

was the first African American lieutenant in the Los Angeles Police Department, where he served for 22 years. He took night classes at the Southwestern University School of Law during this time and received a law degree in 1956. In 1963, he was elected to the Los Angeles City Council and was its first African American member. He was also the city's first African American mayor as well as the longest-serving mayor in the city's history, serving from 1974 to 1994.

Mr. Bradley was a physically imposing figure, standing well over 6 feet tall, but his manner was soft, low-key, and calming. He helped lead Los Angeles through difficult times, including the first energy crisis of 1973 to 1974, and helped to boost economic development and investment in the city. Following the riots associated with the Rodney King incident in 1992, Mr. Bradley, along with then-Governor Pete Wilson, formed the Rebuild Los Angeles Task Force, an extensive effort to revitalize the city. Mr. Bradley also formed the Christopher Commission in July of 1991, charging it with conducting "a full and fair examination of the structure and operation of the Los Angeles Police Department, including its recruitment and training practices, internal disciplinary system, and citizen complaint system."

□ 1130

And so, Mr. Speaker, Mr. Bradley's leadership, vision for his community, and skill as a conscientious administrator are inspirations to us all. Let us now pay tribute to this great American through the passage of H.R. 5450. I urge my colleagues to join me in supporting it.

Again, I commend Representative DIANE WATSON for introducing this legislation. It deserves all of our votes, and I would urge its passage.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5450, which honors long-time Los Angeles Mayor Tom Bradley by designating the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, the "Tom Bradley Post Office Building." H.R. 5450 is an important measure that commends a man who has left a lasting and positive impact on the Los Angeles community and our nation.

I would like to thank Chairman TOWNS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman WATSON, for taking the time to honor Tom Bradley and his historic contributions to our nation's social and economic progress.

Mr. Speaker, Mayor Tom Bradley did much to improve the city of Los Angeles during his record five terms as mayor. In his 20 years in office, Los Angeles successfully hosted the 1984 Olympics and passed Chicago to become the second most populous city in the country. These changing dynamics brought social challenges that demanded incredible leadership from Mayor Bradley. After the 1992 Rodney King riots he worked tirelessly to rebuild Los Angeles and continue the process of racial reconciliation. Mayor Bradley famously

stated, "The April unrest tore at my heart, and I will not be at peace until we have healed our wounds and rebuilt our neighborhoods. Let us all, every one of us, pledge to make Los Angeles a beacon of mutual respect, justice and tolerance from this day forward."

Prior to his record five terms as mayor of Los Angeles, Tom Bradley served on the Los Angeles City Council from 1963 to 1972. In 1963, he and Mr. Billy G. Mills became the first African Americans elected to the City Council. The district that he represented was based around the ethnically diverse Crenshaw neighborhood. During his tenure, he spoke out against racial segregation within the LAPD, as well as the department's mishandling of the Watts Riots in 1965.

Growing up in the Los Angeles area, Mayor Tom Bradley had a positive impact on my life. His service to our community, commitment to social and economic progress, and hard work to bring about racial reconciliation was an example that inspired me to get involved in public service. I am grateful for the progress that he led in the Los Angeles community.

Mr. Speaker, it is entirely fitting that we honor and express our national gratitude for Mayor Tom Bradley's record service, during which time he worked on behalf of millions of Americans and helped fight poverty, inequality, and social injustice. The U.S. Postal Service building at 3894 Crenshaw Boulevard will honor a great humanitarian, politician, and all around remarkable individual. Naming a post office in his honor is the least we can do to recognize Mayor Tom Bradley's great contributions to the Los Angeles community and our nation.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5450.

Mr. DAVIS of Illinois. 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 gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5450.

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.

#### VETERANS', SENIORS', AND CHILDREN'S HEALTH TECHNICAL CORRECTIONS ACT OF 2010

Mr. STARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5712

*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 "Veterans', Seniors', and Children's Health Technical Corrections Act of 2010".

#### SEC. 2. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111-148, section 3110(a)(2) of such Act is amended to read as follows:

"(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act."

#### SEC. 3. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111-148, section 10325 of such Act is repealed.

#### SEC. 4. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111-148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

"(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit."

#### SEC. 5. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking "covered entities described in subparagraph (M)" and inserting "covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)) is amended by striking "and a children's hospital" and all that follows through the end of the subparagraph and inserting a period.

#### SEC. 6. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 6502 of Public Law 111-148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Effective as if included in the enactment of Public Law 111-148, section 2001(a)(5)(B) of such Act is amended by striking all that follows "is amended" and inserting the following: "by inserting after '100 percent' the following: '(or, beginning January 1, 2014, 133 percent)'."

