

Moran (KS) Rogers (KY) Souder
 Murphy (NY) Rogers (MI) Stearns
 Murphy, Tim Rohrabacher Sullivan
 Myrick Ros-Lehtinen Taylor
 Neugebauer Roskam Terry
 Nunes Royce Thompson (PA)
 Olson Ryan (WI) Thornberry
 Paul Scalise Tiahrt
 Paulsen Schmidt Tiberi
 Pence Schock Turner
 Petri Sensenbrenner Upton
 Pitts Sessions Walden
 Poe (TX) Shadegg Wamp
 Posey Shimkus Westmoreland
 Price (GA) Shuler Whitfield
 Putnam Shuster Wilson (SC)
 Radanovich Simpson
 Rehberg Smith (NE) Wittman
 Reichert Smith (NJ) Wolf
 Roe (TN) Smith (TX) Young (AK)
 Rogers (AL) Smith (WA) Young (FL)

NOT VOTING—15

Barrett (SC) Doyle Lewis (GA)
 Clarke Fallin Platts
 Clay Graves Rooney
 Conyers Israel Speier
 Delahunt Johnson (GA) Towns

□ 1115

Messrs. PETRI, PENCE, CULBERSON and MOORE of Kansas changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL JOB CORPS DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 163.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 163.

The question was taken.

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 4, not voting 15, as follows:

[Roll No. 736]

AYES—413

Abercrombie Barton (TX) Boozman
 Ackerman Bean Boren
 Aderholt Becerra Boswell
 Adler (NJ) Berkeley Boucher
 Akin Berman Boustany
 Alexander Berry Boyd
 Altmire Biggart Brady (PA)
 Andrews Bilbray Brady (TX)
 Arcuri Bilirakis Braley (IA)
 Austria Bishop (GA) Bright
 Baca Bishop (NY) Brown (SC)
 Bachmann Blumenauer Brown, Corrine
 Bachus Blunt Brown-Waite,
 Baird Boccieri Ginny
 Baldwin Boehner Buchanan
 Barrow Bonner Burgess
 Bartlett Bono Mack Burton (IN)

Butterfield Halvorson McHenry
 Buyer Hare McIntyre
 Calvert Harman McKeon
 Camp Harper McMahon
 Campbell Hastings (FL) McMorris
 Cantor Hastings (WA) Rodgers
 Cao Heinrich McNeerney
 Capito Heller Meek (FL)
 Capps Hensarling Meeke (NY)
 Capuano Herger Melancon
 Cardoza Hersefth Sandlin Mica
 Carnahan Higgins Michaud
 Carney Hill Miller (FL)
 Carson (IN) Himes Miller (MI)
 Carter Hinchey Miller (NC)
 Cassidy Hinojosa Miller, Gary
 Hiron Castle Miller, George
 Castor (FL) Hodes Minnick
 Chaffetz Hoekstra Mitchell
 Chandler Holden Mollohan
 Childers Holt Moore (KS)
 Chu Honda Moore (WI)
 Clarke Hoyer Moran (KS)
 Clay Hunter Moran (VA)
 Cleaver Inglis Murphy (CT)
 Clyburn Insee Murphy (NY)
 Coble Issa Murphy, Patrick
 Coffman (CO) Jackson (IL) Murphy, Tim
 Cohen Jackson-Lee Murtha
 Cole (TX) Jenkins Myrick
 Conaway Johnson (GA) Nadler (NY)
 Connolly (VA) Johnson (IL) Napolitano
 Cooper Johnson, E. B. Neal (MA)
 Costa Johnson, Sam Neugebauer
 Costello Jones Nunes
 Courtney Nye
 Crenshaw Jordan (OH) Oberstar
 Crowley Kagen Obey
 Cuellar Kanjorski Olson
 Culberson Kaptur Olver
 Cummings Kennedy Ortiz
 Dahlkemper Kildee Pallone
 Davis (AL) Kilpatrick (MI) Pascrell
 Davis (CA) Kilroy Pastor (AZ)
 Davis (IL) Kind Paul
 Davis (KY) King (IA) Paulsen
 Davis (TN) King (NY) Payne
 DeFazio Kingston Pence
 DeGette Kirk Perlmutter
 DeLauro Kirkpatrick (AZ) Perriello
 Dent Kissell Peters
 Diaz-Balart, L. Klein (FL) Peterson
 Diaz-Balart, M. Kline (MN) Petri
 Dicks Kosmas Pingree (ME)
 Dingell Kratovil Pitts
 Doggett Kucinich Platts
 Donnelly (IN) Lamborn Poe (TX)
 Dreier Lance Polis (CO)
 Driehaus Langevin Pomeroy
 Duncan Larsen (WA) Posey
 Edwards (MD) Latham Price (GA)
 Edwards (TX) LaTourette Price (NC)
 Ehlers Latta Putnam
 Ellison Lee (CA) Quigley
 Ellsworth Lee (NY) Radanovich
 Emerson Levin Rahall
 Engel Lewis (CA) Rangel
 Eshoo Linder Rehberg
 Etheridge Lipinski Reichert
 Farr LoBiondo Reyes
 Fattah Loeb sack Richardson
 Filner Lofgren, Zoe Rodriguez
 Fleming Lowey Roe (TN)
 Forbes Lucas Rogers (AL)
 Fortenberry Lucas Luetkemeyer Rogers (KY)
 Foster Lujan Rogers (MI)
 Foss Lummis Rohrabacher
 Frank (MA) Lungren, Daniel Ros-Lehtinen
 Franks (AZ) E. Roskam
 Frelinghuysen Lynch Ross
 Fudge Mack Rothman (NJ)
 Gallegly Maffei Roybal-Allard
 Garrett (NJ) Maloney Royce
 Gerlach Maloney Ruppertsberger
 Giffords Manzullo Rush
 Gingrey (GA) Marchant Ryan (OH)
 Gonzalez Markey (CO) Ryan (WI)
 Goodlatte Markey (MA) Salazar
 Gordon (TN) Marshall Sanchez, Linda
 Granger Massa T.
 Grayson Matsui Sanchez, Loretta
 Green, Al McCarthy (CA) Sarbanes
 Green, Gene McCarthy (NY) Scalise
 Griffith McCaul Schakowsky
 Griulva McClintock Schauer
 Guthrie McCollum Schiff
 Gutierrez McCotter Schmidt
 Hall (NY) McDermott Schock
 Hall (TX) McGovern Schwartz

