

hospitals and 18 rural health clinics spread over nearly 100,000 square miles, which is a remarkably large distance. With vast distances, complex medical cases, and increased demand for technologically advanced medical care, the rural health care system is certainly not one size fits all.

Let me explain what this Rural Health Clinic Patient Access and Improvement Act actually does.

First, the rural health clinics currently receive an all-inclusive payment rate that is capped at \$76. That payment has not been adjusted—except for inflation—since 1988. We all know that medical inflation has gone up at a much greater rate than regular inflation.

This bill addresses this problem by raising the rural health clinic cap from \$76 to \$92. Rural health clinics are a key component of the rural health care delivery system, and we need to make sure there is fair pay for patients who are taken care of in those facilities.

We also need to give them enough flexibility to meet their community's health care needs.

Additionally, this measure would establish a new quality reporting program for rural health clinics.

Three years ago, Congress required the Centers for Medicare and Medicaid to create a physician quality reporting system. This program offers bonus payments to doctors who report quality measures on Medicare services.

The quality incentive program is linked to the Medicare physician fee schedule. Rural health clinics, though, are not paid using the physician fee schedule. If Congress wants to pay doctors based not on volume but on the quality of care, then it is important to remember that the one-size-fits-all approach will not work here.

That is why this bill ensures that a comparable quality incentive is available to rural health care providers.

Third, the Rural Health Clinic Patient Access and Improvement Act would create a provider retention demonstration project. It is a five-State project that will study the extent to which a medical professional can be encouraged and enticed to practice in an underserved rural and frontier area.

The States would be given grants to help physicians, physician assistants, nurse practitioners, and certified nurse midwives to help them pay a small portion of their medical liability costs.

I believe these incentives will help draw more providers—especially those who deliver babies—to work in an underserved area because their malpractice insurance is the same whether they deliver 1 baby or 100. In these small areas, there aren't that many babies being born each year, so the cost, while it is the same for malpractice insurance, has to be distributed over a fewer number of patients. This will encourage them to practice in underserved areas.

Wyoming has too few primary care providers for the population we must

serve. My State is not alone. This bill that Senator WYDEN and I have introduced reflects our commitment to ensure rural Americans have access to high-quality health care services.

I strongly encourage all my colleagues with an interest in rural health to cosponsor this bipartisan piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

HOMELAND SECURITY APPROPRIATIONS

Mr. SESSIONS. Madam President, I offered an amendment to the Homeland Security legislation that is before us which would make that system permanent, and make its use mandatory for contractors that do business with the U.S. Government.

Essentially, employers all over America are accessing the E-Verify online system that allows them to have an instant check to determine whether the person who has applied for employment with them is legally in the country. They simply check their Social Security number and other data against the Social Security Administration and Department of Homeland Security databases. When the system determines a person is not here legally, employers don't hire them. Over 96 percent of the people are cleared automatically when a business checks. Of the remaining 3.9 percent of queries with an initial mismatch, only .37 percent of those were later determined to be work authorized. A certain percent of applicants are found to be here illegally, and they should not get a job or any taxpayers' money from a part of the stimulus package. Stimulus funds were set aside to help us reduce our unemployment rate in this country and to hire American workers. The prospect of jobs should not be a magnet to draw more illegal workers into the country.

The first thing you do, if you have an immigration problem, is stop rewarding those who break the law. One of the things you do not do is reward people who come illegally with jobs. You do not have to arrest them or do anything unkind. You simply do not hire them, especially with taxpayers' money that is designed to create American jobs.

This has been a matter we have talked about for some time. It is very important in this time of economic slowdown because the Bureau of Labor Statistics reported that the unemployment rate for June, just a week or so ago, had jumped to 9.5 percent, 467,000 jobs lost, the highest unemployment rate in 25 years. We have massive job losses. A lot of good people are out of work, they need work and are willing to work.

E-Verify is not a perfect system. People can find ways beat it, no doubt, but it actually works. One study by the Heritage Foundation concluded that as much as 13 percent of the jobs created

under the stimulus plan would go to people illegally in the country the way we were operating. By utilizing the E-Verify system, I have no doubt we could drop that percentage dramatically. I am very concerned about it. I am a bit baffled by the difficulty we have had in moving forward with this amendment.

I will say that two bits of progress—small progress, I know—have occurred. The House Homeland Security appropriations bill for fiscal year 2010 has come over to the Senate, and it includes a 2-year extension of E-Verify. That is better than letting it expire. In addition, the Senate version of the bill includes a generous 3-year extension of this proven system. I have to say that is OK, but neither bill has any language that would make this system permanent. It leaves it on very shaky ground, making businesses that might voluntarily want to utilize it wonder if it really is the policy of our country to use it. Madam President, over 1,000 businesses a week are now voluntarily signing up to use the system.

