Why are you going to all that work? Why don't you just go buy some new nails?

He said, How much is this costing me? The answer was, Nothing.

While he was doing this, this tapping away on these nails, Martha came to the door of their house and said, You have a call, Cliff. You have a call on the telephone here. Well, he kept tapping away on the nails, tapping away on the nails. Pretty quickly she came back and she said, Cliff, it is the President of the United States. So he got up and he went in the house and took the phone call. A few minutes later he was back out there tapping away on the nails, tapping away on the nails. His grandson was excited and wanted to know what that was all about and asked him: What did the President want?

Cliff said, The President wanted me to be the Secretary of Interior; tap, tap; tap, tap, tap. I said, No; tap, tap; tap, tap, tap. He was a man who knew what he wanted to do and what he needed to do and could be totally absorbed in whatever he was doing.

There are a lot of stories like that one. Cliff cherished the simpler days and the simpler ways of life. He also appreciated the benefits that would come from technology and innovation and how they would improve cattle and crop production. Technology and innovation, however, could never replace

the basic ideals of working hard, being of good character, and always keeping your word. Those were things that could never be compromised. He has left us all with a great legacy that will continue to inspire and encourage others to follow the path he leaves behind.

With the passing of Cliff Hansen, the political landscape and everyday life in Jackson Hole, WY, the West, and the United States has changed. Wyoming has been blessed to have enjoyed a great history full of remarkable and colorful leaders in every sense of the word who have helped to settle this Nation, tame the West, and bring the United States to the position of greatness and power it enjoys today. We owe a lot to the great people of our past such as Cliff Hansen. Thanks to them, our Nation and the world is a better place for us all to live.

Now this season of his life has come to an end. The season he was born has led to this season when he has died. Everyone who knew him will carry with them a special memory of his life and how the experience of knowing Cliff changed them forever for the better. He was a great gift in our lives and the lives of people all across the country who may never have known him but enjoyed the benefits of his labors. His great calling was to be a teacher and he taught us all a great deal about life by how he lived his own. So much of my State bears his mark for his having passed by. He will be greatly missed for who and what he was. He will never be forgotten for what he accomplished during his 97 years of life.

Diana and all the Enzis and our delegation send our deepest sympathy, our great appreciation, and our love to Martha and all the family. You will be in our thoughts and prayers.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I join Senator ENZI today on the floor to share with our colleagues the profound sorrow that is felt all across the State of Wyoming today as we mourn the death of a western American icon and a former Member of this body, the Senate.

Cliff Hansen, Senator, Wyoming Governor, died last night, October 20, at home at his ranch in Jackson Hole, WY. He was 97 years old. He was at the time of his death the oldest living former Member of the Senate, a career and a life that spanned nearly a century of American history. But it wasn't the length of time he spent on this Earth that makes his life so unique and so meaningful to all of us who knew him and who respected him. It would be difficult to tell the story of Wyoming without also describing the life and the time of Cliff Hansen. They are intertwined, a pioneer State and its patriarch.

If it is true, as many people say, that Wyoming is what America was, Cliff Hansen is the independent spirit, the rugged cowboy who made her great. My

wife Bobbi and I wish to offer our deepest condolences to the Hansen and the Mead families, to his beloved Martha, especially, his wife, as Senator ENZI said, of over 75 years. Just last month they celebrated their 75th wedding anniversary. She was with him to the end.

Cliff Hansen is a legendary Wyoming figure, but to his family he was a dedicated husband, father, a special grandfather and great-grandfather, and someone who will be terribly missed.

He was born October 16, 1912. Prior to graduating from the University of Wyoming, he worked for his parents on a cattle ranch in Teton County. It was there we can presume that Cliff Hansen learned the manner and the skills that would take him from Wyoming to Washington and back.

In 1962, Hansen was elected Governor of Wyoming. He served for 4 years. He believed he could do more for the people of Wyoming in Washington than he could in Cheyenne. So he then ran and won a seat in the Senate and was re-elected by an overwhelming margin in 1972.

These simple dates hardly tell the story. Cliff Hansen was Wyoming's John Wayne—a proud, commonsense cowboy who spoke to the hearts and the minds of a great State.

As we have the opportunity to reflect more on Governor Hansen's passing, to hear, as well, from his family, there will be much more to say and remember about his extraordinary legacy. But today, on the news of his passing to the Kingdom of Heaven—a phrase he used with great reverence—I want to make sure his friends and his colleagues know that God accepts home a great man today.

To his wife Martha, his son Pete Hansen, his grandsons Matt and Brad and their families, his granddaughter Muffy, the Nation, and Wyoming send you our heartfelt condolences. We hope you and your family are comforted by his strength of character, his convictions, and his grace as a truly great man.

I speak today for thousands—for tens of thousands—of people who knew and who loved Cliff Hansen—all that he stood for, all that he today represents that is good about our Nation, the West, and Cliff's beloved Wyoming.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, on behalf of our entire delegation, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 315, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 315) relative to the death of Clifford Peter Hansen, former United States Senator for the State of Wyoming.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 315

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National Cowboy Hall of Fame as a "Great Westerner;"

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963–1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States Senate from 1967–1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

Mr. ENZI. I thank the Chair. I thank my colleague for his outstanding comments.

#### BOY SCOUTS OF AMERICA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 112 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 112) designating February 8, 2010, as "Boy Scouts of America Day," in celebration of the 100th anniversary of the largest youth scouting organization in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 112

Whereas the Boy Scouts of America was incorporated by the Chicago publisher William



Boyce on February 8, 1910, after William Boyce learned of the Scouting movement during a visit to London;

Whereas, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters for the Boy Scouts of America in New York;

Whereas the purpose of the Boy Scouts of America is to teach the youth of the United States patriotism, courage, self-reliance, and kindred values;

Whereas, by 1912, Boy Scouts were enrolled in every State;

Whereas, in 1916, Congress granted the Boy Scouts of America a Federal charter;

Whereas each local Boy Scout Council commits each Boy Scout to perform 12 hours of community service yearly, for a total of 30,000,000 community service hours each year;

Whereas, since 1910, more than 111,000,000 people have been members of the Boy Scouts of America;

Whereas Boy Scouts are found in 185 countries around the world;

Whereas the Boy Scouts of America will present the 2 millionth Eagle Scout award in 2009;

Whereas more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America;

Whereas the adult volunteer leaders of the Boy Scouts of America often neither receive nor seek the gratitude of the public; and

Whereas the Boy Scouts of America endeavors to develop United States citizens who are physically, mentally, and emotionally fit, have a high degree of self-reliance demonstrated by such qualities as initiative, courage, and resourcefulness, have personal values based on religious concepts, have the desire and skills to help others, understand the principles of the social, economic, and governmental systems of the United States, take pride in the heritage of the United States and understand the role of the United States in the world, have a keen respect for the basic rights of all people, and are prepared to participate in and give leadership to the society of the United States: Now, therefore, be it

*Resolved*, That the Senate designates February 8, 2010, as "Boy Scouts of America Day", in celebration of the 100th anniversary of the largest youth scouting organization in the United States.

#### LIGHTS ON AFTERSCHOOL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 318 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 318) supporting "Lights On Afterschool," a national celebration of afterschool programs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, today Senator ENSIGN and I are submitting a resolution designating October 22, 2009, Lights On Afterschool Day. Lights On Afterschool brings students, parents, educators, lawmakers, and community and business leaders together to celebrate afterschool programs. This year, more than 1 million Americans are ex-

pected to attend about 7,500 events designed to raise awareness and support for these much needed programs.

In America today, 1 in 4 youth, more than 15 million children, go home alone after the school day ends. This includes more than 40,000 kindergartners and almost 4 million middle school students in grades six to eight. On the other hand, only 8.4 million children, or approximately 15 percent of school-aged children, participate in afterschool programs. An additional 18.5 million would participate if a quality program were available in their community.

Lights On Afterschool, a national celebration of afterschool programs, is celebrated every October in communities nationwide to call attention to the importance of afterschool programs for America's children, families and communities. Lights On Afterschool was launched in October 2000 with celebrations in more than 1,200 communities nationwide. The event has grown from 1,200 celebrations in 2001 to more than 7,500 today. This October, 1 million Americans will celebrate Lights On Afterschool.

Quality afterschool programs should be available to children in all communities. These programs support working families and prevent kids from being both victims and perpetrators of violent crime. They also help parents in balancing the work and home-life. Quality afterschool programs help to engage students in their communities, and when students are engaged, they are more successful in their educational endeavors.

In our work on the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than 5 years to impress upon our colleagues the importance of afterschool programming. It is our hope that they will join us on October 22 to celebrate the importance of afterschool programs in their communities back home.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 318) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 318

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive re-

lationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 22, 2009, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

#### COMMEMORATING WOMEN MEMBERSHIP IN THE NATIONAL FFA ORGANIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to consideration of S. Res. 319, submitted earlier today.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 319) commemorating 40 years of membership of women in the National FFA Organization and celebrating the achievements and contributions of female members of the National FFA organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHANNIS. Mr. President, I rise today in support of this resolution to commemorate 40 years of membership by women in the National FFA Organization and to celebrate the achievements and contributions of female FFA members.

It was 40 years ago, during the 1969 National FFA Convention, that delegates voted to allow women to join the FFA.

Today, 41 percent of all members of the National FFA Organization are women, and more than 50 percent of leadership positions in the National FFA are held by women.

In my home State of Nebraska, more than 800 females have received their American FFA Degrees, the highest honor that can be awarded to an FFA member.

To be eligible for the American Degree, members must have earned and productively invested \$7,500 through a supervised agricultural experience program where FFA members live out their motto of learning by doing.

American Degree recipients must also make it their mission to demonstrate outstanding leadership abilities and community involvement.

More than 2,400 women in Nebraska have been awarded State FFA Degrees for their accomplishments in their local chapters and agricultural education classes.

Nebraska also boasts more than 260 female State Proficiency winners and 5 female National Proficiency winners. These students represent the best of the best, having achieved the highest level of excellence in their chosen fields.

Ninety women in Nebraska have served as State FFA Officers, with 8 serving as President. Four Nebraska females have served as National FFA Officers. These leaders have invested their time and talents in building influential relationships with members and growing the Organization.

The contributions of female members have helped the National FFA Organization to become a premier student leadership organization, comprised of more than 507,000 members in all 50 states, Puerto Rico, and the Virgin Islands.

The FFA's mission is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education.

Today I am proud to offer a resolution to recognize the positive contributions female members have made to achieve FFA's goals of proficient agricultural leadership and advocacy, community citizenship, volunteerism, and cooperation.

I congratulate the National FFA Organization for 40 years of membership by women and for its role in developing tomorrow's leaders.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 319) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 319

Whereas the National FFA Organization is a premier student leadership organization with more than 507,000 members in all 50 States, Puerto Rico, and the Virgin Islands;

Whereas the mission of the National FFA Organization is to make a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education;

Whereas women were first admitted as members of the National FFA Organization in 1969 at the 42nd Annual National FFA Convention;

Whereas, by 2009, 41 percent of all members of the National FFA Organization were women, and more than 50 percent of leadership positions in the National FFA Organization were held by women; and

Whereas female members have made positive contributions to the goals of the National FFA Organization, including proficient agricultural leadership and advocacy, community citizenship, volunteerism, and cooperation: Now, therefore, be it

*Resolved*, That the Senate congratulates the National FFA Organization for 40 years of membership by women and celebrates the achievements and contributions of female members of the National FFA Organization.

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

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

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 132, 475, 476, 479, 485, 486; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action; further, that the cloture motion with respect to Calendar No. 132 be withdrawn and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### UNITED STATES SENTENCING COMMISSION

William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

William E. Spriggs, of Virginia, to be an Assistant Secretary of Labor.

Joseph A. Main, of Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

#### DEPARTMENT OF ENERGY

Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy, vice Theresa Alvallar-Speake, resigned.

#### DEPARTMENT OF THE INTERIOR

Marcia K. McNutt, of California, to be Director of the United States Geological Survey.

#### DEPARTMENT OF ENERGY

Arun Majumdar, of California, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy.

#### NOMINATION OF WILLIAM K. SESSIONS III

Mr. LEAHY. Mr. President, today, the Senate is taking action long delayed by an anonymous Republican hold. That hold has extended for almost 6 months without explanation. I have spoken repeatedly to the Republican leader, the assistant Republican leader, and the ranking Republican on the Senate Judiciary Committee. No one has given me any explanation for the hold. When the Senate majority leader asked back in early June to proceed to the nomination that was reported without objection by the Senate Judiciary Committee on May 7, the Republican leader objected, saying "we have not had an opportunity to get that cleared." They had had a month;

another 4 months have now passed. In violation of the Honest Leadership and Open Government Act, no Republican Senator has come forward in all this time to identify himself and specify a reason for the hold.

Judge Sessions is an extraordinary public servant. Judge Sessions has twice previously been confirmed unanimously by the Senate to serve on the Sentencing Commission. He has served with distinction for 10 years, and has served as a vice chair of the Sentencing Commission. He is a distinguished U.S. Federal judge who has served for 14 years and now serves as the chief judge for the District of Vermont. He is a member of the Judicial Conference of the United States, made up of the leaders of the Federal judiciary. He has also contributed to his local community as a public defender, an adjunct law professor, and even as a coach of the local Little League team. A lawyer's lawyer and a judge's judge, he has earned the praise of both the prosecution bar and the defense bar.

Judge Sessions is eminently well qualified to serve as the chair of the Sentencing Commission. I must say that in my numerous conversations with Republican Senators and Republican Senate leaders during the last 6 months, no one raised any dispute or criticism or reason for this obstruction and delay.

