

New Mexico, Mr. BINGAMAN, Mr. SANDERS, Mr. AKAKA, Mr. WYDEN, Mr. MENENDEZ, and Mr. MERKLEY):

S. 1686. A bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHANNES (for himself, Mr. VITTER, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. INHOFE, Mr. BURR, Mrs. HUTCHISON, Mr. BARRASSO, Mr. HATCH, Mr. ENZI, Mr. ISAKSON, Mr. ROBERTS, Mr. BENNETT, Mr. ENSIGN, Mr. CRAPO, Mr. SHELBY, Mr. THUNE, Mr. GREGG, Mr. BUNNING, Mr. DEMINT, and Mr. GRAHAM):

S. 1687. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now; read the first time.

By Mr. BENNETT (for himself, Mr. ENZI, Mr. BUNNING, and Mr. CRAPO):

S. 1688. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1689. A bill to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNETT, Mr. JOHANNES, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. THUNE, and Mrs. GILLIBRAND):

S. Res. 273. A resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize; considered and agreed to.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. HARKIN):

S. Res. 274. A resolution supporting the goals and ideals of Peace Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 162

At the request of Mr. FEINGOLD, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 162, a bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Colorado

(Mr. UDALL) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 619

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 658

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 934

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. FRANKEN)

were added as cosponsors of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 1042

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1042, a bill to prohibit the use of funds to promote the direct deposit of Veterans and Social Security benefits until adequate safeguards are established to prevent the attachment and garnishment of such benefits.

S. 1210

At the request of Mr. KAUFMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1210, a bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1319

At the request of Mr. COBURN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1446

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1446, a bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid program.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1538, a bill to establish a black

carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes.

S. 1539

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1539, a bill to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1643

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. RES. 226

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 226, a resolution designating September 2009 as "Gospel Music Heritage Month" and honoring gospel music for its valuable contributions to the culture of the United States.

S. RES. 272

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 272, a resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize.

AMENDMENT NO. 2394

At the request of Mr. JOHANNIS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyo-

ming (Mr. ENZI), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2394 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. FEINGOLD, Ms. CANTWELL, Mr. DURBIN, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1681. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our Nation's antitrust laws exist to protect consumers. These laws promote competition, which ensures that consumers will pay lower prices, and receive more choices of higher quality products. The vast majority of the companies doing business in the U.S. are subject to the Federal antitrust laws.

A few industries have used their influence to obtain a special, statutory exemption from the antitrust laws, and the insurance industry is one of them. In the markets for health insurance and medical malpractice insurance, patients and doctors are paying the price, as costs continue to increase at an alarming rate. As the insurance industry prospers behind its exemption, patients and small businesses suffer. I am pleased to introduce today the Health Insurance Industry Antitrust Enforcement Act of 2009, which will repeal the antitrust exemption for health insurance and medical malpractice insurance providers.

The health care industry is the subject of a great deal of debate. There are many proposals to bring competition to health insurance providers. While we are debating these solutions, we should not lose sight of the fact that the health insurance industry currently does not have to play by the same, good-competition rules as other industries. That is wrong, and this legislation corrects it.

The lack of affordable health insurance plagues families throughout our country, and the rising prices that hospitals and doctors pay for medical malpractice insurance drains resources that could otherwise be used to improve patient care. Antitrust oversight in these industries will provide consumers with the confidence that insurance companies are operating in a competitive marketplace.

There is simply no justification for health insurance and medical malpractice insurance companies to be exempt from Federal laws prohibiting

price fixing. Subjecting health and medical malpractice insurance providers to the antitrust laws will enable customers to feel confident that the price they are being quoted is the product of a fair marketplace. This bill will prohibit the most egregious anti-competitive conduct—price fixing, bid rigging and market allocations—conduct that harms consumers and drives up health care costs.

In the 110th Congress, I introduced a much broader repeal of the McCarran-Ferguson Act with Senator Lott. While Congress did not reach consensus on that legislation, surely in this environment of rising health care costs, we can agree on this more narrowly tailored repeal. Insurers should not object to being subject to the same antitrust laws as everyone else. If they are operating in an appropriate way, they should have nothing to fear. American families, doctors and hospitals rely on insurance. It is important to ensure that the prices they pay for this insurance are established in a fair and competitive way.

I look forward to repealing the antitrust exemption in the health insurance and medical malpractice insurance industries.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1681

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 "Health Insurance Industry Antitrust Enforcement Act of 2009".

SEC. 2. PURPOSE.

It is the purpose of this Act to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

SEC. 3. PROHIBITION OF ANTI-COMPETITIVE ACTIVITIES.

Notwithstanding any other provision of law, nothing in the Act of March 9, 1945 (15 U.S.C. 1011 et seq., commonly known as the "McCarran-Ferguson Act") shall be construed to permit health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91) or issuers of medical malpractice insurance to engage in any form of price fixing, bid rigging, or market allocations in connection with the conduct of the business of providing health insurance coverage (as defined in such section) or coverage for medical malpractice claims or actions.

SEC. 4. APPLICATION TO ACTIVITIES OF STATE COMMISSIONS OF INSURANCE AND OTHER STATE INSURANCE REGULATORY BODIES.

Nothing in this Act shall apply to the information gathering and rate setting activities of any State commission of insurance, or any other State regulatory entity with authority to set insurance rates.

By Ms. CANTWELL (for herself and Mr. NELSON, of Florida):

1682. A bill to provide the Commodity Futures Trading Commission with