Scott (GA) Stark Walden
 Scott (VA) Stearns Walz
 Sensenbrenner Stupak Wamp
 Serrano Sullivan Wasserman
 Sessions Sutton Schultz
 Sestak Tanner Waters
 Shadegg Taylor Watson
 Shea-Porter Teague Watt
 Sherman Terry Waxman
 Shimkus Thompson (CA) Weiner
 Shuler Thompson (MS) Welch
 Shuster Thompson (PA) Westmoreland
 Simpson Thornberry
 Sires Tiahrt Wexler
 Skelton Tiberi Whitfield
 Slaughter Tierney Wilson (OH)
 Smith (NE) Titus Wilson (SC)
 Smith (NJ) Tonko Wittman
 Smith (TX) Wolf
 Smith (WA) Turner Woolsey
 Snyder Upton Wu
 Souder Van Hollen Yarmuth
 Space Velazquez Young (AK)
 Spratt Visclosky Young (FL)

NOES—4

Blackburn Deal (GA)
 Broun (GA) Flake

NOT VOTING—15

Barrett (SC) Fallin Lewis (GA)
 Bishop (UT) Gohmert Rooney
 Conyers Graves Schrader
 Delahunt Israel Speier
 Doyle Larson (CT) Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1123

Mr. ROYCE changed his vote from “no” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the concurrent 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. LARSON of Connecticut. Mr. Speaker, on rollcall No. 736, had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on September 24, 2009, I was called away on personal business. I regret that I was not present for the following votes:

On the passage of H. Res. 766, had I been present, I would have voted “yea.”

On the passage of H. Con. Res. 163, had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. ROONEY. Mr. Speaker, I was unavoidably detained due to sickness.

Had I been present, I would have voted “yea” on rollcall No. 736, and “nay” on rollcall No. 735.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

the vote incurs objection under clause 6 of rule XX.

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

MEDICARE PREMIUM FAIRNESS ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3631) to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3631

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 “Medicare Premium Fairness Act”.

SEC. 2. MEDICARE PART B PREMIUM FOR 2010.

(a) PREMIUM COMPUTATION.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(5) The monthly premium under this subsection for 2010 shall be the monthly premium under this subsection for 2009.”; and

(2) in subsection (i)(3)(A), by adding after and below clause (ii) the following:

“In applying clause (ii) for 2010, the monthly actuarial rate described in such clause shall be such monthly actuarial rate for 2009.”.

(b) OFFSET FROM MEDICARE IMPROVEMENT FUND.—Section 1898(b) of such Act (42 U.S.C. 1395iii(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting the following: “, reduced by the sum of—

“(i) the amount transferred under paragraph (5); and

“(ii) \$567,000,000.”;

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

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

“(B) fiscal year 2015, the amount specified in subparagraph (A)(ii); and”;

(2) by adding at the end the following new paragraph:

“(5) TRANSFER AND OFFSET.—There are hereby transferred from amounts in the general fund of the Treasury to the Federal Supplementary Medical Insurance Trust Fund an amount equivalent, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, to the aggregate reduction in premiums payable under part B that result from the application of paragraph (5) of section 1839(a) and the last sentence of section 1839(i)(3)(A).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) 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 and insert extraneous material in the RECORD.

