

budgets. I think it is important to emphasize that virtually all the growth—all the growth—in future Federal budgets is attributable to health care—all the growth. It is not Pell grants, it is not national parks, it is not national defense, it is not the National Security Agency; it is all in health care.

There are several ways we can control those costs. One way which has been suggested is to simply shift those costs off to other people—to the States, to the elderly, to other citizens—and say it is not the Federal Government's problem; it is someone else's problem. I would suggest that is not the answer. We need to be focused on the issue of health care costs generally, for everyone—for the Federal Government as a consumer, as it is in Medicare and Medicaid, but also for all of us as health care consumers across the country.

The standard response around here to growing health care costs is to cut programs, cut recipients, reduce payments to States, or reduce payments to providers. That does nothing about the fundamental issue. I can tell my colleagues that none of these steps has anything to do with reducing the demand for services or the costs of those services. We have to spend the money we have more responsibly.

There have been discussions recently about repealing the medical device tax which was passed as part of the Affordable Care Act. The theory, by the way, was that the Affordable Care Act would produce, as it has, millions of new customers for the private insurance industry as well as for all of those who participate in the health care system, including those who manufacture medical devices. The Affordable Care Act has produced new customers. And the theory, as I understand it, because I wasn't here when the bill was originally passed, was the industry—the businesses that will profit by the production of new customers through new people gaining insurance who never had it before—was that part of that would be paid back to support the overall system. That was the idea of the tax on medical devices. I realize the medical device tax is a controversial tax and that strong arguments can be made that it should be modified or reduced. But the repeal of the medical device tax would cost the government \$29 billion over the next 10 years. That is money, as we all know, that has to be replaced somewhere else. So I think that is a consideration that has to be taken into account as we discuss this matter which is under consideration as part of the tax extenders package.

As I looked into this issue and thought about the medical device industry, I was surprised to find it is very difficult to find out the price of an implantable medical device. One of the reasons is that the hospitals, which are the purchasers of these devices, are often prevented by agreements with the medical device company from revealing the price they pay. In other words, there is no transparency about

the prices of these devices which find their way into the cost of everybody's health care.

Imagine for a moment going to buy a new car and there is no advertising about the prices of the cars. We couldn't go on the Internet and determine the prices of the cars. We couldn't compare the prices of the cars from one dealer to the other. But we go in and somebody behind a closed door says, OK, the price is \$20,200, and we are not allowed to tell anybody the price we are paying for this car, and we have to sign an agreement that we are keeping that price secret. Imagine that system, and imagine for a moment what would happen to the price of cars. I don't think it is gross speculation to assume that the price would go up, because there is no transparency.

I have filed amendment No. 3802 to H.R. 3474, which is the tax extenders bill that is pending. It simply says that when a medical device is being sold, the manufacturer cannot impose a secrecy provision on the hospitals that purchase these devices, and they also have to report median prices to the Secretary of Health and Human Services on a regular basis.

In 2012, the GAO did a report on Medicare and one of the pieces of the report was titled "Lack of Price Transparency May Hamper Hospitals' Ability to Be Prudent Purchasers of Implantable Medical Devices"—a long title, but the conclusion is contained in the title: "may hamper hospitals' ability to be prudent purchasers." Well, if hospitals can't be prudent purchasers, we who are paying the bills, quite often through Medicare and Medicaid, are not able to get the best prices. Who pays? All of us pay.

This amendment would prohibit medical device manufacturers from requiring hospitals and buyers to sign purchasing agreements that contain confidentiality clauses that would restrict them from revealing the prices paid for medical devices to third parties. In addition, as I mentioned, the amendment would require these manufacturers to submit the average and median sales prices of covered devices to the Secretary of Health and Human Services on a quarterly basis.

In 2007, my good friend Senator GRASSLEY from Iowa sponsored a bipartisan bill to create a process of reporting this kind of price data to HHS, and I believe it is time to do just that.