This is most unfortunate because some of us have worked very hard to move beyond the era when delays in nominations to fill vacancies on the Sentencing Commission got so bad and extended so long that it drew the attention of the Chief Justice of the United States in his annual reports in 1997 and 1998. I have worked with the Republican chairmen and ranking members on the Judiciary Committee and consistently protected their rights and interests. I have treated their recommended nominees with respect and shown them support. I worked to break the impasse in the Republican-led Senate by working across the aisle and with the White House to develop a slate of nominees, Republican, Democratic and independent, that was confirmed as a group. Thereafter, I have worked conscientiously with the lead Republican on the Judiciary Committee to fill vacancies appropriately as they arose.

Most recently, I worked even during the last weeks of the Bush administration to have the Judiciary Committee report and the Senate confirm two nominees recommended and supported by Senate Republicans. William Carr, a recommendation from the ranking Republican on the Judiciary Committee, was confirmed on November 20, 2008, weeks after the Presidential election, and now serves as a vice chair. We also proceeded to confirm to another term Judge Ricardo Hinojosa, who I supported when he was nominated to the Commission by his friend President Bush in January 2003, when he was nominated and confirmed as chair in

2004, and when he was renominated for another term and confirmed in November 2008. Judge Hinojosa has served as acting chair because Republicans have held up the confirmation of Judge Sessions. Apparently, Senate Republicans have chosen to respond to our having proceeded with those confirmations in November 2008 to the Sentencing Commission and to my years of cooperative efforts by resorting to delay and obstruction. They have refused to allow the Senate to consider the nomination of Judge Sessions to serve as chair of the Sentencing Commission for the last several months.

I commend Judge Sessions for his patience, determination and sense of public service. I thank the majority leader for proceeding to file the cloture petition last night that is finally resulting in Senate action on this important nomination.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

Mr. DURBIN. 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.

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes, we are.

Mr. REID. I thank the Chair.

#### UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, we are trying to work something out on an unemployment compensation extension. We are being as fair and reasonable as we can. We have exchanged papers with the minority. We hope they will come back with a reasonable number of amendments on which we can move forward.

In order to move the process along, as we continue to negotiate, I ask unanimous consent to proceed to Calendar No. 174, H.R. 3548, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been filed under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 174, H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Harry Reid, Patty Murray, Mark Udall, Roland W. Burris, Mark Begich, Byron L. Dorgan, Frank R. Lautenberg, Amy Klobuchar, Bill Nelson, Jack Reed, Carl Levin, Jeff Bingaman, Bernard Sanders, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Richard Durbin.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

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

Mr. REID. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

#### ORDERS FOR THURSDAY, OCTOBER 22, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 9:30 a.m., Thursday, October 22; 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 there be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of the conference report to accompany H.R. 2647, the Department of Defense authorization bill, and

there then be an hour for debate, equally divided and controlled between Senators LEVIN and MCCAIN or their designees, prior to the cloture vote on that conference report.

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

#### PROGRAM

Mr. REID. Senators should expect the first vote tomorrow to occur at 11:45 a.m.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 315, as a mark of further respect to the late former Senator Clifford Peter Hansen of Wyoming.

There being no objection, the Senate, at 7:50 p.m., adjourned until Thursday, October 22, 2009, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, October 21, 2009:

##### DEPARTMENT OF LABOR

WILLIAM E. SPRIGGS, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR.

JOSEPH A. MAIN, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH.

##### DEPARTMENT OF ENERGY

JOSE ANTONIO GARCIA, OF FLORIDA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY.

##### DEPARTMENT OF THE INTERIOR

MARCIA K. MCNUFF, OF CALIFORNIA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY.

##### DEPARTMENT OF ENERGY

ARUN MAJUMDAR, OF CALIFORNIA, TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION.

##### THE JUDICIARY

ROBERTO A. LANGE, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA.

## EXTENSIONS OF REMARKS

### EXPRESSING SYMPATHY FOR THE CITIZENS OF THE PHILIPPINES DEALING WITH TROPICAL STORM KETSANA AND TYPHOON PARMA

SPEECH OF

**HON. DINA TITUS**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. TITUS. Mr. Speaker, I rise today in support of H.R. 800. I am proud to be a cosponsor of this important resolution which expresses sympathy to the people and communities in the Philippines who are still struggling to recover from Tropical Storm Ketsana and Typhoon Parma. I thank my friend, Congresswoman SPEIER, for introducing this legislation.

I am honored to represent a large and vibrant Filipino community in Southern Nevada, many of whom have families that were impacted by these natural disasters. My thoughts and prayers go out to the Filipino community of Southern Nevada during this time of turmoil.

Today, I am privileged to join with members of the House in solidarity with the people of the Philippines as they begin the process of rebuilding their communities after these horrific events. During these two disasters, Southeast Asia was the victim of some of the worst flooding the world has ever seen. In some areas, 60 percent of the land was completely submerged and entire villages were washed away. As the rebuilding begins, we stand in strength and solidarity with the Philippines.

Unfortunately, these storms have also claimed the lives of hundreds of Filipinos. I send my most sincere condolences to their families. The full effect that these storms have had will not be known for some time, and our prayers for the safety of those affected will continue.

I know that the residents of the Philippines are strong willed and resilient, and will quickly rebuild their communities. I encourage our Department of State to reach out to the Philippine government and offer assistance as needed. I am proud that the United States Armed Forces have been assisting in the recovery and thank them for their vital efforts. It is important that our two nations stand together in efforts to rebuild and stabilize the affected regions.

Today, the United States House of Representatives stands united with the Filipino Community in the Philippines and around the world. I urge adoption of this resolution.

### TRIBUTE TO LIEUTENANT COLONEL JOSEPH ZINNO

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. SKELTON. Madam Speaker, let me take this time to honor a great American serv-

ice member, Lieutenant Colonel Joseph Zinno. During a terrific storm in 1946, Lt. Col. Zinno successfully landed a plane carrying the members of the Sharon Rogers All-Girl Band, a USO sponsored orchestra which performed for American troops serving in East Asia.

Born in Providence, Rhode Island, in 1923, Lt. Col. Zinno developed a fascination with flight as a child and was often seen sketching planes on spare pieces of paper or sneaking to the local airport hangar to watch the occasional take-off. His passion for aviation led him to the Army Air Corps. After earning his wings and bars in 1944, Lt. Col. Zinno began his first assignment with the 63rd Troop Carrier Group in Sedalia, Missouri, part of my home district.

Lt. Col. Zinno's skill as an aviator came to a test on January 20, 1946, when he was ordered to ferry the Sharon Rogers All-Girl Band from Seoul, Korea, to Tokyo, Japan. When Lt. Col. Zinno flew through a treacherous thunderhead, his C-46 dropped 3,500 feet in a matter of seconds. Remaining calm, the courageous pilot navigated the storm with little visibility and safely landed the plane in the Shimonoseki Strait, a strip of water littered with mines and high tension wires. With every passenger and crew member alive and safe, a Japanese fishing boat brought the orchestra and flight crew to safe ground.

Madam Speaker, Lieutenant Colonel Joseph Zinno has distinguished himself throughout his long career as a talented and courageous pilot. His nerves of steel and gutsy determination may well have saved the lives of the Sharon Rogers All-Girl Band. I trust that the Members of the House will join me in honoring this brave pilot for his contributions to our country.

### INTRODUCING THE FIRST STATE NATIONAL HISTORICAL PARK ACT

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. CASTLE. Madam Speaker, I am pleased to join Senators CARPER and KAUFMAN in introducing the First State National Historical Park Act, which authorizes a National Historical Park in Delaware. The U.S. National Park Service concluded its Special Resource Study in January 2009 and recommended that such a park be created in Delaware. The National Historical Park would be in partnership with the State celebrating Delaware's early Dutch, Swedish and English Settlements and the events leading up to the state's role in the founding of our nation; it will be comprised of sites associated with early settlement and the people and events leading up to the signing of the U.S. Constitution.

From recreation to exploring history and culture, and discovering the natural resources, the benefits of the National Parks Service are many. I have been pleased to work over the last several years with Senator CARPER to ad-

vance Delaware's effort in gaining a National Park. With the introduction of the First State National Historical Park Act, Delaware is one step from realizing this goal. A National Historical Park that takes visitors to sites rich in history throughout Delaware will greatly enhance the public's understanding of all the First State has to offer—putting us firmly on the "park" map once and for all.

I look forward to working with my colleagues in the House and Senate in passing this important legislation.

### ACKNOWLEDGING PAULA CAMPBELL'S SERVICE TO CALIFORNIA'S EDUCATION

**HON. TOM McCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. McCLINTOCK. Madam Speaker, I rise to acknowledge Paula Campbell, the out-going president of the California School Boards Association, for her continuous efforts on behalf of education throughout her community of Nevada County as well as my district and the entire state of California.

Mrs. Campbell began her career with the Nevada County School Board in 1992 where she served as president for five terms. Her success at the local level was rewarded in 2003 with her election to the state Board of Directors. And yet again her dedication and commitment to success were well recognized; Paula Campbell was elected president of the California School Boards Association.

Paula's service has been instrumental to the advancement of education in California. Thank you Paula.

### KOREA'S MESSAGE OF SUPPORT FROM GOVERNOR KIM TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

**HON. ENI F.H. FALÉOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. FALÉOMAVAEGA. Madam Speaker, I submit the following message of support submitted by Governor of Jeollabuk-do Province Kim Wan-Joo of the Republic of Korea in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

OCTOBER 1, 2009.

Hon. ENI F.H. FALÉOMAVAEGA,  
*Chairman, Subcommittee on Asia, the Pacific and the Global Environment, Committee on Foreign Affairs, House of Representatives.*

HONORABLE ENI FALÉOMAVAEGA, On behalf of Jeollabuk-do, please accept my warmest thanks for your visit to be appointed an Honorary Citizen and Goodwill Ambassador.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

There is no doubt that you have enriched Jeollabuk-do with your works, speech and spirit. For that reason, the value of such visits is immeasurable and we truly appreciate the opportunity to have you as one of us.

It's only been less than a month since we shared our celebratory nights with Samoan soldiers. We were overwhelmed by their and your spiritual reunion and warm hearts. I was mournful with the latest and yet tragic news of the earthquake and the tsunami. My deepest sympathies are with American Samoans and other Samoans who have lost loved ones, especially with Samoan soldiers in Korea and with you. There is no doubt that you are the sons of warriors. I know you will only be stronger. I hope that Samoa is in good hands and will recover sooner and better. You and Samoa are in my thoughts and prayers.

Sincerely yours,

KIM WAN-JOO,  
*Governor, Jeollabuk-do Province.*

#### EARMARK DECLARATION

### HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican leadership standards on Member requests, I am submitting the following information regarding the earmarks I received as part of the FY10 Agriculture Appropriations Conference Report:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 2997, FY10 Agriculture Appropriations Conference Report

Account: Agricultural Research Services—Buildings and Facilities

Project Name: Systems Biology Research Facility, Lincoln, Nebraska

Amount: \$3,760,000

Name and Address of Requesting Entity: University of Nebraska—Lincoln, located at 202 Agricultural Hall, Lincoln, Nebraska 68583.

Description: This funding will be used toward construction of a University of Nebraska—Lincoln, UNL/Agricultural Research Service, ARS, Research Facility. This facility would provide critically needed space for UNL and ARS research addressing two areas of national concern: renewable energy and water resource conservation and management. Agriculture is expected to provide almost 40 percent of the nation's liquid fuels within 30 years. This will further intensify demands on our soil and water resources. UNL and ARS scientists have been collaborating at UNL since the 1930s. Very strong collaborative programs continue today, including the ARS program at UNL that has been developing improved switchgrass varieties for 30 years and is the leading program in the world on the use of switchgrass for cellulosic ethanol. These scientists are scattered across the UNL campus and the proposed building will enable them to share collaborative, cutting-edge research space that will move this important research forward more rapidly. This project would advance major research focused on essential national efforts.

#### PERSONAL EXPLANATION

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote No. 790, 791, and 792 on October 20, 2009. Had I been present, I would have voted in the following manner:

Rollcall No. 790: "yea"; rollcall No. 791: "yea"; rollcall No. 792: "yea."

HONORING THE LIFE AND SERVICE  
SERGEANT TIMOTHY SMITH OF  
SOUTH LAKE TAHOE, CA

### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. McCLINTOCK. Madam Speaker, I rise today to honor Timothy Smith of South Lake Tahoe, CA, who was killed in the line of duty on April 7, 2008. Tim is survived by his wife Shayna Richard-Smith, their son Riley, his parents, Patricia and Michael, his brother Tom, and his sister Jackie.

Tim graduated from South Tahoe High School in 2001 and joined the Army in April 2004. He will always be remembered for his sense of humor, his warmth, and his great courage. Senator HARRY REID, on the floor of the United States Senate, called Tim Smith "a hero—a real-life American hero—who gave his life so that others might be safe."

Timothy Smith gave the ultimate sacrifice, may we never forget.

#### EARMARK DECLARATION

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of the final conference report for the FY 2010 Energy and Water Development Appropriations Act, H.R. 3183:

Name of Project: Delaware Coast, Cape Henlopen to Fenwick Island, Bethany Beach to South Bethany, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA, 19107

Description of Request: \$969,000 for the periodic renourishment of the Bethany Beach/South Bethany project area in Sussex County, Delaware. The purpose of this project is to reduce flood and coastal storm damage.

Name of Project: Delaware Coast, Cape Henlopen to Fenwick Island, Rehoboth Beach and Dewey Beach, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Construction  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA, 19107

Description of Request: \$969,000 for the periodic renourishment of Rehoboth Beach and Dewey Beach in Sussex County, Delaware. The purpose of the project is to reduce flood and coastal storm damage.

Name of Project: Harbor of Refuge, Lewes, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA, 19107

Description of Request: \$100,000 to repair and re-enforce the federally owned offshore Harbor of Refuge Breakwater wall that has been badly damaged and weakened by storms. The purpose of the project is to restore the historic breakwater itself and preservation of the lighthouse, which provides sound storm protection for marine interests and erosion protection for the Lewes/Cape Henlopen area shoreline.