Failing to make the system permanent also raises questions about the sincerity of our commitment. More significantly, neither one of the bills has any language that says that government contractors, people who are doing work for the U.S. Government, paid for by us, the taxpayers, must use this system. I ask, Why not? What possible, justifiable, rational reason can we give to pass legislation designed to help deal with this recession, to try to create American jobs and not make sure federal contractors only hire lawful workers? What basis could we utilize to say that those contractors should not at least take about 2 minutes—that is about all it takes to punch in a Social Security number into the system—to see whether a person applying for a job is legally in the country.

There is a long history on this amendment. For some reason, interest groups have been lobbying against permanent authorization and mandating use of E-Verify by federal contractors. Certain business groups oppose this amendment. It scares them. Why? I suggest there is only one logical conclusion: They like the idea of hiring illegal workers. But how can we as Members of the Senate representing the American taxpayers possibly justify using their money that is designed to create jobs for American citizens to hire people who are here illegally, creating an even greater magnet to attract more people to come into our country illegally?

I have offered this amendment to the appropriations bill to ensure this successful program be made permanent. And, of course, any time in the future if it ceases to be practical, we could end it. But this amendment would make it permanent, sending a signal—that is part of what we want to do—and it would also be mandatory for government contractors. If a Federal contractor gets a contract to do work, at

least they ought to determine whether a worker is legally in the country before they hire them. I don't think that is too much to ask, and I cannot imagine why anyone would oppose it. But I understand, once again, we are going to have objections.

It is working, and Department of Homeland Security Secretary Janet Napolitano recently said this in response to a question I asked:

The administration—

She is talking about the Obama administration—

strongly supports E-Verify as a cornerstone of work site enforcement and will work to continue to improve the program to ensure it is the best tool to prevent and deter the hiring of persons who are not authorized to work in the United States.

I think that is a pretty good affirmation of it. In fact, that has been a known reality for years. We have known this system has worked for years, but we have had people say: Oh, it is a bureaucratic nightmare. Why do businesses voluntarily sign up to use it, then? They say some people might be held up in employment. Under the bill, if something in the system raises questions about your employability, the person can still be hired while the problem is worked out. What we found is that 96 percent of the people are cleared immediately and only a very small number have turned out to have some sort of mistake in their situation. It is just not a practical objection, in my view.

I understand that some are claiming—my colleagues on the other side of the aisle—that it looks as if Secretary Napolitano will announce something with regard to federal contractors soon, maybe even tomorrow. That would be good. It would be a Presidential directive that could, in the short run, solve this problem. But we have heard that talk before.

President Bush finally, after being subjected to some criticism about this, issued Executive Order 12989 last June. That order mandated the use of the E-Verify system for Federal contractors and subcontractors and was supposed to take effect in January of this year. President Obama came in, as he has the power to do, and he delayed implementation of the order. Indeed, we have had four delays to date in implementing this Executive Order. The first was when President Obama said that the January 28 date was not appropriate. He put it off to February 20 and said that on February 20, businesses that get government contracts have to use the system. Then a few weeks later, the implementation was pushed back to May 21. Before May 21 got here, they pushed it back to June 30. A few weeks ago, we heard it would not be implemented until some time in September. And now we are hearing that they may implement it soon.

E-Verify is certainly one of the most effective tools we have, as the Secretary herself has stated. Why are we not moving forward with making it

permanent, I ask. I ask Members of Congress in the House and in the Senate, why don't we play a role in this? Why leave it totally up to the President, who is subjected to all kinds of political and corporate lobbying to not do this program? Why don't we as a Senate just pass it, as we do so many other things, and make it law? If Secretary Napolitano plans to do this in the future, it wouldn't conflict with anything she planned to do. If they were not going to do it, it would be mandated and it would come into effect.

We have to be aware that we have had a lot of obstacles before with the implementation with this system and it has not gone forward in an effective way. I don't think we should wait any longer. Jobs are being lost every single day. They are being lost in significant numbers to people illegally in our country.

T.J. Bonner, the head of the Border Patrol Union, told us most passionately at a Judiciary Committee hearing a number of years ago that jobs are the magnet. If you can stop the magnet, the number of people they have to deal with at the border can be reduced. It sends a signal that the days of open borders and the ability to get a job even if you are illegally here are past. That is the way you do things and make it work. It is all part of a plan to send a message to the world that we are not open for illegality. Under E-Verify nobody is arrested, nobody is captured and taken to be deported. We just simply are taking a reasonable step to reduce the magnet of jobs from taxpayers' money, not private businesses, just government businesses and government contractors. The Federal Government uses it today in its hiring process.