To the extent that prices of implantable medical devices, which are very expensive generally, are not disclosed, the ability of hospitals to bring price information to bear in negotiations and decisions is clearly limited. I believe if we are going to talk about repealing a medical device tax, we should also talk about calling upon the industry to provide to consumers and policymakers greater transparency in order to better control costs.

In a world of limited resources, we have to spend the money we have most wisely. It is very difficult to spend

money wisely if prices and comparative prices and prices of the various components of the health care system are essentially kept secret.

This is a simple amendment. It is simply based upon the fundamental idea that markets work, but they only work when consumers—in this case, hospitals—have the information necessary to make good purchasing decisions. I think markets, as I said at the beginning, are the best way to allocate goods and services, but that information is necessary for markets to work, and that is the purpose of this amendment.

Mr. President, I ask unanimous consent that all time between now and 12 noon during quorum calls be equally divided.

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

Mr. KING. 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. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SPEAK UP ACT

Mr. CASEY. Mr. President, I rise this morning just before the noon hour to talk about our children, a topic which does not get nearly enough attention in Washington. I will try to focus on just one issue. Both parties in this body and in the other body indicate, on a pretty frequent basis, that they are in favor of supporting strategies to protect and to help our children, but not enough attention is paid to what that strategy should be and what the elements of it should be.

I believe it should at least have four major components. One is to make sure children have every opportunity for more early learning. In addition, we need to make sure more children are covered by health insurance and get quality health care. We made a lot of strides in that in the last couple of decades, but we still have a ways to go.

We need to make sure children are protected, an issue I will speak about today in particular. Obviously, we want to put in place better strategies to make sure children have enough to eat and are eating food that is nutritious. So today I will focus on the question of protection.

We know that as we head into the last couple of days of the school year, children are starting to look forward to summer activities such as camp and summer sports and other activities. That is the good news. The bad news is that can create opportunities for people who would do them harm. It is important to reiterate the responsibility adults have generally but in particular at this time of the year.

Adults have an abiding responsibility to protect children from harm and to speak up, literally to speak up when

they suspect a child is a victim of abuse or neglect. We know many cases of abuse and neglect go unreported, sometimes for years, sometimes even until a child has died or suffered other terrible consequences as a result of years of neglect or abuse.

For example, in 2012, in Pennsylvania there were 3,565 substantiated reports of child abuse and neglect. Across the Nation, 678,047 children were victims of abuse and neglect in the country as a whole, although I think it is important to point out the number I read from Pennsylvania: 3,565 substantiated reports of child abuse and neglect.

That means two things: It was reported, and we know the overwhelming number do not get reported. So even among the category of those that were reported, they had to be substantiated reports of abuse and neglect. I believe if we had just a broad category of children in our State—and it is true of a lot of other States as well—who are the victims of abuse and neglect, it would far exceed 3,565 cases, but that number alone is horrific and should cause us to do a lot more than we are doing, not just in Pennsylvania but around the country. We saw in Pennsylvania a horrific example. Many people read the news about Penn State over the last couple of years. In that case, children were being abused by an individual they were supposed to be able to trust, an authority figure and other authority figures who did little about reporting it.

We know there is a significant variation across the country in the types or categories of adults who are required by law to report suspected or known child abuse and neglect. Not all States require, for example, camp counselors to be so-called mandated reporters under the law, meaning an adult who has a legal duty by statute to report on child abuse or suspected child abuse. Some States have a long list of categories, some States have shorter lists. We know not all States require camp counselors or even coaches to report instances. So we need to do something about that. That is why I have introduced legislation to directly address it.

The Speak Up to Protect Every Abused Kid Act, which is more simply known as the Speak Up Act, would require all States to pass and enforce a law requiring adults with a professional responsibility to children to report instances of known or suspected child abuse in order for States to receive funding through the Child Abuse Prevention and Treatment Act, the so-called CAPTA legislation, the Federal statute that focuses on child abuse and neglect prevention and response.

So if they are going to have the benefit of those Federal dollars, they have to do more to protect children. That is what we are saying to States. The legislation will close a loophole that allows abusers to get away with heinous crimes and emphasize the responsibility of all adults to protect children from abuse and neglect.