#### EARMARK DECLARATION

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 10 Energy and Water Development Appropriation Act.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3183

Delaware River Dredging Material Utilization

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description: Evaluate problems, needs, and opportunities in the interest of beneficial use of dredged material. This project will provide ecosystem restoration and improve water quality in the vicinity of the Delaware River between Philadelphia and Trenton.

Financial Statement: A reconnaissance study is 100% federally funded. The States of Delaware, New Jersey and Commonwealth of Pennsylvania will be the non-Federal sponsors and will provide current site conditions data in this phase, and will contribute half of all subsequent study costs.

New Jersey Shoreline Alternative Long-Term Nourishment

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description: Continue the evaluation of New Jersey's coastal projects, including the different reaches of beach replenishment projects, as a system to ensure maximum benefits are achieved from the Federal investment and reduce long-term periodic nourishment costs.

Financial Statement: New Jersey Department of Environmental Protection is the non-Federal sponsor and provides their portion of the study costs.

HONORING POLICE CHIEF MICHAEL  
J. CARROLL

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. GERLACH. Madam Speaker, I rise today along with my colleagues representing Chester County, Congressmen JOE PITTS and JOE SESTAK, to congratulate West Goshen Township Police Chief Michael J. Carroll on his induction as President of the International Association of Police Chiefs in Denver, Colorado on October 7, 2009.

The tremendous honor of being selected by his peers to lead the 106-year-old nonprofit organization that promotes professionalism and global policing is just the latest accomplishment in Chief Carroll's distinguished 43-year law enforcement career. He is a Past President of the Pennsylvania Chiefs of Police Association and Chester County Police Chiefs Associations and has been inducted into the International Police Association Hall of Fame.

The lengthy list of accolades is a testament to Chief Carroll's outstanding leadership and commitment to the department he runs and the community he protects. He has earned the respect of his fellow officers for his passion for police work, determination to solve even the most difficult cases and drive to provide the highest-quality training and resources for all officers.

Madam Speaker, I ask that my colleagues join me today in honoring Police Chief Michael J. Carroll for earning this prestigious international post and for his exemplary service to the residents of Chester County, Pennsylvania.

HONORING THE MEMORY OF  
JAMES VINCENT MCCONNELL, JR.

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. BONNER. Madam Speaker, earlier this week the city of Mobile lost a dear friend and a respected leader and I rise today to honor Mr. James Vincent "Jim" McConnell Jr. and pay tribute to his memory. Jim was a successful businessman, an active citizen and a dedicated soldier who years earlier answered his country's call to serve. He will be remembered as a man devoted to his family, his country and his community.

A native of Pensacola, Jim moved to Mobile as a teenager and graduated from Murphy High School. He received a football scholarship to the University of Alabama in 1959 and

played under the legendary Coach Paul "Bear" Bryant. After graduating from the University of Alabama in 1963 with a degree in business administration, Jim entered the U.S. Army and served as a second lieutenant in Germany. He was later promoted to captain after being reassigned to Fort Campbell, Kentucky.

After an honorable discharge, Jim worked for his father at Trail Cadillac-Pontiac before starting on his own dealership, Trail Pontiac on Dauphin Street. Later, Jim acquired the Mercedes-Benz and GMC Truck franchises, which he eventually merged with his brother's Cadillac dealership, forming McConnell Automotive Corporation. Jim was also a partner in the new Mercedes-Benz of Mobile.

Jim served on the General Motors Dealer Advisory Board and as president of the Buick-Pontiac-GMC area marketing group for 20 years. He received numerous awards as a General Motors Master Dealer and Mercedes-Benz Diamond Dealer. He was a member of the Red Elephant Club, served on the Senior Bowl committee and was active in a number of other civic and community organizations. In short, Jim McConnell was always giving back to the city he loved and called home.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated and generous community leader and a dear friend to many. Jim McConnell will be deeply missed by his family—his wife, Cynde; his sons, Mitch McConnell, Stan McConnell, Vince McConnell and Baker McConnell; his mother, Mary Louise McConnell; his brother Eddie McConnell; his sister, Mary Lou Layden; and his four grandchildren—as well as his many friends, colleagues, and patrons.

Mobile—and indeed our entire state—lost a true leader for our area and our thoughts and prayers are with this family at this difficult time.

RECOGNIZING JUDGE JUDY  
SCHIER HOBBS

**HON. JOHN R. CARTER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. CARTER. Madam Speaker, I would like to recognize the Honorable Judy Schier Hobbs, Justice of the Peace for Precinct 4 in Williamson County, who was awarded "Judge of the Year" by the Texas Justice Court Judges Association (TJCJA) at their annual 2009 Education Conference in Austin, Texas. The state-wide award was presented at the Awards Luncheon during the four-day conference at the Austin Hyatt Regency on Lady Bird Lake.

Texas Justice Court Judges Association is an organization representing Justice Court Judges and Clerks across the State of Texas.

Judge Hobbs was awarded the "Judge of the Year" by the Central Texas Justices of the Peace and Constables Association earlier this year.

Judge Hobbs is a lifelong resident of Precinct Four in Williamson County with a rich history of community service and was appointed and sworn to office May 15, 1982. She is a Lifetime member of the Texas Justice Court Judges Association and Central Texas Justices of the Peace and Constables Association.

Judge Hobbs is married and has two children and seven grandchildren with one on the way and is a member of the Brushy Creek Baptist Church.

SUPPORT THE MOTOR VEHICLE  
OWNERS RIGHT TO REPAIR ACT

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. TOWNS. Madam Speaker, I rise today to discuss a problem that many of us, and many of our constituents, often face, a problem that be easily resolved with legislation that I, joined by Representatives ANNA ESHOO and GEORGE MILLER, have reintroduced. HR 2057, The Motor Vehicle Owners' Right to Repair Act, ensures that motoring consumers have the ability to choose where, how and by whom they have their vehicles repaired and serviced, even those recently out of warranty.

Vehicles that are 1994 and newer are equipped with computers that control most of the vehicles' systems, from air bags and brakes, to tire pressure, oil changes, electronics, ignition systems and keys. In fact, there are more computers on today's vehicles than were on the Apollo 11 moon mission.

Independent repair shops, which comprise a large number of the small businesses in all of our districts, are experiencing a great deal of difficulty in locating and obtaining the information, tools and software needed to completely repair late model vehicles. These shops often must turn away their valued customers, forcing them to return to new car dealerships, which, on average, are 34 percent more expensive. Not only is that a loss of business for the over 200,000 independent repair shops in our nation, but it is a financial burden for our constituents.

I have heard several complaints in my office of problems that independent repair shops have experienced in repairing later model vehicles. One independent aftermarket technician in New York was attempting to diagnose a Subaru and was told that the car company would not sell the independent repair shop the proper tools needed to diagnose and repair a drivability problem.

Another New York repair shop was told they would have to wait up to two days to obtain the software from Ford needed to update the computer on a Ford Escape. The repairer had to pay for towing and then pay the new car dealership a fee.

I have another example from Massachusetts. But you get the point.

82% of car owners and 94% of independent repair shops indicate that they favor the passage of this bill. It allows repair shops to offer their clients better service and doesn't cost the taxpayers or the government any money. Instead, it's a way that we can provide affordable choices to car owners who continue to struggle in this difficult economy.

The car companies have argued that this bill would lead to infringements on their intellectual property. HR 2057 does NOT request or require proprietary information and I have inserted language to ensure that. Similar legislation has been passed in the California state legislature, and there were no breaches of proprietary information; the only result was

that emissions systems were repaired faster and better. It's time that Congress keep our motoring constituents in the drivers' seat when it comes to repairing their vehicles, and it's time we helped ensure the economic survival of the small, independent repair shops that have been so good to our constituents.

Please join with me, Congresswoman ANNA ESHOO and Congressman GEORGE MILLER, to give our constituents a choice of where to repair their cars.

EXPRESSING SYMPATHY FOR THE  
CITIZENS OF THE PHILIPPINES  
DEALING WITH TROPICAL STORM  
KETSANA AND TYPHOON PARMA

SPEECH OF

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. MATSUI. Mr. Speaker, I rise today to pay tribute to the hundreds of Samoans and Filipinos who tragically lost their lives in the natural disasters that ravaged the islands of the South Pacific and Southeast Asia. I also recognize the incredible resolve of the survivors of these catastrophes as they begin to rebuild their communities.

We are still assessing the total devastation caused by Tropical Storm Ketsana and Typhoon Parma in the Philippines, and by the earthquakes and tsunamis in American Samoa, Samoa, and Tonga. These natural disasters have claimed hundreds of lives, damaged or destroyed thousands of homes, and have left countless people without basic necessities, such as clean water, adequate food, and essential health care.

Mr. Speaker, in the wake of these tragedies, we are reminded of the important role our national service programs and volunteers play in repairing the homes, neighborhoods, and lives of those who have fallen victim to natural disasters. In response to this most recent catastrophe, AmeriCorps National Civilian Community Corps, NCCC, Team Leaders from my hometown of Sacramento traveled to American Samoa to manage the immediate assistance provided to those affected through the American Red Cross intake center, located in Pago Pago.

As Co-Chair of the National Service Caucus, I have seen first-hand the commitment these volunteers have made to the betterment of society. We honor these dedicated men and women who continuously rush to the service of those in need, and recognize the great value of our national service programs in disaster relief.

Mr. Speaker, we mourn the losses suffered by our neighbors in the South Pacific and Southeast Asia, and express our steadfast support of their efforts to rebuild devastated communities and reestablish their way of life. It is my hope that my colleagues will join me in honoring the commitment of volunteers who make this recovery period possible, as they provide assistance to those currently facing incredible hardships.

TRIBUTE TO BETTY TAYMOR

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to a distinguished constituent, Betty Taymor, who will be honored this week at the University of Massachusetts. Her visionary leadership is responsible for the creation of the Center for Women in Politics and Public Policy at their McCormack Graduate School of Policy Studies, and a scholarship fund has been created in her name.

Her lifetime of civic engagement serves as an inspiration to us all. My colleagues in the Massachusetts delegation have joined in a letter of congratulation that I would like to read into the RECORD. This is what we wrote to Ms. Taymor:

The Massachusetts delegation to the House of Representatives joins in tribute to you as your friends and colleagues gather to celebrate your extraordinary achievements. You have indeed run against many prevailing winds, and been energized, not subdued, by the challenges you've overcome.

We recommend your inspiring book, *Running against the Wind*, to anyone who seeks to understand the progress made by American women in the second half of the last century. You entered public service as a volunteer, an honorable role shared by many idealistic women throughout our history and crucial to the abolition of slavery and the emancipation of women. During the Second World War, you joined with others on the home front in the important work of the Red Cross. Later, you sought and won positions of greater responsibility and authority, in Massachusetts and in the national Democratic Party.

You were a personal mentor to many, but you wanted to do more. With characteristic energy, you created an institutional embodiment of your example in the Program for Women in Politics & Public Policy. This evening's celebration is dedicated to your vision and to the support of the Betty Taymor Fund to further the education of women who share your intellectual and moral fervor. Your courage and determination continue to inspire all good citizens, both men and women, committed to equal rights and equal opportunity.

We unite in gratitude and congratulation.

O'FALLEN CASTING—SIXTH  
ANNIVERSARY

**HON. W. TODD AKIN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. AKIN. Madam Speaker, it is a common refrain today that "we are losing good manufacturing jobs" in the United States; that manufacturing anything in the United States is becoming more and more difficult. As a former steel executive, I share the concerns of our manufacturing community and blame, in no small part, the onerous regulatory burden with which this government has saddled our manufacturers for that decline. But, despite what seems to be the best efforts of some in Congress and our regulatory agencies, there are manufacturing companies in this country who are succeeding and without government inter-

vention. One such company is O'Fallon Casting; located in my district, they will celebrate their 6-year anniversary on Friday October 23.

Once a division of Hitchiner Manufacturing, Co. O'Fallon Casting has roots dating back 40 years in Missouri. But today it has shed its traditional past and transformed itself into a modern, high tech industry leader positioned for growth in the future. Proving that despite an increasingly competitive world economy, innovative U.S. manufacturers can and do successfully compete in the global market.

With the support of ownership, O'Fallon's management team has incorporated modern automation of the material handling and production systems. Additionally, compression straightening of castings has been implemented with four workstations feeding to a single, custom, 500-ton press. The company's goal is to provide their customers with access to cutting edge technologies.

Employing 169 people in O'Fallon, Missouri, over the past six years the company has also pursued a number of environmentally friendly initiatives including high-efficiency lighting and in-house recycling of water, wax and metal. In 2004, O'Fallon Casting was recognized by the State of Missouri with a prestigious Gold Award for its water recycling and waste treatment efforts. The City of O'Fallon named the company "Manufacturer of the Year" in 2005.

Throughout my tenure in Congress I have fought to reduce the tax and regulatory burden this government places on American business and manufacturing as a way to encourage companies, like O'Fallon Casting, who are responsible for creating the jobs that employ all our constituents. I'm honored to represent the company and its 169 employees in this House, and congratulate them on their sixth anniversary. I pray I will be able to celebrate many more such days with them for many years to come.

THE NEED TO ACKNOWLEDGE AND  
FIGHT POVERTY

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. BUTTERFIELD. Madam Speaker, according to a study of recent U.S. Census Bureau figures, the National Academy of Science found that the level of American poverty is even worse than the government's official number.

The official measure, created in 1955, failed to factor in rising costs of medical care, transportation or childcare. It also ignores geographical variations in the cost of living. Further, it also fails to consider non-cash government aid when calculating income. As a result, the poverty figures released by Census last month may overlook millions of people suffering in poverty, many of whom are 65 and older.

The National Academy of Sciences' revised formula calculates that about 47.4 million Americans lived in poverty last year—7 million more than the Census figure.

