

Secretary of Health and Human Services the authority to allow patients to exceed the monetary caps if deemed medically necessary.

Mr. Speaker, I urge my colleagues to continue ensuring that Americans have access to the highest quality physical therapy, occupational therapy, and speech and language pathology services by supporting this legislation.

#### INTRODUCTION OF THE IMPROVING ACCESS TO MEDICARE COVERAGE ACT

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 14, 2011*

Mr. COURTNEY. Mr. Speaker, today I am reintroducing legislation to improve a component of our Medicare program that has left many without coverage of needed services and guaranteed benefits. My legislation, the Improving Access to Medicare Coverage Act, will allow time spent on hospital observation status to count towards a three-day qualifying hospital stay requirement for skilled nursing care services. Under current regulations established by the Centers for Medicare and Medicaid Services (CMS), only those that have received an inpatient designation and have a hospital stay of at least three days, qualify for Medicare coverage of skilled nursing care. Those on observation status, which is often indistinguishable from inpatient care, are excluded from this coverage because of an outdated and unfair CMS policy.

Our systems of care have changed, and so should our Medicare policies. This point has been reiterated in cases heard by administrative law judges involving Medicare coverage of skilled care and observation status designations. Many of these cases have supported the notion that Medicare should cover skilled nursing care, regardless if the patient's qualifying hospital stay is as an inpatient or on observation status. While administrative law judges have often supported patients in these cases, the CMS policy creates a system with arbitrary winners and losers, based on access to legal appeals. My legislation will fix this broken system.

The Improving Access to Medicare Coverage Act will count time spent in hospital observation status towards the three-day hospital stay requirement for skilled nursing care. My bill will also establish a 90-day appeals period following passage for those that have been denied coverage after January 1, 2011 due to this CMS policy. The appeals process will allow those that have a qualifying hospital stay—either as an inpatient or on observation status—after January 1, 2011 to be eligible for skilled nursing care. While I believe that the legislative text clarifies that the appeals process is available to any Medicare beneficiary that has been denied coverage after January 1, 2011 due to this policy, there should be no doubt as to my congressional intent. It is my intent that any individual, regardless of whether an initial appeals process has expired, can appeal during the 90-day window following passage so long as their hospital stay and subsequent denial of skilled care occurred after January 1, 2011.

I also want to thank the Center for Medicare Advocacy for bringing to light the impact of

this broken policy. I look forward to working with the Center and the other organizations that have expressed their support of this legislation to bring resolution to this issue that has negatively impacted many of my constituents, and patients and families across the country, for far too long.

#### IN RECOGNITION OF THE LIFE AND LEGACY OF JOHN A. SMITH

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 14, 2011*

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize a leader in San Diego's veterans' community, and a treasured member of the San Diego family.

Mr. Smith was buried today in Miramar National Cemetery. My thoughts are with his family and friends as they mourn the loss of this honorable and dedicated man.

Mr. Smith joined the Army in 1966 and served as a medic with the 1st Air Cavalry Division in Vietnam. He was wounded three times while serving and was medically retired as a disabled veteran in 1972.

Following his time in military service, Mr. Smith became committed to honoring and advocating for veterans. His involvement with the Veterans Village of San Diego, and its annual Stand Down event to provide services to homeless veterans, exemplify his personal dedication to helping veterans experience an improved quality of life.

Through his active membership with the United Veterans Council, U.S. Veterans of Foreign Wars (VFW), American Legion, Military Order of the Purple Heart, Vietnam Veterans of America, and other organizations helping veterans, Mr. Smith touched many lives. He was also a special representative for the California Department of Veterans Affairs. His admirable reputation in San Diego is known far and wide in the veteran community. In 2004, Mr. Smith was honored as the San Diego County Veteran of the Year.

Mr. Smith's sense of integrity, dedication to service, and commitment to his community should serve as examples to us all. He will be missed.

#### RECOGNIZING AND HONORING GREATER KALAMAZOO ASSOCIATION OF REALTORS

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 14, 2011*

Mr. UPTON. Mr. Speaker, it is with great pleasure I rise today to recognize and honor the Greater Kalamazoo Association of REALTORS. For 100 years, this organization and its members have proudly served the people of southwest Michigan, while setting the bar for excellence within the real estate industry.

What began a century ago as a group of 29 individuals with the common purpose of promoting real estate in Kalamazoo, Michigan, the Greater Kalamazoo Association of REALTORS has grown to an organization with hundreds of members representing over 100 real estate firms.

Since 1911, the Greater Kalamazoo Association of REALTORS has been a leader in real estate, all the while maintaining the same professional and ethical standards upon which it was founded. From creating the first exchange of real estate listings in the State of Michigan to helping usher new industry technologies, Kalamazoo realtors represent the best in their field.

As we know, any organization or body is only as strong as the sum of its members. I would like to thank all of the members of the Greater Kalamazoo Association of REALTORS for their longstanding commitment to local economic growth as well as their work to improve housing standards and home financing, and promote private property rights and commonsense, pro-growth policies. They are truly leaders in putting Michigan back on track.