I was surprised to hear one of my Democratic colleagues asking that we not support this amendment, saying that we should have a biometric employment identification database and that he cannot support E-Verify because it is not strong enough. That was a remarkable thing. Anyone who has studied the history of this program has good reason to wonder about the sincerity of people who object because E-Verify is not tough enough. The reason people are objecting is because it works. That is why the immigrant advocacy groups and the business crowd object to it. That is why. There may be better systems, but this one has been up and running for some time and been incredibly successful.

It was contended that I.D. thieves can defeat the system. I suspect that is so. But does that mean the system has to be perfect before we use it? That argument ignores the fact that this bill appropriates a significant amount of extra funds to assist the Department of Homeland Security's continuing effort to reinforce the system's antifraud protections. We have money in this legislation to try to eliminate the ability of people to defeat the system by fraud.

I don't think the argument can rationally be made that extending it would be "a waste of taxpayers' money." We already have the system up and running. In reality, it is not going to cost any more money to have people use it. The system is up and working. I guess if people want to use that as an excuse to vote against the amendment, they can, but it makes little sense to me.

I would like to see an enhanced biometric system. It is absolutely something that can work. We need to do that. There are a lot of things we can do this very day, but you have to admit, if we cannot get the votes to just maintain the E-Verify system, it looks as if we may have even more difficulties with an advanced system.

I won't go on at length about this anymore. We have debated it before. Earlier this year on the stimulus bill, I offered an amendment to make E-Verify apply to the stimulus bill and the people who got government contracts would have to use it. The House put that in their bill. I kept getting objection from the Democratic leadership to my amendment. I couldn't understand why. And then I began to think about it, and it dawned on me what was happening. If my amendment were to pass and the language was in the House bill, unless real skullduggery were to occur, that language should be in the final bill. But if they could keep the language out of the Senate bill, even though the House had put the language in their bill by an overwhelming vote, they could take it out in conference when they meet in secret to deal with the conflicts between the House bill and the Senate bill. So I brought it up three or four times, and every time I tried to get a vote, it was blocked.

Then, finally, the bill passed without my amendment having passed. And do you know what happened? When they met in secret, in conference, the House leadership—the Speaker and her team—receded to the Senate bill, agreed to eliminate their language, and therefore the language wasn't in the bill. And what happened politically? All the House Members, Republicans and Democrats, could say: I voted for E-Verify. And the Senate Members, when hearing complaints, could say: Well, I would have voted for it if it had come up. It just never came up.

See, this was the plan all along. I just have to tell you what the truth is and how this happened and what is at work out there.

So I hope Secretary Napolitano will do what she can do and the President will do what he can do and order that this system be mandatory for government contractors and to permanently authorize it. But I don't see any reason in the world why we should wait on that. What we should do as a Congress, if we believe in what we say about our goal to eliminate the surge of illegal immigration and trying to protect American jobs at this time of economic recession, is we ought to vote for the amendment. What harm can there be?

So I urge my colleagues to do the right thing on this amendment and vote for it. I am baffled as to why there would be hesitation about it. I think if people look at it, it is very simple. The E-Verify system is up and running. The government employment offices use it before they hire anybody for the government. Thousands of businesses are using it every day. Over 130,000 employers are currently enrolled in the program, and about a thousand businesses a week are signing up to use it. It protects them, in a way. If somebody says: You knowingly hired illegal workers, they can say: I checked and they had a good I.D. and a good name, and I did my best. And that will protect them from complaints against them. Most employers want to do the right thing. They do not want to hire people who are not lawfully in the country. So that is why it is working even as a voluntary program. We are not hearing complaints about it. It is not violating people's civil rights. It is working in a healthy way.

All we need to do now is make this system permanent, not keep leaving it out here in limbo. And secondly, let's make sure it applies to people who not only go directly to work for the U.S. Government but for contractors who do work for the government, people who are getting money under the stimulus bill, which was designed to create jobs for American citizens.

I thank the Chair, and I yield the floor.

Madam President, 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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, earlier today, just a couple of hours ago, I spoke in this Chamber about the need to expand access to generic drugs. I spoke about expanding generic access for biologics—drugs that treat cancer, and diabetes, and rheumatoid arthritis, Alzheimer's, multiple sclerosis, Parkinson's, and a whole host of disabling and often fatal diseases. I talked about how much money could be saved with a pathway to what are called follow-on biologics—or generics—and how much better access that would be for people who simply can't afford the thousands of dollars per month that it often costs for these biologics, these very expensive treatments. I talked about how it could save money for small businesses that so often pay the freight for health care, for health insurance for their employees, and how it could save money for large companies that simply aren't able to be as competitive around the world because of the high cost of these

biologics. All this is part of a larger debate about health care reform.