States have a wide variety of standards, as I mentioned, for whom they designate as so-called mandated reporters. Some States require all medical professionals to be mandated reporters. Others only specify certain types of health care providers. Under the Speak Up Act, States would have to require all of these adults to be mandated reporters or forfeit their Federal funding under the so-called CAPTA Act, the Child Abuse and Prevention Treatment Act.

The Speak Up Act also requires that these mandated reporters give their reports directly to State authorities responsible for investigating child abuse and neglect. In some States, and in Pennsylvania I am pleased to report, there is a unified system of reporting, which is called the ChildLine, that accepts all reports. In this case, in Pennsylvania, one could call an 800 number and report child abuse and neglect.

I have asked myself—and I am not sure we will ever get the answer to this—what if—not only in a random set of cases but in the case of Penn State—one adult or more than one adult had called an 800 number early in the case history, even with a suspicion, reason, or grounded in fact, but a suspicion or direct evidence of child abuse? What if they had called that number. Could children have been protected; could child abuse have been prevented?

I don't know the answer, but I think if more people use that kind of method, they might be able to prevent a lot more cases of abuse.

Other States may require reporting to law enforcement or so-called child protective agencies.

Finally, the act itself, the Speak Up Act, closes a loophole in an existing law that can leave children in danger because their abuser is from another State or because a child was visiting another State when he or she was abused.

In the summer this becomes especially relevant when children may be attending camps where they are not just going back and forth to camp—a camp where they stay overnight, night after night, or other programs where they might have access to or be enrolled in, I should say, another State. Under the Speak Up Act, we make it clear that the State where the incident occurred has the obligation to investigate the incident, and other States must help if necessary. So that gives a further protection to children that is not in the law today.

The legislation in the Speak Up Act will provide as well standard reporting requirements across all States while still allowing States to go beyond what is required if they seek to do that.

I don't know why we don't have this in law already. Why should we have a variety of measures in place to protect children? We should standardize that. Every State should meet a certain minimum standard when it comes to protecting children. If States want to add people to their mandated reporter list,

require more adults or more categories of adults to be listed, then they could do that, but there should be a standard reporting requirement across the country.

So as we begin the summer, I urge adults who work with children to remember their responsibility to speak up and to act to protect children, to make sure they know how to report abuse and neglect, if necessary.

If you are in that category of mandated reporters already, you obviously not only have a legal duty to report, but I think you have a responsibility to find out today how you report, what method will you employ, what resource will you access to report instances of child abuse or suspected child abuse. But even if you are not sure you are in that category of mandated reporter, if you are an adult and you have an obligation to or your job entails working with children, I believe you have an obligation to find out not only when you are a mandated reporter but how you can report suspected cases of abuse and neglect.

Of course, if you are an adult, it may not be legally required. It doesn't, of course, foreclose the possibility that you could and should report instances of abuse and neglect, even if you don't have a legal duty.

I believe every adult has some kind of duty—maybe not in law but certainly a duty as a citizen and as an adult—to be vigilant, to keep your eyes open, and to focus your attention on protecting children. We all have an abiding obligation.

This is a time of the year when children have a lot of time away from school, and they have a lot of enjoyment in the summer. We should make sure we are being very vigilant, though, at this time of the year to speak up and to protect our children.

I yield the floor, and I suggest the absence of a quorum.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

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

BOWEN NOMINATION

Ms. STABENOW. I will take just a moment. Our colleague from Louisiana was on the floor a while ago referring to one of the nominees we will have coming up for a cloture vote in a moment to the Commodities Futures Trading Commission, which is so significant.

I want to correct a few things in the record for my colleagues and first remind everyone that Ms. Bowen, who will be the nominee in front of us, was unanimously confirmed by the Senate to be a director of the Securities Investor Protection Corporation, where she has honorably served, after 25 years of representing clients in complex financial transactions as a partner of a major international firm.

The issue that has been raised on the floor relates to a decision that was made unanimously by the board she