#### HONORING THE COMBAT SERVICE OF CORPORAL COLBEY YAZZIE

### HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 14, 2011*

Mr. GOSAR. Mr. Speaker, I rise today to honor one of our country's wounded warriors.

Corporal Colbey Yazzie, a resident of Kayenta, Arizona and a 2007 graduate of Monument Valley High School, volunteered to serve our nation and joined the elite ranks of the United States Marine Corps just after high school graduation. We have spoken to Corporal Yazzie's father, Henry, who we know could not be more proud of his son. Corporal Yazzie is also a member of the Navajo Nation, a tribe that has provided our country with brave warriors year after year for decades. For this sacrifice, I stand here and pay our respects as a nation and I ask for a moment of prayer.

Today I want to specifically honor Corporal Colbey Yazzie. Corporal Colbey Yazzie was deployed in support of Operation Enduring Freedom in Afghanistan. He was assigned to the Marine Corps Combat Engineers. Corporal Yazzie was seriously wounded while supporting combat operations while engaged in a dismounted marine force patrol in Helmand Province, Afghanistan. He detonated a push plate improvised explosive device while on this combat patrol, and the resulting explosion severed his right leg above the knee.

Just shortly before Corporal Colbey Yazzie was injured, author Bing West travelled with Corporal Yazzie's unit, and described the high level of professionalism, determination and bravery these Marines demonstrated day in and day out. I truly wished everyone in America understood the sacrifice, bravery and diligence our Marines embody. The article is called "With the Warriors: Patrol Base Fires, Sangin District, Helmand Province, Afghanistan" and was published in the March 7th edition of the National Review. Let me excerpt some of what Mr. West wrote about Corporal Yazzie and his unit, again, shortly before Corporal Yazzie was injured:

The view from this platoon outpost in southern Afghanistan is unobstructed, both visually and strategically. On all sides stretch flat, bare, winter farmlands dotted with walled compounds. The strategy is aggressive patrolling to kill and drive out the

Taliban, who have acted as the rural government here for 15 years. . . .

The patrol base, named Fires because of the intensity of the daily fighting, was at the northern edge of the Marine advance. When I arrived in mid-January, Lt. Vic Garcia, the seasoned platoon commander, handed me two tourniquets. "If someone goes down near you on patrol," he said, "wrap him real tight and watch where you step." Garcia explained that the Taliban roam in small gangs among the farm compounds, sow mines, and attack from the flanks. When we set out on a combat patrol, the 15 Marines walked in single file across brown, furrowed farmlands suggestive of New England in early spring. Lance Cpl. Colbey Yazzie, a full-blooded Navajo Indian, swept a narrow path with his metal detector, while his Irish-American partner, Lance Cpl. Kyle Doyle, watched out for snipers.

Near a footbridge across an irrigation canal, Yaz clenched his fist to halt the platoon, then knelt down and scratched at the dirt. He took out wire cutters, snipped a few wires, and held up two small boards wrapped in tape. Glued to the underside of each board was a sliver of metal. When a foot pressed down on the boards, the metal plates came together, completing an electrical circuit connecting a flashlight battery to a plastic jug filled with explosives. Yaz attached a small charge to the IED (improvised explosive device) and blew it up, and the patrol continued.

In 100 days of patrolling four kilometers north of the Sangin district center, Kilo Company of the 3rd Battalion, 5th Marine Regiment had found 115 IEDs. Another 14 had exploded. Of the 136 Marines in Kilo, nine had been killed and 35 severely wounded. Of four platoon commanders, one had been killed and another had lost a leg to a mine. . . .

After discovering the first IED, we walked north at a steady, careful pace. Not one farmer was out tilling the lands sown with mines. Yaz again clenched his fist, knelt down, disarmed and blew up an IED. The patrol continued for a while, then halted suspiciously at the edge of a large field. On the far side were two long compound walls, dotted with "murder holes"—small peepholes for the Taliban rifle barrels.

The Marines peered at the wall through the telescopic sights on their rifles. Suddenly, the squad leader, Sgt. Philip McCulloch, fired a single shot. The Marines' counter is equally simple. One element peels off to flank the enemy, while another keeps aimed fire on the enemy position. If the Taliban remains too long in a fixed location, indirect fire (fire without a line of sight to the target, as from artillery) is called in. Every Marine has a telescopic rifle, and most of the fleeting targets are about 400 meters distant.

Yaz was leading the patrol back by a different route across a furrowed field when he stopped a third time. Again he uncovered a pressure-plate IED. "That's crazy," McCulloch said. "An IED in the middle of nowhere." That IED was sure to blow the legs off a passing farmer—or a Marine. Yaz pointed to three small rocks several feet away, a tipoff for a passing Taliban gang that there was a mine in the vicinity.

A few minutes later, we walked past a crumbling wall, startling two dark brown coyotes. Again Yaz stopped, knelt, and disarmed a pressure plate. Four mines in the path of one patrol, and he had found them all.