The National Academy of Sciences formula shows a poverty rate of 15.8 percent, which is nearly 1 in 6 Americans. This is far higher than the poverty rate of 13.2 percent, or 39.8 million, reported by the U.S. Census Bureau recently.

The National Academy of Sciences found that about 18.7 percent of Americans 65 and older, or nearly 7.1 million, are suffering in poverty compared to 9.7 percent, or 3.7 million, under the traditional Census measure. This is largely due to out-of-pocket expenses from rising Medicare premiums, deductibles and a coverage gap in the prescription drug benefit.

The National Academy of Sciences also found that 14.3 percent of people 18 to 64, or 27 million, are suffering in poverty, compared to 11.7 percent under the traditional Census measure. Many of the additional poor are low-income, working people facing growing transportation and childcare costs.

It should also be noted that food stamp assistance, which is at an all-time high of about 36 million, likely softened these figures.

These figures are especially troubling and could get worse. In 2008, U.S. median income fell to \$50,303 from \$52,163 in 2007. That 3.6% decline is the largest one-year drop since records began. And, the Economic Policy Institute projects that in the next two years, incomes could decline by another \$3,000 and poverty could increase by 1.9 percentage points.

These figures have special meaning for me because I represent one of the poorest Congressional districts in the country. In fact, a recent report in *Forbes Magazine* declared Rocky Mount, North Carolina as one of America's 10 most impoverished cities.

*Forbes* used the new data from the U.S. Census Bureau's 2008 American Community Survey, and also looked at per capita incomes for a region, the percentage of food stamp recipients, the percentage of people under age 65 receiving public health care and the unemployment rate.

According to *Forbes*, nearly 8 percent of Rocky Mount area residents were among the nation's extreme poor in 2008, living at below 50 percent of the poverty line. And, about 17 percent of area residents received food stamps last year, and nearly 23 percent of residents under age of 65 received Medicaid. Also, Rocky Mount's unemployment rate at the time of the report was 8.7 percent and since has risen to 13.8 percent.

While *Forbes* also ranked Rocky Mount as the 119th best small places for business and careers, largely because of the city's available workforce, this is a region that suffers with a great number of needs. This is a community with great pride and potential that continues to work hard to provide opportunities and improve the quality of life for its residents.

As we look at ways to make sure our resources are going where they are needed most, we should look at the way poverty is measured. Unfortunately, the official U.S. poverty measure has changed very little since it was originally adopted in 1969, with the exception of annual adjustments for overall price changes in the economy, as measured by the Consumer Price Index for all Urban Consumers.

Currently, the poverty threshold reflects a measure of the economic realities of the mid-1950's. The poverty line has not been adjusted to reflect changes in needs associated with improved standards of living that have occurred over the decades since the measure was first developed.

A congressionally commissioned study conducted by the National Academy of Sciences

has recommended that the poverty level be reset to take into account economic changes that have occurred over the past four decades. The National Academy of Sciences recommended that non-cash benefits, taxes and tax credits be counted as income while expenses such as work-related child care, housing and out-of-pocket medical expenses be deducted from income in determining families' poverty status. As a result, comparatively more working families and elderly people would be counted as poor.

The National Academy of Sciences also recommended that the poverty income levels be adjusted for regional cost of living differences. The current poverty income thresholds are uniform across the 50 states and the District of Columbia.

The Measuring American Poverty Act of 2009 introduced by Representative MCDERMOTT and a companion bill introduced by Senator DODD would instruct the U.S. Census Bureau to adopt many of the modern poverty measurement recommendations made by the National Academy of Sciences. If adopted, the legislation would result in a new poverty measure that would coexist with the official poverty measure, and re-designate the current "official" measure as the "traditional" poverty measure. The new poverty measure would not affect programs that use poverty as criteria for either determining eligibility or allocating funds, but would stand as an additional statistical indicator to measure the effects of programs on poverty.

This would be a helpful step toward ensuring that we have a system that is fair to people who need help as well as to the taxpayers providing that help. This economic crisis serves as a reminder to all Americans just how vulnerable we all are, and that reducing our existing poverty will require a great deal of effort and attention.

IN MEMORIAM OF SPC KEVIN O.  
HILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. TOWNS. Madam Speaker, I rise today in memoriam of Specialist Kevin O. Hill, a distinguished and honorable constituent of Brooklyn. He died on October 4, 2009 in Dehanna, Afghanistan and was a member of the 576th Engineer Company, 4th Engineer Battalion based in Fort Carson, Colorado. A third generation Military man, preceded by his father, Oslen, Jr. and his grandfather Oslen, Sr., Specialist Hill had dreams of being a Secret Service agent and felt that the military training and experience could only serve him well in pursuit of that goal.

He was a quiet leader, choosing to lead by example more often than words. After completing his education at Monroe College, Specialist Hill joined the Army. While in Afghanistan he worked with the Engineer Battalion to disable IEDs and roadside bombs before they could do harm to his fellow soldiers and the civilians that he was there to help.

His mother praised him as a hero, and I stand here to do the same. Specialist Hill paid the ultimate sacrifice for our country and my condolences go out to his mother, Mahalia

Hill, his father, Oslen Hill, his grandfather Oslen Hill, Sr., his sisters Chinyere and Shantel and his entire family in this time of grave loss. Our country is indebted to his family and we are all mourning their loss.

Madam Speaker, I urge my colleagues to join me in remembering the dedication and selflessness of Specialist Kevin O. Hill.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, for FY2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title III

Account: DOE—Science

Legal Name of Requesting Entity: "The University of Oklahoma"

Address of Requesting Entity: 660 Parrington Oval, Norman OK 73019

Description of Request: Provide an earmark of 1,000,000.00 to The University of Oklahoma (OU) for its technological advantage in the production of carbon nanotubes, via the use of a proprietary catalyst and a truly scalable production process, commercialized by an OU startup company (South-West Nanotechnologies, SWeNT). The Center for Applications of Single-Walled Carbon Nanotubes (CANTEC) investigates the applications of the SWNT produced in the CoMoCAT process in several important areas: biomedical applications (biosensors, cancer cell targets, and cancer therapeutics), polymer composites of unique electrical and mechanical properties, metal-nanotube composites, thermally conducting composites, transparent electrodes, solar cells, field emission devices, and thin film transistors.

BRIAN TAYLOR RECOGNITION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. ROHRABACHER. Madam Speaker, I would like to bring to the attention of my colleagues the inspirational and uplifting story of Brian Taylor from the November 2009 issue of *SLAM* magazine. Brian Taylor is a true modern hero and example to the youth of America. Brian was a superstar basketball player at Princeton University and in the ABA and NBA. He had a great 10 year professional career, after which he became a teacher. He is now Head of Schools for View Park Schools, a charter school network in the inner city of Los Angeles, CA. View Park graduates 100% of its high school seniors, all of whom go on to college! Brian's personal story and the success of his charter school is a real life example of what can be accomplished with hard work,



perseverance and commitment to excellence. I salute Brian Taylor and I urge my colleagues to read and be inspired by this tremendous story.

HIGHER LEARNING: FORMER ABA STAR BRIAN TAYLOR IS NOW COMMITTED TO EDUCATING THE YOUTH OF L.A.

(By Chris Warren)

Brian Taylor creates a stir when he walks the halls of View Park Prep Middle School in south Los Angeles. One young teacher's face lights up when he spots Taylor and, making his way through the throngs of African-American students changing classes, he crows about a Laker's narrow Playoff win. As he continues down the hall, Taylor—who at 6-3—towers over the young kids who attend this charter school located in an area known for its deep-seated problems with gangs, violence, and failing schools—is approached by a succession of students. Some just say hi, some want to talk about their classes and others angle for a pat on the shoulder or a hug.

One subject that isn't broached, at least on this day, is Taylor's highly successful career in the ABA and NBA. Not that there isn't a lot to talk about. After a standout tenure at Princeton, where he led the Pete Carril-coached Tigers to the NIT Tournament and wins over Bobby Knight's Indiana and Dean Smith's UNC tar Heels ("Bob McAdoo is still in denial," he says), Taylor was lured to the pros after his junior year in 1972, one of the first athletes to make the jump early—so unusual at the time that Howard Cosell did a story about it for ABC Sports. In a decade-long career in the pros, Taylor rolled up a Rookie of the Year award and two ABA championships with the New York Nets, where he played great D and dished the ball to Dr. J, Larry Kenon and John Williamson, before going on to stints with the Kansas City Kings, Denver Nuggets, and the San Diego Clippers in the NBA.

Taylor isn't interested in rehashing past glory, though sometimes he can't avoid it because zealous fans still track him down and send him items to autograph. These days, Taylor, who is head of View Park Prep Schools and senior vice president at the Inner City Education Foundation (ICEF), which runs 13 charter schools in south L.A., including View Park Prep Middle School, would much rather talk about the challenges and triumphs of providing a top-notch education to minority students who typically have few, if any, good options when it comes to schools.

Taylor certainly has a great story to tell. Since their founding in '94, ICEF schools have emerged as an educational powerhouse in an area of Los Angeles where only 9 percent of freshmen who enter public schools eventually graduate from college. By stark contrast, ICEF schools have not only routinely registered top scores on California standardized tests, often besting much wealthier areas, but have a goal, so far attained, of sending 100 percent of their graduates to college. Taylor needs to tell this story as a way to drum up support amongst parents, politicians, donors and neighbors, because their support is vital for ICEF to flourish and expand; their goal is to eventually operate 35 schools in south L.A., ultimately serving 10,000 students and producing 2,000 college graduates per year.

"My job is to help the outside world understand what we're doing and why and how we are achieving at a high level and get their support and their understanding," Taylor says, "Us being here has affected people's lives—there are more kids and more traffic and it has affected people's lives in the community—and my job is to have them understand that it's worth it for the kids."

By experience and connections, it's hard to imagine a better spokesperson. Not only is Taylor a Princeton grad, which speaks volumes about the value he places on education, but he was one of the founding board members and treasurer when ICEF was nothing more than an idea and later left a position at one of L.A.'s most prestigious private schools to become principal of View Park Middle School before starting his current job. Taylor's network is wide and he uses it well; he has coaxed former professional ballplayers to come work at the school and got Laker's great Kareem Abdul-Jabbar to speak to the kids about black history; while I'm with him, he misses a call from President Obama's Secretary of Education, Arne Duncan.

Given all that, it's still Taylor's temperament that is arguably his most effective tool in garnering support for ICEF's mission to provide an elite private school quality education to traditionally underserved, forgotten African-American children. "Brian is the most modest person I've ever met," says ICEF founder Mike Piscal.

As Taylor, whose playing days were ended by an Achilles heel injury in '82, leads a tour around the school, he is continually deflecting attention away from himself. Introducing Dwight Sanders, View Park's current principal, Taylor calls him one of ICEF's "rising stars," and says that students already like Sanders better than him. Every teacher we meet is doing something extraordinary, he says, and I really should be talking to them, not him.

Taylor would be the first to say that he's in a position today to make a huge difference in thousands of young lives largely because of basketball. Growing up in the housing projects of Perth Amboy, NJ, Taylor had two distinct advantages over his peers who were never able to rise above their tough environment: family and sports. His father, "Big" Steve, a former semi-pro football player and the family disciplinarian, worked as a laborer at the Raritan Copper Works, and his mother, Maude, was a homemaker. "Even though we had a small place, it was the place to go to get home cooking and a lot of loving from my mom," he recalls. Along with a secure and loving home life, the Taylors were also awash in athletic talent. Big Steven was a skilled athlete and Brian's older brother, Bruce, was a standout football player who went on to become a Pro Bowl cornerback for the San Francisco 49ers. For his part, Brian excelled at everything he tried—he says baseball was his first love—becoming a three sport letterman all four years of high school, leading his basketball team to one state championship and a second-place trophy.

Fortunately for Taylor, he also had a football coach, Bob Estok, who stressed education. "After my freshman year in high school, he says, You're a good enough student, you have a profile here that if we get you moving in the right track, you'll have tremendous opportunities to go anywhere in the country for college," Taylor says. For Estok, that track meant making sure Taylor spent two summers taking academic enrichment courses at an elite private school and maintaining an A-minus average in his regular courses. It also meant making sure that Taylor knew the dangers faced by talented athletes, so Estok gave him the book, *The Black Athlete: The Shameful Story*. "It's a cautionary book, talking about how athletes are exploited for their physical abilities and don't take advantage of the opportunities they have as students," Taylor says.

That was never a possibility for Taylor. Even though he was heavily recruited out of high school—UCLA, Cal-Berkeley and Rutgers were among his suitors—it was Prince-

ton, located just 30 miles from home, which eventually won out. "We didn't recruit him that hard, I guess his mom, the last thing she said was that I was the only honest guy he talked to," laughs Pete Carril, who coached the Tigers from 1967-96. "He had his sights set on a good education and that really helped us."

Taylor flourished at Princeton, using his blazing speed and strength to break down defenses and shut down the opposing team's best players. "Brian was a terrific shooter and he had great quickness and he could defend," says Gary Walters, Princeton's current athletic director, who played point guard on the school's 1965 Final Four team. "He was one of Pete's all-time most talented and gifted players." During the summer, Taylor would train with another of Princeton's all-time greats, Bill Bradley. Taylor remembers how Bradley would come to the gym each day clutching a notebook in which he'd jotted down all the drills he wanted to do. After each was completed, Bradley would methodically go back to the notebook and check it off—a powerful lesson about the importance of preparation and hard work in pursuing one's goals.

Taylor's focus on academics waned when, after a wildly successful junior year, the ABA came calling. "I was like, wow, I've got an opportunity to play with the great New York Nets in the beautiful Nassau coliseum and they're going to pay me to do it? Or I'm going to have to write a 100-page thesis?" When Taylor's father was interviewed by Cosell, the sportscaster asked him what his son should do: take the money and run, Big Steve said. Brian did just that, although he eventually went back to Princeton and earned two degrees.