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

There was no objection.

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

I urge my colleagues on both sides of the aisle to support H.R. 3631, the Medicare Premium Fairness Act of 2009, of which I am an original cosponsor.

Unless Congress acts quickly, millions of America’s seniors will find themselves with a smaller Social Security check at a time when they are already stretching every dollar they have. If we don’t act today, 27 percent of Medicare beneficiaries will see their part B premium increase from \$96 to \$110 or \$120. That’s potentially a 25 percent increase in their Medicare part B premiums when they’re getting no increase in their Social Security COLA.

It won’t just be Medicare beneficiaries who are harmed either. Cash-strapped States will also feel a pinch if we don’t act. Most of those impacted by the possible premium increases are dual-eligibles, or those beneficiaries who qualify for both Medicare and Medicaid because they may have low incomes. Their premium increases will have to be paid for by States as part of their Medicaid programs. As we all know, States across the Nation are facing large budget deficits and are being forced to slash critical services and increase taxes. This simply is not the time that the Federal Government should be shifting more costs to States who are simply unable to absorb it.

Mr. Speaker, even though this is an emergency situation, we have found a way to make sure that the bill is completely paid for and does not add one dime to the deficit. It is imperative that Congress act today in order to make sure that every Medicare beneficiary is financially protected and is able to afford the Medicare services he or she deserves.

I once again urge my colleagues on both sides of the aisle to support this bill. Please vote “yes.” Vote to protect America’s seniors.

I reserve the balance of my time.

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

We are here today because the Democrat leadership apparently doesn’t know what our senior citizens have known for the last 6 months. I held a town meeting in Wortham, Texas, in August. The population of Wortham, Texas, is approximately 1,100 people perhaps. A constituent, a senior citizen, stood up at my town hall meeting and asked me if it was true that their Medicare part B premiums were going to go up while their Social Security COLA did not increase. I said that I did not know, but I would check it out. I had my staff check it out, and sure enough, they were telling the truth.

Well, yesterday, right before the Energy and Commerce Committee markup was scheduled to conclude, I got a note from my staff that there was going to be a special meeting of the Rules Committee last evening and that

we were going to have a same-day rule and have an emergency bill put on the floor today to hold harmless our senior citizens who choose Medicare part B and who are having their premiums go up. I asked the distinguished subcommittee chairman, Mr. PALLONE, if he knew anything about it, and to his credit, he said he was aware of it, but he had just become aware of it. I said, Well, why didn’t we have a hearing on this? Why didn’t we have a markup? Why didn’t we find out what the policy is? Why didn’t we do all kinds of things? To his credit, his answer was that it was just something that had to be done.

Well, Mr. Speaker, I’m tired of the Democratic leadership waiting until the last moment. And to give them the benefit of the doubt, they don’t know what’s happening in these programs, so they have to scramble. Or they do know, and they don’t give a darn about what the process is and what the policy is.

□ 1130

I think it’s inexcusable that we are here on the House floor today on a bill that there’s not any serious opposition that we need to do something but I think there is a real policy debate about how to prevent this from happening in the future.

For my friends who don’t really know a lot about Medicare part B, Medicare part B is voluntary. It is the part of Medicare that handles physician payments and outpatient reimbursement. Now, most Medicare recipients choose part B. About 98 percent choose part B.

Within part B there are three classes of Medicare beneficiaries. There are Medicare beneficiaries that have a high income. There are Medicare beneficiaries that have average incomes, and there are Medicare beneficiaries that have low income.

Under current law if you have been covered in Medicare in a prior year and you don’t have a high income, you don’t have a low income, you are held harmless by the current law. But if you’re a new Medicare beneficiary, in other words, you weren’t on the program last year, if you’re a high-income Medicare beneficiary, or if you’re a low-income Medicare beneficiary, then you’re not held harmless.

And those groups, about 25 percent of the total Medicare population, are the people that were going to have their Medicare premium increased. The current premium this year is about \$96, and under current law if you weren’t protected, it would go up to about \$104. So that’s about an \$8 increase or a little over maybe 7 or 8 percent.

So under years when the average inflationary and the consumer price index goes up, there’s a Social Security COLA increase. So if Medicare expenses go up, which they did last year, the Medicare part B premium goes up but the Social Security benefit goes up, and since Medicare part B premiums