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111-3) is amended by adding at the end the following: "The Secretary is not required under this subsection to calculate or publish a national or a State-

specific error rate for fiscal year 2009 or fiscal year 2010.”.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “PER PERSON” in the heading; and

(B) by striking “each employee” and inserting “employees”; and

(2) in subparagraph (C), by striking “, on a case-by-case basis.”.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking “reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)” and inserting “reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)”;

(2) in paragraph (6)(B), by inserting before the period the following: “and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost”.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking “and” before “(XVI) the medical” and by striking “(XVI) if” and inserting “(XVII) if”; and

(B) in subsection (ii)(2), by striking “(XV)” and inserting “(XVI)”.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111-148 as subparagraph (O).

#### SEC. 7. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions relating to such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$95,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

#### SEC. 8. EXTENSION OF SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of Public Law 111-148, is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

#### SEC. 9. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by

striking subparagraphs (A) and (B) and inserting the following subparagraphs:

“(A) fiscal year 2015, \$0;

“(B) fiscal year 2016, \$125,000,000; and”.

#### SEC. 10. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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

The Chair recognizes the gentleman from California (Mr. STARK).

#### GENERAL LEAVE

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

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

There was no objection.

Mr. STARK. I reserve the balance of my time.

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

Mr. Speaker, the majority is again bringing to the floor more fixes to the fatally flawed health care overhaul. The health care law was riddled with errors; some were oversights, the likes of which we are here today to address. However, the majority has failed to rectify the fundamentally flawed policies that threaten our economic stability and America's health care, all the while driving Federal and State budgets down a further unsustainable path.

Mr. Speaker, where is the fix for the up to 117 million Americans with health insurance from their employers that, by the administration's own estimates, will not be able to keep the plan they have and like? That promise was repeatedly made by President Obama and the Democratic majority to assure to the American people that health care overhaul would not force them into a one-size-fits-all government-approved insurance plan. Unfortunately, this has repeatedly proven to be false.

Where is the fix for the millions of small businesses that will be forced to file 1099 tax forms for each business from which they purchase more than \$600 worth of goods and services during this year? The National Federation of Independent Business, NFIB, describes these new requirements as crippling, and they will further divert investment away from jobs, which should be our number one concern.

Mr. Speaker, where is the fix for seniors whose Medicare coverage is threatened by the health care overhaul? Medicare's own actuaries found that the \$500 billion in Medicare cuts could jeopardize access to care for seniors. Furthermore, the actuaries predict

millions of seniors will lose their Medicare plan because massive cuts to the program will result in “about 50 percent” of seniors no longer being in a plan.

Unfortunately, the merits of today's legislation pale in comparison to the merits of addressing the needs of the millions of Americans losing the plan they have and like, the small businesses facing burdensome new costs and regulations, and seniors relying on Medicare. When will these pressing needs be addressed?

Mr. Speaker, while I support the bill before us, it is not enough. We must move beyond mere technical corrections and fix the fundamental flaws of the Democrats' health care law by repealing it and replacing it with solutions that work.

Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY).

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska will control the time.

There was no objection.

Mr. TERRY. I reserve the balance of my time at this point.

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

I rise today in support of H.R. 5712. It's a small but important bill. It's fully paid for and contains time-sensitive, mostly technical changes that strengthen the programs that care for the health of our Nation's veterans, senior citizens, and children. I appreciate the support of my distinguished ranking member for this bill.

This bill is supported by the National Association of Children's Hospitals, the American Hospital Association, Federation of American Hospitals, and most of the health care groups. And we can proceed on issues concerning other matters at another time.

At this point, I yield the balance of my time to the distinguished gentleman from California (Mr. WAXMAN).

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

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

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

Mr. Speaker, I am pleased to announce, as a representative of the Energy and Commerce Committee, that we are not opposed to this bill and we're pleased with this these corrections. It is especially important that our veterans' access to care is not impeded or delayed and that these other corrections will improve the efficiency and effectiveness of some of the programs that our citizens depend on the most.

This bill, as the gentleman from California mentioned, is budget neutral. In fact, there may even be as much as a \$50 million savings if everything goes right here, which I think is important. It's a small number with regard to the trillion-dollar deficit that we've already hit by the end of June and the

\$1.5 trillion deficit that we may experience for this year.