Taylor quickly established himself in the pros, not only winning ROY honors in the ABA, but helping lead the Nets to championships in his second and fourth years in the league, when the team came back from a 22-point deficit to best the Denver Nuggets. The way Taylor saw it, his job was to do two things: shut down the opposing team's best player and get the ball to a certain future hall of famer. "My responsibility was making sure I got the ball to Dr. J in the right position," he says.

Night after long night he had to try and slow the prolific scoring of the likes of David Thompson, George Gervin, Norm Nixon, and Pete Maravich. It was no easy task. "They hated me because the only way I could slow them down was to do anything possible: grab them, hold them, trip them, bite them," he says with a laugh. Ron Boone, who played for numerous ABA and NBA teams and is now color commentator with the Utah Jazz, used to hate it when Taylor guarded him. "He was just one of those guys you wanted to get off of you because he was there all of the time," Boone recalls. In the '76 Playoffs, Boone grew so frustrated with Taylor's defense that he punched him in the mouth, but the next year, Taylor and Boone were roommates on the Kansas City Kings and became good friends.

Although undersized, Taylor had plenty of other tools. One was speed: he was known as the BT Express. "He was the fastest guy I had seen in the league up to that point, and I'm not sure if people of the ilk of [Allen] Iverson are faster," says Kim Hughes, an assistant coach with the L.A. Clippers, who played with Taylor on the Nets. Hughes says Taylor and Dr. J were the smartest teammates he ever had, and that Taylor duped people into making ill-conceived passes. "I heard how Bill Russell used to taunt people into blocking shots. Brian was lurking, waiting for the cross-court pass and he would get it almost every time."

Although Nate "Tiny" Archibald is better known than Taylor, Hughes says it was a

"terrible deals" when the Nets traded Taylor for Tiny. "I thought Brian was a much better player than Tiny, even though Tiny was a much better offensive player," he says. "Brian was such a good rebounder, defender and overall player."

Taylor's leadership also set him apart, teammates Eric Money, a former Pistons point guard. As Money recalls, Taylor didn't lead by shouting or hogging the ball, but by quietly making everyone else better. "He was always the floor general," says Money, who Taylor lured to ICEF schools to become a PE teacher and to help him coach the high school basketball team. "he was a great complementary player to let guys like Dr. J have the spotlight. The leader sometimes has to defer that was one of his stronger qualities."

Taylor will need to draw on every bit of those leadership skills in his current role. Education, especially in California, has been hit hard by the economy, with massive state budget cuts decimating teaching staffs, increasing class sizes and dimming prospects of academic progress. The challenge is particularly acute for charter schools, which already don't receive as much funding as regular public schools, even though their test scores and achievements are often far superior, most markedly in predominantly minority areas. Taylor has to work extra hard to try and drum up financial resources from foundations, individuals and the federal government, whatever it takes to keep the ICEF schools performing at a high level.

Taylor's motivation is intensely personal. His two youngest children attend ICEF schools (an older child, Bryce, was a stand-out player at the University of Oregon and, after playing a year in Italy, is looking to sign with an NBA team), the symbolism of which is not lost on anyone. "It does send an important message, because it tells you he has faith in us and the system," says Sanders. "That says a lot about what he's building and what his belief is in our system." In fact, Taylor says he got into education after 10 years as a successful businessman in larger part to emphasize to his kids how important it is.

Even if his weren't here, it seems clear that Taylor would be. He says he sees himself in the children who attend ICEF schools, growing up in the inner city where bad influences are all too common. What he wants them to understand is that academics lead to a better life and that it's within their grasp. But the job gives him plenty in return, including an opportunity to coach his son, Brendan, who is developing into an excellent player himself. It might not match the immediate thrill of a roaring crowd, but it can be far more gratifying, he says.

"What can you do that is going to give you the thrills that you had as a ballplayer? Probably nothing, but what is my purpose thereafter?" he says. "I feel coming here I found my purpose in life. And my purpose in life is to give back."

#### HONORING CONNOR KILLEN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eagle Scout Connor Killen, 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 216, and by achieving the incredible feat of earning all 122 possible merit badges.

Connor has been very active with his troop, participating in many scout activities. Connor has shown an extraordinary commitment to scouting over the past six years as evidenced by the many weekends of hard work and the travel to five different states and two foreign countries as he worked towards earning his merit badges.

Madam Speaker, I proudly ask you to join me in commending Connor Killen for his exceptional accomplishments with the Boy Scouts of America and for his efforts put forth in achieving this highest distinction.

#### EARMARK DECLARATION

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Conference Report for H.R. 3183, FY2010 Energy and Water Development and Related Agencies Appropriations Act.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3183

Account: Office of Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Washington State University for the Department of Energy

Address of Requesting Entity: 1036 Wilson Road; Pullman, WA 99164

Description of Request: Provide an addition of \$1,000,000 for making the power grid more reliable, capable, and secure. The existing power grid is highly unstable and vulnerable to natural and man-made interruptions as well as being inadequate for increased power and transmission speed throughout. The development of software will make a "smart grid" possible.

#### PERSONAL EXPLANATION

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, October 20, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted "YEA" on rollcall 790, "YEA" on rollcall 791, and "YEA" on rollcall 792.

RECOGNITION FOR MEMBERS OF THE TEXAS STATE HOUSE AND SENATE FOR THEIR WORK ON BEHALF OF GALVESTON TEXAS

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. PAUL. Madam Speaker, on October 23, the Galveston Chamber of Commerce will recognize the following members of the Texas State House and Senate for their tireless work in the Texas state legislature on behalf of the people of Galveston: Senator Joan Huffman, Senator Mike Jackson, Senator Steve Ogden, Representative Dan Branch, Representative Craig Eiland, Representative Jim Pitts, and Representative Larry Taylor. I am pleased to join the Galveston Chamber of Commerce in saluting these seven legislators.

In the past year, each of these legislators have diligently worked to help the people of Galveston recover from Hurricane Ike. Among the issues they worked on were windstorm insurance, state support for rebuilding Galveston Island, and ensuring continued support for the University of Texas Medical Branch.

I am honored to have a working relationship with these legislators. My district staff regularly communicates with the offices of these state legislators, in working together to meet the needs of our shared constituents.

In conclusion, Madam Speaker, I again join my friends at the Galveston Chamber of Commerce in thanking Senator Joan Huffman, Senator Mike Jackson, Senator Steve Ogden, Representative Dan Branch, Representative Craig Eiland, Representative Jim Pitts, and Representative Larry Taylor for all they do for the people of Galveston. I look forward to continuing to work with these legislators.

#### RAISING AWARENESS AND ENHANCING THE STATE OF CYBER SECURITY IN THE UNITED STATES

SPEECH OF

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of House Resolution 797, recognizing the goals and ideals of National Cybersecurity Awareness Month.

The release of the Presidential Cyberspace Policy Review in May was an important step forward.

However, more work remains to be done to ensure that cybersecurity is fully integrated into our nation's homeland security efforts.

Our country can't afford 20th century thinking for a 21st century problem.

I congratulate Ms. CLARKE, the Chairwoman of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, for her work on cybersecurity, and thank her for authoring this resolution.

The Committee has held ten hearings and undertaken numerous investigations into cybersecurity issues affecting the Federal government, the private sector, and critical infrastructure owners and operators in just the last three years.

Though the Homeland Security Committee is primarily concerned with cybersecurity on Federal networks and critical infrastructure, we recognize the important education mission carried out by the National Cyber Security Alliance and their efforts to reach home users, small businesses, and students and educators of all ages.

The National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to these folks

through educational activities, online resources and checklists.

Raising the awareness of this issue in both the public and private sectors is absolutely vital as our country becomes increasingly connected.

Cybercrime is a serious business—recent reports suggest that cyber-crime has become a \$105 billion business that now surpasses the value of the illegal drug trade worldwide.

During the past two years, one in five online consumers has been a victim of cybercrime.

But companies and consumers continue to underestimate the threat from phishing, data loss, and other cyber vulnerabilities.

I encourage my colleagues today to support this resolution and join me and Representative CLARKE in our efforts to address this threat to our economy and homeland security.

RECOGNIZING THE BOYS AND GIRLS CLUB OF SIERRA VISTA, ARIZONA FOR ITS PARTICIPATION IN LIGHTS ON AFTERSCHOOL DAY

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the work of the Boys and Girls Club of Sierra Vista, Arizona, which will play a very active role in the Lights On Afterschool Day on October 22.

Lights On Afterschool Day is a national celebration of after-school programs that promotes quality afternoon activities for children and their families. Arizona ranks in the top 10 states for afterschool programs and I commend the Boys and Girls Club of Sierra Vista for its strong participation in this important initiative.

The mission of the Boys and Girls Club of Sierra Vista is to inspire and enable all young people to realize their full potential as productive, responsible and caring citizens. The club operates exceptional youth development programs which provide young people with the knowledge, skills, and attributes they need to pursue their dreams and succeed in life.

The Boys and Girls Club of Sierra Vista also offers a full menu of after-school activities. These activities provide safe, challenging and fun learning experiences to help young people develop their social, emotional, physical, cultural and academic skills.

There are more than 28 million children in the United States with parents who work outside the home. Some 14.3 million of those children have no place to go after school.

The Boys and Girls Club of Sierra Vista leads the way by encouraging community involvement in the education and well-being of our youth. That leadership is grounded in the principle that quality after-school programs are a key to helping our children become successful adults.

Afterschool Alliance Executive Director Jodi Grant has said "The 2009 Lights On Afterschool events represent not only diverse people and issues, but also diverse interests—whether those interests run to the sciences,

the arts, community service, sports or the environment." The Boys and Girls Club of Sierra Vista is an outstanding example of how children can be engaged in these meaningful activities.

On behalf of a grateful community, I thank the Boys and Girls Club of Sierra Vista for all that it does to engage and educate our children in a safe and caring setting.

BROOKS C. ROBINSON

**HON. C. A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Brooks C. Robinson, legendary Baltimore Orioles third baseman and National Baseball Hall of Famer.

Brooks Robinson began his professional baseball career on Memorial Day 1955, when he signed a contract with the Baltimore Orioles for whom he played throughout his entire 23 year career. Known as the Human Vacuum Cleaner because of his astounding defensive abilities at third base, Robinson is generally acclaimed as the greatest defensive third baseman of all time.

In 1964, Robinson won both the American League Most Valuable Player, MVP, and All-Star Game MVP awards. He played in four World Series and in 1970 Robinson received the World Series MVP Award. In 1971, Robinson was awarded the Hickock Belt, emblematic of his selection as the national outstanding athlete of the year. During his career as an Oriole, Robinson won 16 consecutive Gold Glove Awards, a record for nonpitchers.

Besides his superior defensive skills, Robinson holds major league records for his offensive talent as well. Robinson compiled a .267 batting average with 2,848 hits, 268 home runs, and 1,357 runs batted in. After his retirement in 1977, the Orioles retired his jersey, number 5.

Robinson remained active in the community upon his retirement. A longtime supporter of Scouting, Robinson served for many years on the executive board of the Baltimore Area Council, Boy Scouts of America, and is a recipient of the Silver Beaver Award. On December 5, 2006, he was recognized for his accomplishments on and off of the field when he received the Bobby Bragan Youth Foundation Lifetime Achievement Award.

Brooks Robinson has lived in the Baltimore area for over 45 years with his wife Connie. They have four children and eight grandchildren.

Madam Speaker, I ask that you join with me today in honoring Brooks Robinson, a man who has established a standard of excellence both on and off the baseball field. His stellar baseball performance and outstanding community involvement is a sterling example of a true professional athlete.

HONORING EMILY THOMPSON

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the constituents of Ohio's Seventh Congressional District to recognize and honor Emily Thompson for the courage and selfless action she took to save the life of a fellow citizen.

A senior at Kenton Ridge High School in Kenton, Ohio, Emily is a member of the volleyball team. While preparing for a match on Tuesday, October 13, 2009, a fellow teammate's grandfather suffered an apparent heart attack in the stands. Emily was quick to respond, using her first aid knowledge she learned as a lifeguard she effectively saved the gentleman's life.

Emily deserves our recognition for her bravery, strength of character, and quick action to help when needed. She has shown true signs of leadership and responsibility far beyond her 17 years.

Emily provided a great service both to our community and the family and loved ones of the gentleman she saved and for these reasons she deserves our gratitude and special thanks.

NATIONAL BREAST CANCER AWARENESS MONTH

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize "National Breast Cancer Awareness Month" during its 25th anniversary year.

National Breast Cancer Awareness Month has been at the forefront of raising awareness of breast cancer issues and has continued to evolve along with the national dialogue on breast cancer.

I am a strong advocate for organizations that are dedicated to educating and empowering women to take charge of their own breast health by practicing regular self-breast exams and scheduling annual mammograms.

In my district in Orange County, California, I am proud of the numerous health fairs that promote prevention among our ethnic populations, who tend to be more reluctant to get examined than other populations.

My own staff has been involved in this effort. Laura Martinez, my casework supervisor, was diagnosed with breast cancer in 2006. She underwent a mastectomy, received radiation treatment and is currently taking Tamoxifen.

She has been involved with the American Cancer Society, has shared her testimony, and formed "Laura's Lifeline" team to Race for the Cure.

I recognize that many strides have been made in breast cancer awareness and treatment but there still remains much to be accomplished.

RECOGNIZING TIBOTEC THERAPEUTICS FOR CONDUCTING THE GRACE STUDY, A GROUND-BREAKING HIV CLINICAL TRIAL FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. DAVIS of Illinois. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics, part of the Johnson & Johnson family of companies, for demonstrating continued innovation and corporate responsibility in the fight against HIV/AIDS by conducting the groundbreaking GRACE study. GRACE, which stands for Gender Race and Clinical Experience, is the largest study to date in treatment-experienced women with HIV to examine gender and race differences in response to an HIV therapy. Findings from this historic study were recently presented at the International AIDS Society conference in Cape Town, South Africa.