Bing West, "With the Warriors" (emphasis added). What Mr. West has described here is an amazing act of bravery and professionalism by Corporal Yazzie and his fellow Marines. In

just one patrol, on one afternoon, Corporal Yazzie located and disarmed four IEDs. Four hidden bombs designed to kill or maim indiscriminately, whether it is a child, a farmer, or a Marine. By doing his job, Corporal Yazzie can be credited with saving lives and limbs that day, and likely on many other days.

But Corporal Yazzie's service was not free. There is a high cost that has been paid, and continues to be paid. On March 26, 2011, in an effort to save lives, Corporal Yazzie detonated an IED and sacrificed his right leg.

Corporal Yazzie, we honor your service. To the others in your unit, and the rest of the Marine Corps, please know, we honor your service and sacrifice as well. You are not forgotten. You are appreciated more than you know.

#### INTRODUCTION OF THE SOCIAL SECURITY IDENTITY DEFENSE ACT OF 2011

**HON. THOMAS E. PETRI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2011

Mr. PETRI. Mr. Speaker, today, along with Rep. JOE DONNELLY of Indiana, I am introducing the Social Security Identity Defense Act of 2011, legislation to enhance the ability of the Internal Revenue Service to fight identity theft when that agency becomes aware of the fraudulent use of a taxpayer's personal information.

This legislation is a direct response to the experience of constituents of mine in Princeton, Wisconsin. After a routine review of his credit report, this constituent found accounts opened by another person that had used his Social Security number. This discovery raised many concerns, not the least of which that this person's income might be reported to the IRS under his Social Security number. Upon contacting the IRS, he was told that the IRS was aware of the situation and that they had known about it for some time.

Not surprisingly, this answer was not altogether comforting. The IRS knew that someone else had been using his Social Security number, but kept that information to themselves. While the IRS remained silent, additional frauds were committed, resulting in the credit accounts opened using my constituent's personal information. When he raised this issue with the IRS, he was astounded by the agency's answer. Privacy statutes prevent the IRS from discussing the return information of one taxpayer with anyone else. In the view of the IRS, the fraudulent use of my constituent's Social Security number was the personal return information of another taxpayer, and this fraud could not be disclosed to the rightful owner of that personal identifier.

This policy makes no sense and actually puts the IRS on the wrong side in the fight against identity theft. Our legislation aims to correct this problem by changing the privacy statutes to direct the IRS to inform a taxpayer when it learns through its normal course of business that a Social Security number assigned to that taxpayer has been used fraudulently by another worker.

In May 2006, President George W. Bush signed an executive order establishing the Identity Theft Task Force made up of the U.S. Attorney General, the Chairman of the Federal

Trade Commission, several heads of cabinet-level departments, and various other officers of the U.S. Government. The Task Force was directed to implement a policy "effectively to deter, prevent, detect, investigate, proceed against, and prosecute unlawful use by persons of the identifying information of other persons." Elaborating on this policy goal, the Executive Order went on to specify actions to increase safeguards that Federal departments and agencies could implement to better secure government-held personal data.

In responding to the President's charge, the Task Force issued a strategic plan, including numerous specific recommendations focused on improvements in four key areas. Keeping sensitive consumer data out of the hands of identity thieves; increasing the obstacles to the fraudulent use of any personal data obtained by an identity thief; assistance for victims of identity theft; and deterring this crime by aggressive prosecution and punishment of identity thieves.

Combating identity theft is an important and difficult job. I believe that the Task Force has made a commendable contribution to this effort and that implementation of its recommendations by public and private entities will help in fighting this crime. As the report itself notes, "Only an approach that encompasses effective prevention, public awareness and education, victim assistance, and law enforcement measures, and fully engages federal, state, and local authorities will be successful in protecting citizens and private entities from the crime."

The recommendations included in this strategic plan, however, do not include improved efforts by the IRS in assisting honest taxpayers in fighting identity theft. For this reason, the Social Security Identity Defense Act picks up where this strategic plan left off and provides an additional vital tool for our government to deploy.

Under this legislation, the IRS would be required to share any information in its possession about the fraudulent use of a taxpayer's personal information with that information's rightful owner. The agency also would be directed to transmit information that may be evidence of an identity theft to the FBI so that the Bureau can make this material available to state and local law enforcement agencies upon their request. Finally, the Social Security Identity Defense Act calls for the IRS to direct employers not to include a Social Security number on a W-2 form when that agency is aware that the employee is making fraudulent use of that number.

These are important steps forward. They will empower both citizens and law enforcement agencies in their efforts to combat identity theft, and they will limit the use of personal identifiers in the commission of future crimes. I urge my colleagues to join me and Rep. DONNELLY in this effort by cosponsoring the Social Security Defense Act.

#### INTRODUCING THE NATIONAL PATRIOTS MEMORIAL ACT

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2011

Ms. NORTON. Mr. Speaker, today I introduce the National Patriots Memorial Act. The