I would like to see a budget where—I think we're missing an opportunity with items like this where we can save \$50 million here, hopefully save \$50 million here. If we had a budget, it could be part of a master plan to reduce our deficits and empower the private sector to create jobs.

These are technical corrections that are necessary. But this is what happens when the majority works in secret, crafts legislation that doesn't receive the input from others, the minority side. And, frankly, I wouldn't be surprised that, after drastically altering the health care system so quickly, we'll have many more technical corrections necessary as time goes on.

□ 1140

The technical errors, however, are hardly the biggest problems facing this country's health care system. Far worse are the looming ill effects of the majority's basic policy mistakes. Who doesn't know the problems in that they refuse to exercise the fundamental responsibility of the House to conduct oversight hearings on how this is set up. And the grandfathering clause has already been very confusing. This is what we'll have to look out for as the health care bill proceeds.

Now, just for the record, let's consider some of the problems that we face from this bill. The law will cut \$575 billion out of Medicare. Concerning me equally as much is that it's with no direction from Congress, leaving these decisions to Health and Human Services and the Center for Medicare and Medicaid Services.

In Nebraska, in my district, many of my seniors rely on Medicare Advantage as a program, but \$145 billion will be taken from Medicare Advantage, reducing the enrollment, according to the nonpartisan estimates, by as much as 50 percent.

It will raise spending nearly 90 percent for States in Medicaid programs, squeezing State taxpayers and crippling State budgets.

Despite the claims that the bill would lower health care costs and deficits, the Chief Actuary of Medicine has since concluded that spending won't go down, it will actually go up, as many people believed.

And remember the promise that if you like your coverage, you can keep it? With the new grandfathering rules that are being rolled out, it is now estimated that, and this is the administration's estimate, that as many as 66 percent of small businesses will not be eligible to keep what they have and will have to accept something from the exchange which will be pre-approved by HHS.

We're also learning the recession might worsen now because employers are hesitant to expand. We're hearing from many employers, articles in the Wall Street Journal, that they're sitting on cash because they don't want

to spend now, be hit with these higher costs, and then have to lay off later. So it's arresting investment and hiring of new workers because businesses don't know the costs of implementation of this health care bill.

Now, the Democrats at every level are in hiding mode. They don't want a new public debate on this. We had a recess appointment of Donald Berwick, Dr. Donald Berwick, who is a great intellectual on medical savings, particularly in a British system that says that a rationing-type of system relies on a mathematical formula of age, as well as comparative effectiveness. And the comparative effectiveness provision in this bill provides Dr. Berwick carte blanche to implement those type of British policies.

This is probably—this won't be the last time that we hear about health care, but probably we won't hear about it until after November 2. The American people know why. I can only hope that we choose to conduct oversight of the new health care law and fix its disastrous effects.

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

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

Mr. Speaker and my colleagues, I rise to join everybody else who has spoken in favor of this bill and urge passage of H.R. 5712, the Veterans, Seniors and Children's Health Technical Corrections Act. It's a small set of non-controversial changes to the law needed to provide for the smooth functioning of the Medicare, Medicaid, Child Health Insurance, or CHIP program, as well as the 340B program. The legislation has no cost.

One provision ensures that a special enrollment period into Medicare part B does not exclude some of the veterans for whom the policy was intended.

Another provision clarifies that the redistribution of unused Medicare-funded residency slots not inadvertently take slots away from hospitals that were cooperating with other hospitals to actually use these slots. This is a practice that occurs in 36 States, and they want this clarification.

We also have a clarification that children's hospitals will continue to have access to discounts on orphan drugs through the 340B program tape.

The bill would modify the payment system for nursing facilities in Medicare, ensuring smoother operations of that program.

And virtually all of these provisions have been passed by the House at least once. Many of them have been passed by the Senate as well. This legislation needs to be enacted now because it modifies provisions of law that are coming into effect now, or will come into effect within the next few months.

So the legislation is fully paid for, will not increase the deficit. It involves technical corrections only. It's a bipartisan bill, and I'd urge my colleagues to suspend the rules and pass this legislation.

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 gentleman from California (Mr. STARK) that the House suspend the rules and pass the bill, H.R. 5712.

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.

## RENEWING IMPORT RESTRICTIONS OF BURMESE FREEDOM AND DEMOCRACY ACT

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 83) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 83

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

### SEC. 2. CUSTOMS USER FEES.

Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "August 17, 2018" and inserting "August 24, 2018".

### SEC. 3. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

### SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

### SEC. 5. EFFECTIVE DATE.

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2010, whichever occurs earlier.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.