In the United States, women are increasingly affected by HIV/AIDS, accounting for more than one quarter of all new HIV/AIDS diagnoses, with African American and Latina women representing seventy-nine percent of women living with the disease. People of color, both women and men, have been historically underrepresented in clinical trials in the United States, and HIV/AIDS disproportionately impacts our African American and Latino communities. In my home State of Illinois, there are over 35,000 people living with AIDS: African Americans represent 50% of these cases, and Latinos represent 13%. In terms of new HIV infections, African American women are infected at a rate fifteen times higher than white women, and Latino women are infected at a rate almost four times as high as white women.

In recent HIV studies of treatment-experienced patients, women accounted for less than 11 percent of the patients being studied, on average. This trial was designed to help overcome some of the barriers, identified by the advisors, which have historically deterred women and people of color from participating in clinical studies, including stigma, lack of child care, transportation and personal support systems. Based upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. Through innovative strategies like these, the GRACE study was able to enroll nearly seventy percent women, sixty percent African Americans and twenty-two percent Latinos. I am proud to say that two of the study sites in this historic clinical trial are located in my congressional district.

Results of the GRACE study showed that there were no statistical differences in the safety, tolerability or effectiveness of the HIV regimens used in the study between male and female participants, or for people of different ethnicities. Importantly, from my perspective, the GRACE study clearly showed that, with the appropriate commitment from the trial sponsor and input from affected communities and providers, clinical trials can, indeed, enroll

meaningful numbers of women and racial and ethnic minorities.

With the GRACE study, Tibotec Therapeutics and Johnson & Johnson continue to demonstrate their leadership and corporate social responsibility as innovators and leaders in the pharmaceutical industry. I commend them for their continuing commitment to the fight against HIV/AIDS and for their leadership in addressing the disproportionate impact of the HIV/AIDS epidemic on women and people of color.

HONORING THE 60TH ANNIVERSARY OF THE ESTABLISHMENT OF THE PHILADELPHIA BRANCH OF THE UKRAINIAN AMERICAN YOUTH ASSOCIATION

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. GERLACH. Madam Speaker, I rise today to honor an outstanding cultural organization that has served thousands of young Americans in the Philadelphia area.

On October 24, 2009, the Philadelphia Branch of the Ukrainian American Youth Association will celebrate its 60th anniversary. This organization has encouraged three generations of youth to become productive American citizens. Members of the Ukrainian American Youth Association are proud of their national heritage and support the land of their ancestors in its quest to join Western democracies as an independent state.

Throughout my time as a Member of Congress, I have worked closely with members of the Ukrainian American community, including the Ukrainian Federation of America and the Ukrainian Congress Committee of America, to strengthen the ties between the United States and Ukraine. It gives me great pleasure today to recognize the Ukrainian American Youth Association for its work toward that same end.

Madam Speaker, I ask that my colleagues join me today in honoring the Philadelphia Branch of the Ukrainian American Youth Association for its support of and service to thousands of Ukrainian American youth over the past sixty years.

HONORING CRUSADER CLINIC ON ITS 37TH ANNIVERSARY

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. MANZULLO. Madam Speaker, I rise today to recognize one of the jewels of northern Illinois, Crusader Community Health of Rockford. Crusader Community Health is a remarkable community-based, not-for-profit health center whose mission is to provide quality, primary health care to people in need in the Rock River Valley. Crusader Community Health systems is part of a network of more than 1,200 federally qualified health centers in the United States serving 18 million people. These centers are doing tremendous work providing care to the medically disenfranchised in this nation. Crusader is the

backbone of our regional community's health care safety net, delivering high quality primary and preventive care for over 40,000 patients each year regardless of insurance status or ability to pay.

This year, Crusader Community Health is celebrating its 37th anniversary as one of the top community health centers in the nation. Crusader has been lauded by the U.S. Department of Health and Human Services (HHS), and will soon be featured on the National Medical Report program of National Public Broadcasting for its positive impact on the local community. Nationally, the community health centers program has been recognized by the White House Office of Management and Budget (OMB) as one of the most highly effective federal programs in existence.

Madam Speaker, I wish to extend my recognition and strong support of Crusader Community Health systems in Rockford, Illinois. Since its founding in 1972, Crusader Community Health has served my fellow citizens in northern Illinois with access to affordable and high quality medical and dental care. I am proud to support Crusader Community Health because I know many of my fellow citizens would be without health care if it were not for the dedication and professional excellence of the staff, board of directors and volunteers associated with this terrific local organization. Crusader is a great example of the effectiveness of the community health center program in this nation. This system of care saves lives and deserves continued public support. I am honored to recognize Crusader Community Health and its personnel here in the United States Congress today.

EARMARK DECLARATION

**HON. DENNY REHBERG**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183  
Account: Department of Energy—EERE  
Requesting Entity: Montana State University-Bozeman, 207 Montana Hall, Bozeman, MT 59717

Description: Montana Algal BioDiesel Initiative—Algae, third generation or advanced biofuels, use photosynthesis to transform carbon dioxide and sunlight into oil. Algae can grow in water and on land, even land not suitable for food production. Even CO<sub>2</sub>-rich emissions from fossil fuel (coal) burning powerplants can be used as feedstocks to support the growth of algae that produces biodiesel. The effective use of high temperature CO<sub>2</sub>-rich exhaust gases (including the geothermal environments in Yellowstone) also produce algae that can flourish at high ambient temperatures. Currently, there are both practical and economic obstacles to increased use of biofuels from algae, but early research is promising. The funds requested would be used to advance the development of biofuels

from algae, especially from coal plant emissions and exhaust gases.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Department of Energy—EERE

Requesting Entity: Montana State University-Bozeman, 207 Montana Hall, Bozeman, MT 59717

Description: Wind Turbine Development—The U.S. Department of Energy's Energy Efficiency and Renewable Energy (EERE) works to strengthen the United States' energy security, environmental quality and economic vitality in public-private partnerships. It supports this goal through enhancing energy efficiency and productivity; bringing clean, reliable and affordable energy technologies to the marketplace; and making a difference in the everyday lives of Americans by enhancing their energy choices and their quality of life

This project addresses those issues through (a) research on durability and damage tolerance of wind turbine blades, (b) efforts to promote commercialization and manufacturing, with attention to cost reductions, and (c) site development activities. The wind turbine blade materials and manufacturing studies will help develop cost-effective wind turbine electrical power generation. This in turn will provide an electric power distribution throughout Montana to stimulate economic development. An infrastructure is already in place to immediately help the wind turbine industry.

#### PERSONAL EXPLANATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mrs. MALONEY. Madam Speaker, on October 20, 2009, I missed rollcall votes numbered 790, 791, and 792.

Had I been present, I would have voted "yea" on rollcall votes No. 790, to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; No. 791, to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building;" and No. 792, supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

RECOGNIZING TIBOTEC THERAPEUTICS FOR CONDUCTING THE GRACE STUDY, A GROUND-BREAKING HIV CLINICAL TRIAL FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. GONZALEZ. Madam Speaker, I rise today to commend and congratulate Tibotec

Therapeutics, part of the Johnson & Johnson family of companies, for demonstrating continued innovation and corporate responsibility in the fight against HIV/AIDS by conducting the groundbreaking GRACE study. GRACE, which stands for Gender Race And Clinical Experience, is the largest study to date in treatment-experienced women with HIV to examine gender and race differences in response to an HIV therapy. Findings from this historic study were recently presented at the International AIDS Society conference in Cape Town, South Africa.

In the United States, women are increasingly affected by HIV/AIDS, accounting for more than one quarter of all new HIV/AIDS diagnoses, with African American and Latina women representing seventy-nine percent of women living with the disease. People of color, both women and men, have been historically underrepresented in clinical trials in the United States, and HIV/AIDS disproportionately impacts our African American and Latino communities. In my home state of Texas, there are about 73,000 people living with AIDS, and Latinos represent almost one-quarter of these cases. There are over 5,000 people living with HIV/AIDS in San Antonio, and many more in the surrounding counties. In terms of new HIV infections, Latina women are infected at a rate almost four times as high as white women.

Through innovative strategies, the GRACE study was able to enroll approximately seventy percent women, sixty percent African Americans and twenty-two percent Latinos. The trial was designed to help overcome some of the barriers which have historically deterred women and people of color from participating in clinical studies, including stigma, language and cultural barriers, and lack of child care, transportation, and personal support systems. Based upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. I am very proud that one of the study sites in this historic clinical trial is located in my congressional district.

Results of the GRACE study showed that there were no statistical differences in the safety, tolerability, or effectiveness of the HIV regimens used in the study between male and female participants, or for people of different ethnicities. Importantly, from my perspective, the GRACE study clearly showed that, with the appropriate commitment from the trial sponsor and input from affected communities and providers, clinical trials can, indeed, enroll meaningful numbers of women and racial and ethnic minorities.

With the GRACE study, Tibotec Therapeutics and Johnson & Johnson continue to demonstrate their leadership and corporate social responsibility as innovators and leaders in the pharmaceutical industry. I commend them for their continuing commitment to the fight against HIV/AIDS and for their leadership in addressing the disproportionate impact of the HIV/AIDS epidemic on women and people of color.

DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

### HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. CARNEY. Madam Speaker, on October 13, I was unable to speak in favor of or cast a vote in support of H.R. 3476, a bill I introduced with the gentleman representing the congressional district to the east of Pennsylvania's 10th Congressional District, Representative GARRETT.

H.R. 3476 would reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for another 10 years.

The Citizen Advisory Commission, CAC, was first proposed in 1988 by Congresswoman Marge Roukema in an effort to establish a more open dialogue between National Park Service, NPS, employees working the Delaware Water Gap National Recreation Area, DWGNRA, and the surrounding local communities. Communication between these two parties is valuable in maintaining a healthy DWGNRA for generations to come.

The CAC allows the communities' experiences in—and knowledge of—the Delaware Water Gap to strengthen National Park Service decisionmaking in the National Recreation Area. Park officials are provided with a unique perspective on issues as varied as sustaining or preserving historic structures, to protecting wildlife and forests, to improving public safety and preventing or mitigating flooding along the river.

The Delaware Water Gap National Recreation Area preserves almost 70,000 acres of land along the Delaware River's New Jersey and Pennsylvania shores. This majestic area is popular not only with local residents, but also for tourism due to activities such as hiking, fishing, camping, swimming, and boating.

Part of ensuring that this beautiful area straddling the border between Pennsylvania and New Jersey is preserved for future generations is reauthorizing the CAC, which plays an invaluable role in assisting the NPS to protect, preserve, and expand the Delaware Water Gap National Recreation Area.

#### EARMARK DECLARATION

### HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: National Institute of Food and Agriculture—SRG

Requesting Entity: Montana State University-Bozeman, 207 Montana Hall, Bozeman, MT 59717

Description: Invasive Plant Management—Non-native invasive plants are the primary environmental threat to western wildlands. These

plants quadrupled their area in the last 10 years. If they continue to spread at their current rate, they will dominate western rangelands in the future. Over 17 million acres of "public land" in the west are infested with noxious weeds with an additional 4,600 acres becoming infested each day. Currently Dalmatian toadflax is in an exponential growth phase in Montana, expanding at a rate of 14 percent per year. In Montana, about 8 million acres are seriously infested with noxious weeds. Previous MSU research indicates that sheep and/or goat grazing offers an additional and diversified tool in the fight against noxious weeds when used in an integrated weed management program. Noxious weeds can interfere with profitable land use, reduce production, alter ecosystems, threaten wildlife habitat and lower land value.

#### PERSONAL EXPLANATION

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. VAN HOLLEN. Madam Speaker, on October 15, 2009, I was unable to cast votes due to attending an event on expanding small business opportunities with President Obama on October 21, 2009, in Hyattsville, Maryland. I was not present for rollcall votes 793, 794, 795, 796 and 797. Had I been present, my votes would have been as follows: "yea" on S. 1793, the Ryan White HIV/AIDS Treatment Act; "yea" on H. Res. 811, expressing support for the designation of October 2009 as National Principals Month; "yea" on H. Res. 837, recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education; "yea" on H. Res. 660, recognizing the distinguished history of the Laurinburg Normal Industrial Institute; and "yea" on S. Con. Res. 43, authorizing the use of the Capitol rotunda for the presentation of the Congressional Gold Medal to former Senator Edward Burke.

IN MEMORY OF REAR ADMIRAL  
WAYNE E. MEYER

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Mr. SKELTON. Madam Speaker, it is with great sadness that I inform the House of the death of Rear Admiral Wayne E. Meyer. He is known as the "Father of Aegis" for his 13 years of work on the Aegis Weapons systems.

Adm. Meyer was born in Brunswick, Missouri, on April 21, 1926. In 1943, he enlisted with the Navy. While serving with the Navy, he graduated from the University of Kansas in 1946 with a B.S. in Electrical Engineering. He also obtained a B.S. in Electrical Engineering and M.S. in Astronautics and Aeronautics from Massachusetts Institute of Technology. Additionally, he received a B.S. in Electrical Engineering from the Naval Postgraduate School. His engineering education would later help with his work on developing advanced weapons systems for the Navy.

One of Adm. Meyer's first assignments found him manning the radar of the USS

Goodrich only after 11 months of radar and sonar training at M.I.T. In the post-World War II period, he served as part of the occupation forces in the Mediterranean, China, and Japan seas. Upon his return to the U.S., he enrolled and taught in variety of schools from 1951–1955. These included studying at the Joint Guided Missile School in Fort Bliss, Texas, and the Naval Line School in Monterey, California. He later was instructor at the Special Weapons School in Norfolk Virginia. Following his studies at Monterey and M.I.T., he was ordered to the USS Galveston, where he served as Gunnery Sergeant and eventually oversaw the conversion to the first Talos missiles on the cruiser.