Just a few short days after celebrating our Nation's birthday, we are fighting for what should be a right for every American; that is, access to affordable health coverage. This isn't about the Republicans. It isn't about Democrats. It is not about my part of the country, the Midwest, or the Presiding Officer's part of the country, New England. It is not about Ohio or New Hampshire or California or Nebraska. It is about America. It is about fighting for the next great progressive chapter in our Nation's 233-year history.

Think of the progress as a nation we have made in the last hundred years. I wear on my lapel a pin depicting a canary in a bird cage. The mine workers used to take a canary down in the mines. If the canary died from lack of oxygen or toxic gas, the mine worker knew he had to get out of the mines immediately. He had no union strong enough to protect him or no government that cared enough to protect him. Think of the progress this country has made over these past 100 years since the canaries went down in the mines with the miners.

A baby born in America at the turn of the last century, say, in 1900, had a life expectancy of only about 46 years. Today, we live three decades longer because of our progressive government, because of a ban on child labor, because of civil rights and women's rights, because of safe drinking water and clean air, because of seatbelts and airbags, because of Medicare and Social Security and minimum wage and workers' compensation, and so many great things this institution has done.

Over the Fourth of July weekend, I was honored to have spent time with the Scalia family from Australia. Natalie and Greg Scalia lived in the United States, just upstairs from my wife when she was a struggling single parent. Greg Scalia was an intern, I believe at the Cleveland Clinic, making very little money. They had two children then. They now have four children. Will and Issy were born and were here a dozen years ago when they lived in the United States for a couple of years in the 1990s. Born to the Scalia family since living here and joining the family on this visit were Richie and Rosie. They came to Cleveland over the Fourth of July weekend. They did what Americans do: They went to a Cleveland Indians game. Unfortunately, typically, they saw the Indians lose—a pattern that has been all too common this year. They went to a parade in the southwest part of Cleveland, they went to picnics, and they had family time.

As I talked with Dr. Scalia and all of us talked about the current debate over health care reform, it occurred to me that this debate and the hours and hours spent by staff and Members who work in the Senate in crafting the public plan we announced last Thursday, the issue of generic drugs we engage in

today and all the work done on prevention and on quality of care and on workforce training and on stopping fraud in the Medicare system—all the different kinds of health care systems overall are really part of the American experience. But years from now, when we look back on this, we will know that it is not about terms such as "public option" or "follow-on biologics" or concepts such as preventive care, quality control, or the discharge plan, where people leave hospitals; this is really all about American families.

That is why, as we celebrated the Fourth of July over the weekend, it was particularly important to think about what we do this month in the Health, Education, Labor, and Pensions Committee, on which I sit, and in the Finance Committee—the two committees of the Senate joined with the House Ways and Means Committee and the Education and Labor Committee and the Energy and Commerce Committee—as we work on this. Our first pledge is to protect what is right in our health care system, and our second pledge is to fix what is wrong.

Protecting what is right means if you have health insurance and you are pleased with your health insurance, you keep it. No government is going to tell you to change that; you keep what you have. If you are unhappy with your insurance, if you are dissatisfied or simply have no health insurance or have very inadequate health insurance, then we can offer you private insurance or we can offer you public insurance—the public plan option, so to speak—that will give you the choices as an American citizen.

This is a historic moment for our country. This is the first time since Franklin Roosevelt thought about trying to add health care, a Medicare-like system, to Social Security in the 1930s. He backed off under pressure from the American Medical Association. In the 1940s President Truman offered Medicare. He was not able to pass it for all kinds of reasons. In 1965, President Johnson, with the huge Democratic majorities, the biggest majorities we have had in the last 70 years, was able to pass Medicare and Medicaid, and look what that brought us.

Madam President, as you join us in your first term from New Hampshire, and many other freshmen who have moved on this side of the aisle—we have sort of squeezed these desks together, as we see—we will be facing a historic moment where we will have a chance to provide health insurance and help all these families I saw on the Fourth of July reach the American dream. It is an opportunity for people who have not had health insurance and people who have inadequate health insurance to be able to provide for their families. They are working hard and they are playing by the rules. They work as hard as any United States Senator. The comforts of their job are not nearly as much as we have in this body, and they are deserving of the