In 1963, he was chosen to serve in the Navy Task Force for Surface Guided Missile Systems. Later, he was also appointed to assist with the analog to high-speed digital system transition on 30 Terrier-armed ships. He became the Director of Engineering at the Naval Ship Missile Systems Engineering Station in 1967. Three years later, he was called to Washington, D.C., to head the Aegis Weapons System. In the following years, he was named supervisor of many projects, including the Surface Missile Systems and Surface Warfare. In January 1975, he was chosen for Rear Admiral. Shortly after his selection, he became the founding Project Manager of Aegis Shipbuilding, and, in 1983, he was reassigned as Deputy Commander, Weapons and Combat Systems, Naval Sea Systems Command. Eventually, he retired from active duty in 1985.

In his retirement, Adm. Meyer served in a variety of consulting positions, including assisting the Surface Navy and the Missile Defense Agency's development of missile defense capability for the nation's Aegis fleet and serving on many committees chartered by Department of Defense personnel.

Madam Speaker, Admiral Wayne E. Meyer was an honorable officer in the military. I am certain that the members of the House will join me in extending their heartfelt condolences to his family and friends. He will be greatly missed.

SUPPORTING THE GOALS AND  
IDEALS OF NATIONAL CHEMISTRY WEEK

SPEECH OF

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 2009*

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Res. 793, supporting the goals and ideals of National Chemistry Week. I commend the gentleman from Texas, Mr. REYES, for his continued support of this important celebration of chemistry.

This year marks the 22nd anniversary of National Chemistry Week, which is sponsored by the American Chemical Society. The event features outreach programs created by schools and businesses to educate communities and schoolchildren on the importance of chemistry in their everyday lives. The theme of this year's National Chemistry Week is "Chemistry—It's Elemental," which emphasizes the role that elements play in every aspect of our lives, from the air we breathe to the cars we drive to the food we eat.

I applaud the ACS for their commitment to chemistry education at the elementary and secondary level. To maintain our nation's role as a leader in innovation in an increasingly globalized world, our young people will need to excel in the fields of science, technology, engineering, and mathematics. Training a new generation of chemists will also be essential for solving the world's most pressing issues, from fighting global warming to discovering vaccines for emerging diseases. This is why I am pleased that this year's event includes a national chemistry competition, the distribution of 10,000 Merck Indexes to science educators, and a website with biographies of chemists and online activities to inspire students to choose a career path in chemistry.

As important as this resolution is though, we need to do more in Congress right now to improve STEM education. A recent National Assessment of Education Progress showed that, for the first time since 1980, 4th graders made no progress in math performance between 2007 and 2009. Study after study highlights the need to strengthen math and science education so that our nation's students do not continue to lag behind others in developing the skills critical for global competitiveness.

Again, I commend Mr. REYES and the ACS for their commitment to promoting a greater understanding of chemistry, and I urge my colleagues to join me in supporting this important resolution.

A TRIBUTE TO PREFECT PIERO  
MATTEI OF THE REPUBLIC OF  
ITALY

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 2009*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to celebrate the remarkable service of Dr. Piero Mattei, who is Prefect to the Province of Vicenza in the Republic of Italy. Prefect Mattei is retiring after forty years of remarkable service to not only the Italian people, but also to our country.

The U.S. Army's Southern European Task Force's, USASETAF, headquarters is based in the city of Caserma Ederle, in Vicenza. The USASETAF base is home to the 173rd Airborne Battalion, 14th Transportation Battalion, 22nd Area Support Group, 509th Signal Battalion, and the 663rd Transportation Detachment. Prefect Mattei has been a steadfast friend of the United States of America, and has shown particular care and concern for the American soldiers, civilians, and families who live and work at USASETAF. Prefect Mattei has shown great personal courage and great respect in dealing with sensitive issues of international importance.

When protesters tried to block the construction of the 173rd Airborne's new base in Dal Molin, it was Prefect Mattei's skill and personal intervention that helped to move the project forward towards completion. This is just one of many examples of this extraordinary public servant's devotion to justice and warm relations between our two great nations.

On behalf of this thankful nation, I wish Prefect Mattei and Signora Piera the very best as they embark on this new and exciting chapter in their life. They will always be special friends of the people of the United States of America.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 22, 2009 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

OCTOBER 27

9:30 a.m.

## Environment and Public Works

To hold hearings to examine S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

SD-406

2:30 p.m.

## Commerce, Science, and Transportation

To hold an oversight hearing to examine the broadband stimulus programs in the American Recovery and Reinvestment Act.

SR-253

## Agriculture, Nutrition, and Forestry

Domestic and Foreign Marketing, Inspection, and Plant and Animal Health Subcommittee

## Production, Income Protection and Price Support Subcommittee

To hold joint hearings to examine low dairy prices, focusing on exploring avenues for federal action.

SR-328A

OCTOBER 28

9:30 a.m.

## Environment and Public Works

To continue hearings to examine S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

SD-406

10 a.m.

## Energy and Natural Resources

To hold hearings to examine the role of natural gas in mitigating climate change.

SD-366

## Judiciary

To hold hearings to examine effective strategies for preventing health care fraud.

SD-226

## Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine dark pools, flash orders, high frequency trading, and other market structure issues.

SD-538

2 p.m.

## Aging

To hold hearings to examine 401(k) target date funds.

SD-562

2:30 p.m.

## Homeland Security and Governmental Affairs

## Contracting Oversight Subcommittee

To hold hearings to examine new Office of Management and Budget (OMB) guidance to combat waste, inefficiency, and misuse in federal government contracting.

SD-342

## Commerce, Science, and Transportation

To hold hearings to examine combating distracted driving, focusing on managing behavioral and technological risks.

SR-253

## Energy and Natural Resources

## National Parks Subcommittee

To hold hearings to examine current and expected impacts of climate change on units of the National Park System.

SD-366

OCTOBER 29

10 a.m.

## Health, Education, Labor, and Pensions

To hold hearings to examine helping workers preserve retirement security through a recession.

SD-430

2:30 p.m.

## Energy and Natural Resources

## Public Lands and Forests Subcommittee

To hold hearings to examine S. 555, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, S. 607, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, S. 721, 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, S. 1122, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services, S. 1328 and H.R. 689, bills to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, S. 1442, 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, establish a grant program for Indian Youth Service Corps, 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, and H.R. 129, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

SD-366

NOVEMBER 5

10 a.m.

## Veterans' Affairs

To hold hearings to examine Veterans' Affairs and Indian Health Service cooperation.

SR-418

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S10587–10653*

**Measures Introduced:** Sixteen bills and five resolutions were introduced, as follows: S. 1819–1834, and S. Res. 315–319. **Page S10635**

#### Measures Reported:

S. 668, to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, with an amendment in the nature of a substitute. (S. Rept. No. 111–90) **Page S10634**

#### Measures Passed:

**Honoring Former Senator Clifford Peter Hansen:** Senate agreed to S. Res. 315, relative to the death of Clifford Peter Hansen, former United States Senator for the State of Wyoming. **Pages S10648–50**

**Boy Scouts of America Day:** Committee on the Judiciary was discharged from further consideration of S. Res. 112, designating February 8, 2010, as “Boy Scouts of America Day”, in celebration of the 100th anniversary of the largest youth scouting organization in the United States, and the resolution was then agreed to. **Pages S10650–51**

**Lights On Afterschool:** Senate agreed to S. Res. 318, supporting “Lights On Afterschool”, a national celebration of afterschool programs. **Page S10651**

**Women in National FFA Organization:** Senate agreed to S. Res. 319, commemorating 40 years of membership by women in the National FFA Organization and celebrating the achievements and contributions of female members of the National FFA Organization. **Pages S10651–52**

#### Measures Considered:

**Medicare Physicians Fairness Act:** Senate resumed consideration of the motion to proceed to consideration of S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula. **Pages S10613–14**

During consideration of this measure today, Senate also took the following action:

By 47 yeas to 53 nays (Vote No. 325), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S10614**

**Unemployment Compensation Extension Act—Cloture:** Senate began consideration of the motion to proceed to consideration of H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation. **Page S10653**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, October 23, 2009.

**Page S10653**

Subsequently, the motion to proceed was withdrawn. **Page S10653**

#### Conference Reports:

**Department of Defense Authorization Act Conference Report—Agreement:** Senate continued consideration of the conference report to accompany H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees. **Pages S10614–32**

A unanimous-consent-time agreement was reached providing for further consideration of the conference report at approximately 10:30 a.m., on Thursday, October 22, 2009, and that there be one hour for debate equally divided and controlled between Senators Levin and McCain, or their designees, prior to the vote on the motion to invoke cloture on the conference report. **Page S10653**

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 100 yeas (Vote No. EX. 324), Roberto A. Lange, of South Dakota, to be



United States District Judge for the District of South Dakota. **Pages S10601–11**

William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

A unanimous-consent agreement was reached providing that the previously scheduled vote on the motion to invoke cloture on the nomination, be withdrawn.

William E. Spriggs, of Virginia, to be an Assistant Secretary of Labor.

Joseph A. Main, of Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy.

Marcia K. McNutt, of California, to be Director of the United States Geological Survey.

Arun Majumdar, of California, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy. **Pages S10652–53**

**Messages from the House: Pages S10633–34**

**Measures Referred: Page S10634**

**Executive Communications: Page S10634**

**Executive Reports of Committees: Page S10634**

**Additional Cosponsors: Pages S10635–37**

**Statements on Introduced Bills/Resolutions: Pages S10637–47**

**Additional Statements: Page S10633**

**Amendments Submitted: Pages S10647–48**

**Notices of Hearings/Meetings: Page S10648**

**Authorities for Committees to Meet: Page S10648**

**Privileges of the Floor: Page S10648**

**Record Votes:** Two record votes were taken today. (Total—325) **Pages S10611, S10614**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned, in accordance with S. Res. 315, at 7:50 p.m., until 9:30 a.m. on Thursday, October 22, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on Page S10653.)

## Committee Meetings

(Committees not listed did not meet)

### VALUE OF SPACE

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science and Space concluded a hearing to examine space, focusing on the value, after receiving testimony from Stephen I. Katz, Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, Department of Health and Human Services; Scott Pace,

The George Washington University Elliott School of International Affairs, and Lennard A. Fisk, University of Michigan, both of Washington, DC; Jeanne L. Becker, National Space Biomedical Research Institute, Houston, Texas; and Helen Greiner, The Droid Works, Framingham, Massachusetts.

### ENERGY CONSUMERS AND ENERGY PRICES

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances, after receiving testimony from Gilbert E. Metcalf, Tufts University, Medford, Massachusetts; Darius Gaskins, Resources for the Future, and Chad Stone, Center on Budget and Policy Priorities, both of Washington, DC; and Alfred Denny Ellerman, Cambridge, Massachusetts.

### NATIONAL RESPONSE TO THE H1N1 FLU

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine H1N1 flu, focusing on monitoring the nation's response, after receiving testimony from Janet Napolitano, Secretary of Homeland Security; Kathleen Sebelius, Secretary of Health and Human Services; and Arne Duncan, Secretary of Education.

### BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the nominations of Craig Becker, of Illinois, Mark Gaston Pearce, of New York, and Brian Hayes, of Massachusetts, all to be a Member of the National Labor Relations Board, Rolena Klahn Adorno, of Connecticut, and Marvin Krislov, of Ohio, both to be a Member of the National Council on the Humanities, and Gloria Valencia-Weber, of New Mexico, Julie A. Reiskin, of Colorado, Martha L. Minow, of Illinois, John Gerson Levi, of Illinois, and Robert James Grey, Jr., of Virginia, all to be a Member of the Board of Directors of the Legal Services Corporation.

### NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, who was introduced by Senators Alexander and Corker, and Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy, after the nominees testified and answered questions in their own behalf.

### HEALTH AND BENEFITS LEGISLATION

*Committee on Veterans' Affairs:* Committee concluded a hearing on pending legislation related to veterans

health and benefits, after receiving testimony from Senators Reed and Bayh; Gerald M. Cross, Acting Under Secretary for Health, Veterans Health Administration, Brad Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, and Walter Hall, and Richard Hipolit, both Assistant General Counsel, all of the Department of Veterans Affairs; Robert Jackson, Veterans of Foreign Wars of the United States, Ian de Planque, The American Legion, John Driscoll, National Coalition for Homeless Veterans, and Rick McMichael, American Chiropractic Association, all of Washington,

DC; and Bill Fenn, The American Academy of Physician Assistants, Alexandria, Virginia.

#### COUNTERNARCOTICS IN AFGHANISTAN

*United States Senate Caucus on International Narcotics Control:* Caucus concluded a hearing to examine United States counternarcotics strategy in Afghanistan, after receiving testimony from Michael A. Braun, Spectre Group International, LLC, Alexandria, Virginia; Norine MacDonald, International Council on Security and Development, Lashkar Gah, Afghanistan; and Vanda Felbab-Brown, Brookings Institution, Washington, DC.

## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 13 public bills, H.R. 3885–3897; 1 resolution, H. Res. 852 were introduced. **Pages H11580–81**

**Additional Cosponsors:** **Pages H11581–82**

**Reports Filed:** Reports were filed today as follows:

H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe and to place land into trust for the Hoh Indian Tribe, with an amendment (H. Rept. 111–306);

H.R. 1471, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia and to redesignate the unit as a National Historical Park, with an amendment (H. Rept. 111–307);

H.R. 2008, to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, with an amendment (H. Rept. 111–308);

H.R. 2489, to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs, with amendments (H. Rept. 111–309);

H.R. 715, to expand the boundary of Saguaro National Park and to study additional land for future adjustments to the boundary of the Park (H. Rept. 111–310); and H. Res. 853, providing for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010 (H. Rept. 111–311). **Page H11580**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker Pro Tempore for today. **Page H11519**

**Chaplain:** The prayer was offered by the Guest Chaplain, Reverend Darrell Armstrong, Shiloh Baptist Church, Trenton, New Jersey. **Page H11519**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Ryan White HIV/AIDS Treatment Extension Act of 2009:* S. 1793, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS, by a  $\frac{2}{3}$  yeas-and-nays vote of 408 yeas to 9 nays, Roll No. 793; **Pages H11523–33, H11553**

*Expressing support for designation of October 2009 as “National Principals Month”:* H. Res. 811, amended, to express support for designation of October 2009 as “National Principals Month”, by a  $\frac{2}{3}$  yeas-and-nays vote of 411 yeas with none voting “nay”, Roll No. 794; **Pages H11533–35, H11553–54**

*Recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education:* H. Res. 837, to recognize Kentucky Wesleyan College for over 150 years of service as an institution of higher education, by a  $\frac{2}{3}$  yeas-and-nays vote of 415 yeas with none voting “nay”, Roll No. 795; **Pages H11535–36, H11554**

*Recognizing the distinguished history of the Laurinburg Normal Industrial Institute:* H. Res. 660, amended, to recognize the distinguished history of the Laurinburg Normal Industrial Institute, by a  $\frac{2}{3}$  yeas-and-nays vote of 418 yeas with none voting “nay”, Roll No. 796; **Pages H11536–38, H11555**

*Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009:* S. 1818, to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall;

Pages H11539–40

*Authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke:* S. Con. Res. 43, to authorize the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke, by a  $\frac{2}{3}$  yea-and-nay vote of 417 yeas with none voting “nay”, Roll No. 797;

Pages H11540–42, H11555–56

*Remembering and commemorating the lives and work of Jesuit Fathers Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos:* H. Res. 761, amended, to remember and commemorate the lives and work of Jesuit Fathers Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths at the University of Central America Jose Simeon Canas located in San Salvador, El Salvador on November 16, 1989;

Pages H11542–45

*Calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom:* H. Res. 672, to call on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom; and

Pages H11545–49

*Expressing deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009:* H. Res. 823, to express deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009, and support for the WFP’s mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world.

Pages H11551–52

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed:

*Expressing support for Teen Read Week:* H. Res. 836, to express support for Teen Read Week and

Page H11538

*Condemning the Government of Iran for its state-sponsored persecution of its Baha’i minority and its continued violation of the International Covenants on Human Rights:* H. Res. 175, to condemn the Government of Iran for its state-sponsored persecution of its Baha’i minority and its continued violation of the International Covenants on Human Rights.

Pages H11549–51

**Senate Message:** Message received from the Senate today appears on page H11519.

**Senate Referrals:** S. 1818 was held at the desk.

Page H11579

**Quorum Calls—Votes:** Five yea-and-nay votes developed during the proceedings of today and appear on pages H11553, H11553–54, H11554, H11555, H11555–56. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 5:36 p.m.

## Committee Meetings

### OVER-THE COUNTER DERIVATIVES MARKETS ACT; AND WATERSHED PROJECTS

*Committee on Agriculture:* Ordered reported, as amended, H.R. 3795, Over-the-Counter Derivatives Markets Act of 2009.

The Committee also approved the Dunloup Creek Watershed of West Virginia and the Cape Cod Watershed of Massachusetts projects.

### USDA RURAL BUSINESS PROGRAMS

*Committee on Agriculture:* Subcommittee on Rural Development, Biotechnology, Specialty Crops and Foreign Agriculture held a hearing to examine U.S. Department of Agriculture rural business programs, conditions for rural entrepreneurship and business development. Testimony was heard from Judy Canales, Administrator, Rural Business and Cooperative Program, USDA; and public witnesses..

### MILITARY REDEPLOYMENT FROM IRAQ

*Committee on Armed Services:* Held a hearing on U.S. Military Redeployment from Iraq: Issues and Challenges. Testimony was heard from the following officials of the Department of Defense: Michele Flournoy, Under Secretary, Policy; Alan Estevez, Acting Deputy Under Secretary, Logistics and Materiel Readiness; LTG Kathleen Gainey, USA, Joint Staff, Director, Logistics (J–4); and VADM James A. Winnefeld, USN, Joint Staff, Director, Strategic Plans and Policy (J–5).

### MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Ordered reported, as amended, following bills: H.R. 3276, American

Medical Isotopes Production Act of 2009; H.R. 3258, Drinking Water System Security Act of 2009; H.R. 2858, Chemical Facilities Anti-Terrorism Act of 2009; and H.R. 2190, Mercury Pollution Reduction Act.

#### CONSUMER FINANCIAL PROTECTION ACT OF 2009

*Committee on Financial Assistance:* Continued mark up of the Discussion Draft of the Consumer Financial Protection Agency Act of 2009 (to be reported as H.R. 3126, Consumer Financial Protection Agency Act of 2009).

Will continue tomorrow.

#### U.S. BURMA POLICY

*Committee on Foreign Affairs:* Held a hearing on U.S. Policy Toward Burma. Testimony was heard from Kurt M. Campbell, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; and public witnesses.

#### INTERNATIONAL VIOLENCE AGAINST WOMEN

*Committee on Foreign Affairs:* Subcommittee on International Organizations, Human Rights and Oversight held a hearing on International Violence Against Women: Stories and Solutions. Testimony was heard from Representative Schakowsky; Melanne Vermeer, Ambassador-at-Large, Office of Global Women's Issues, Department of State; and public witnesses.

#### ELECTION REGISTRATION MODERNIZATION

*Committee on House Administration:* Subcommittee on Elections held a hearing on Modernizing the Election Registration Process. Testimony was heard from Todd Rokita, Secretary of State, State of Indiana; Elaine Manlove, Commissioner of Elections, State of Delaware; Katie Blinn, Assistant Director, Elections, State of Washington; and a public witness.

#### MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Ordered reported the following bills: H.R. 3596, amended, Health Insurance Industry Antitrust Enforcement Act of 2009; H.R. 412, amended, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act; H.R. 1425, amended, Wartime Treatment Study Act; and H.R. 3237, To enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs."

The Committee also approved the following: Rules of Procedure and Statement of Policy for Pri-

vate Immigration bills; and Rules of Procedure for Private Claims bills.

#### TRIBAL HOMEOWNERSHIP ACT

*Committee on Natural Resources:* Held a hearing on H.R. 2523, Helping Expedite and Advance Responsible Tribal Homeownership Act or the HEARTH Act. Testimony was heard from Jerry Gidner, Director, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

#### CENSUS MASTER ADDRESS FILE AND CONCERNS

*Committee on Oversight and Government Reform:* Subcommittee on Information Policy, Census, and National Archives held a hearing entitled: "The 2010 Census Master Address File: Issues and Concerns." Testimony was heard from the following officials of the Department of Commerce: Robert Groves, Director, Bureau of the Census; and Todd Zinser, Inspector General; Robert Goldenkoff, Director, Strategic Issues, GAO; and a public witness.

#### COAST GUARD AUTHORIZATION ACT OF 2010

*Committee on Rules:* Committee granted, by a voice vote, a structured rule providing for consideration of H.R. 3619, the "Coast Guard Authorization Act of 2010". The rule provides one hour of general debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule further makes in order only those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All

points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question.

The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or his designee. Finally, the rule provides that the chair may not entertain a motion to strike out the enacting words of the bill. Testimony was heard from Chairman Oberstar and Representatives Taylor, Scott of Virginia and LoBiondo.

#### MISCELLANEOUS MEASURES

*Committee on Science and Technology:* Ordered reported, as amended, the following bills: H.R. 3791, Fire Grants Reauthorization Act of 2009; and H.R. 3820, Natural Hazards Risk Reduction Act of 2009.

#### BIOMASS ENERGY RESEARCH

*Committee on Science and Technology:* Subcommittee on Energy and Environment held a hearing on Biomass for Thermal Energy and Electricity Through a Research and Development Portfolio for the Future. Testimony was heard from Scott M. Klara, Director, Strategic Center for Coal, National Energy Technology Laboratory, Department of Energy; and public witnesses.

#### SMALL BUSINESS FINANCIAL AND INVESTMENT ACT OF 2009

*Committee on Small Business:* Ordered reported H.R. 3854, Small Business Financing and Investment Act of 2009.

#### VETERANS MEASURES

*Committee on Veterans Affairs:* Subcommittee Disability Assistance and Memorial Affairs approved for full Committee action the following bills: H.R. 761, amended, To amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; H.R. 3485, Veterans Pensions Protection Act.

#### BRIEFING—UPDATE COUNTERNARCOTICS EFFORTS IN MEXICO

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Update on Counternarcotics Efforts in Mexico. The Committee was briefed by departmental witnesses.

#### PATRIOT ACT REAUTHORIZATION

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on Patriot Act Reauthorization, Testimony was heard from David Kris, Assistant Attorney General, National Security, Department of Justice; Michael Leiter, Director, National Counterterrorism Center, Office of the Director of National Intelligence; and Robert Joyce, Associate Deputy Director, Counterterrorism, NSA, Department of Defense.

### *Joint Meetings*

No joint committee meetings were held.

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#### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1186)

H.R. 1687, to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the “Ralph Regula Federal Building and United States Courthouse”. Signed on October 19, 2009. (Public Law 111–74)

H.R. 2053, to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse”. Signed on October 19, 2009. (Public Law 111–75)

H.R. 2121, to provide for the transfer of certain Federal property to the Galveston Historical Foundation. Signed on October 19, 2009. (Public Law 111–76)

H.R. 2498, to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the “William O. Lipinski Federal Building”. Signed on October 19, 2009. (Public Law 111–77)

H.R. 2913, to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”. Signed on October 19, 2009. (Public Law 111–78)

S. 1289, to improve title 18 of the United States Code. Signed on October 19, 2009. (Public Law 111–79)

H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. Signed on October 21, 2009. (Public Law 111–80)

## COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 22, 2009

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Armed Services:* to hold hearings to examine the nominations of Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Frank Kendall III, of Virginia, to be Deputy Under Secretary for Acquisition and Technology, Gladys Commons, of Virginia, to be Assistant Secretary of the Navy, and Terry A. Yonkers, of Maryland, to be Assistant Secretary of the Air Force, all of the Department of Defense, 9:30 a.m., SH-216.

*Committee on Foreign Relations:* to hold hearings to examine the North Atlantic Treaty Organization (NATO), focusing on a strategic concept for transatlantic security, 10 a.m., SD-419.

Full Committee, to receive a briefing to examine Iran, 3 p.m., SVC-217.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine keeping America's families safe, focusing on reforming the food safety system, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine the past, present, and future of policy czars, 10 a.m., SD-342.

*Committee on Indian Affairs:* business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine Indian energy and energy efficiency, 2:15 p.m., SD-628.

*Committee on the Judiciary:* business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 1340, to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund, and S. 714, to establish the National Criminal Justice Commission, and the nominations of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General, and Benjamin B. Wagner, to be United States Attorney for the Eastern District of California, both of the Department of Justice, 10 a.m., SD-226.

*Select Committee on Intelligence:* to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S-407, Capitol.

### House

*Committee on Agriculture,* Subcommittee on Livestock, Dairy and Poultry, hearing to review the economic conditions facing the pork industry, 10 a.m., 1300 Longworth.

*Committee on Armed Services,* Subcommittee on Oversight and Investigations, hearing on Afghanistan and Iraq: Perspectives on U.S. Strategy, 2 p.m., 210 HVC.

Subcommittee on Terrorism Threats and Capabilities, hearing on counterterrorism within the Afghanistan counterinsurgency, 10:30 a.m., 210 HVC.

*Committee on Energy and Commerce,* Subcommittee on Communications, Technology, and the Internet, hearing entitled "Video Competition in a Digital Age," 10 a.m., 2123 Rayburn.

*Committee on Financial Assistance,* to continue mark up of the Discussion Draft of the Consumer Financial Protection Agency Act of 2009 (to be reported as H.R. 3126, Consumer Financial Protection Agency Act of 2009), 9:30 a.m., 2123 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on International Organizations, Human Rights and Oversight, hearing on Concerns Regarding Possible Collusion in Northern Ireland: Police and Paramilitary Groups, 10 a.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled "Cargo Security at Land Ports of Entry: Are We Meeting the Challenge?" 10 a.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on Commercial and Administrative Law, hearing on Too Big to Fail: The Role for Bankruptcy and antitrust Law in Financial Regulation Reform, 11 a.m., 2141 Rayburn.

*Committee on Science and Technology,* Subcommittee on Research and Science Education, hearing on Engineering in K-12 Education, 10 a.m., 2325 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Strengthening NASA's Technology Development Programs, 10 a.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing on Cybersecurity Activity at NIST's Information Technology Laboratory, 2 p.m., 2318 Rayburn.

*Committee on Veterans Affairs,* Subcommittee on Health, to mark up the following: H.R. 2504, To amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; H.R. 2559, Help Our Homeless Veterans Act; H.R. 2735, To amend title 38, United States Code, to mark certain improvements to the comprehensive service programs for homeless veterans; H.R. 3885, Veterans Dog Training Therapy Act, and a draft bill, 10 a.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Oversight, hearing on administration of the first-time homebuyer tax credit, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence,* Subcommittee on Intelligence Community Management, hearing on Statutory Requirements for Congressional Notifications, 10 a.m., 340 Cannon.

*Select Committee on Energy Independence and Global Warming,* hearing entitled "Building U.S. Resilience to Global Warming Impacts," 9:30 a.m., 2175 Rayburn.

### Joint Meetings

*Joint Economic Committee:* to hold hearings to examine the economic outlook, 10 a.m., 210, Cannon Building.

*Commission on Security and Cooperation in Europe:* to receive a briefing on new media in authoritarian regimes, 2 p.m., 1539, Longworth Building.

## Next Meeting of the SENATE

9:30 a.m., Thursday, October 22

## Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 22

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the conference report to accompany H.R. 2647, Department of Defense Authorization Act, and after a period of debate, vote on the motion to invoke cloture on the conference report.

## House Chamber

**Program for Thursday:** Consideration of H.R. 3585—Solar Technology Roadmap Act (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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