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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, November 5, 2009,
I hereby appoint the Honorable Ed PASTOR to act as Speaker pro tempore on this day.
NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

I will sing forever of Your love, O Lord; throughout the years I will proclaim Your truth.

The starry heavens are Yours. The whole world is Yours. You established the earth and all it holds together. You created the north and the south, the boundaries of the land. In You we find power and strength. Your justice becomes the foundation of all lawmaking. You help us keep all things in order.

We will find love and truth in Your presence, now and forever. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

IS THIS A TIME TO PLANT OR A TIME TO REAP
(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, the Book of Ecclesiastes says, To everything there is a season, and a time to every purpose under heaven, a time to plant, a time to reap.

Many years ago, people in States across America planted the seeds of single payer health care. Those seeds have sprouted and borne fruit where powerful State citizens’ movements exist to create not-for-profit health care. This led to passage of an amendment to the health care bill which protected the rights of States to pursue single payer. Unfortunately, that amendment was taken out of the bill and we must try to get it into the conference report.

While the State health care movement is strong, the national single payer movement is still growing. It has resulted in the Conyers bill, H.R. 676, Medicare for All. The bill has 87 co-sponsors, a significant number, but nowhere near enough to bring the bill to the floor where it would face certain defeat.

To those who want a stand-alone vote on single payer now, I want to ask this question: Is this a time to plant or a time to reap? What fruit will be borne from a tree that has received no light and no water in this Capitol?

ILLEGALS AND THE HEALTH CARE BILL
(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the $1 trillion government will take care of us all health care bill will allow illegals to get benefits. Every year, 10 million illegals use fake or stolen Social Security cards to work here. The Government Accountability Office reports over a 1-year period, 9 million people even used the same Social Security number. It was 000-00-0000. How is that for policing the system?

This is the same inept, goofy program that will be used to monitor citizenship under the health care bill. No one has to even show a valid photo ID to sign up. Can’t do that, it might hurt someone’s feelings. There is no real enforcement to prevent illegals from receiving health care that citizens and legal immigrants must pay for; all they need is a name and fake Social Security number. Isn’t that lovely.

Once again, Americans will continue to pay for illegals who disrespect the law. So now Americans and illegals will stand in line side by side together for that expensive rationed health care.

And that’s just the way it is.

HEALTH CARE
(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, after months of fire and fury and endless rhetoric, after months of staged protests and shouting down honest debate about health reform, after months and months of promising a real plan for the reform we all agreed we need, I stand...
before this Congress literally assaulted by the health reform plan offered by the loyal opposition.

After all this time, this is the best you could produce? It seems that you have backtracked. Now you don’t believe in health reform. Instead, the Republicans have embraced a plan that will drive up the cost of health insurance for the sickest and most vulnerable, a plan that will start a race to the bottom where insurers drop the sick and flock to States with the weakest regulations. Yes, that’s exactly what I said.

A plan that bails out the insurance companies, relieving them of any responsibility to cover the individuals that need insurance the most. You are going backwards instead of forwards.

I must admit that I congratulate them for somehow turning the status quo into 230 pages of legislative text. I contend there is only one real reform plan, and we will be voting on it in a few days.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair, not to others in the second person.

HEALTH CARE

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, God tells us in Hosea 4:6, My people are destroyed for lack of knowledge.

Mr. Speaker, the American citizens need to know that the Pelosi health mandate bill that we are going to be voting on evidently Saturday night is going to destroy our economy. It is going to destroy jobs. In fact, the President’s own economic adviser says 5.5 million people will lose their jobs if this bill becomes law.

Mr. Speaker, the American people need to read the bill and need to know what is in it. It is being forced down the throats of the American people. Mr. Speaker, this is a dead, rotten, stinking fish that the Speaker is trying to force down the throats of the American people before they have an opportunity to see it. I encourage the American people to know what is going on here and to tell their Congressman that they reject the insurance mandate that is proposed by the Speaker in the Speaker’s health insurance mandate bill.

HEALTH CARE REFORM

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Mr. Speaker, central to finding a uniquely American solution to America’s health care challenges is strengthening Medicare for our Nation’s seniors. Our health care reform effort renews our commitment to the health and security of American seniors by ensuring the long-term fiscal health of Medicare and improving the quality of care that seniors receive. The Pelosi health bill adds valuable new benefits for seniors and improves access to primary care.

Seniors now pay up to 20 percent of the cost of preventive services like mammograms and colonoscopies and vaccines. As of 2011, seniors will no longer have to pay any copay for preventive services. This is a major win for America’s seniors.

Health care reform also sets us on a path to close the coverage gap in Medicare part D, known as the doughnut hole. In 2011, Medicare will pay $50 more for seniors to get drugs, and they will receive a 50 percent discount on brand name drugs. Health care is good for our seniors. Health care is good for America. Now is the time to act.

ENROLL CONGRESS IN PUBLIC OPTION

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, in July, I offered House Resolution 615, which urged my colleagues who vote for a government-run health care plan to lead by example and enroll themselves in the same public plan. The resolution has 96 Republican cosponsors and prompted almost 2 million Americans from across the country to contact my office in support of this.

Yesterday, I and several of my colleagues offered an amendment to the Pelosi health care bill that, if passed, will automatically enroll all Members of Congress and all Senators in this public option. This amendment is a direct response to the outcry of millions of Americans who have contacted me.

Members of Congress are exempt from this government takeover of health care, and I believe that if a law is good enough for the American people, then it should be good enough for the elected officials that represent them.

Tonight I will host a Webcast at 7 p.m. Eastern Standard Time, and I urge anyone watching to join me through my Web site, fleming.house.gov, to talk more about it.

CONGRATULATING MICHELLE WILMOT

(Mr. SABLAN asked and was given permission to address the House for 1 minute.)

Mr. SABLAN. Mr. Speaker, I rise today to congratulate a Chamorro soldier, Michelle Wilmot, for receiving the 2009 Outstanding Woman Veteran Award.

Michelle was a member of Team Lioness, the first female Army team attached to Marine infantry units to conduct operations such as raids, checkpoints, and personal searches for weapons and explosives. She also served as a medic and a retention NCO during her 8-year stint.

As a member of Team Lioness, she was featured in a documentary film entitled Lioness, and in a chapter of Kirsten Holmstedt’s book, The Girls Come Marching Home. Michelle holds a bachelor of science degree in political science and speaks Arabic and six other languages.

Having personal understanding of the difficulties facing soldiers returning from war, she was chosen as program director of the Northeast Veteran Training and Rehab Center in Gardner, Massachusetts. The center specializes in treating veterans who suffer from post-traumatic stress disorder.

On behalf of the people of the Northern Mariana Islands, I want to congratulate Sergeant Michelle Wilmot, winner of the Massachusetts 2009 Outstanding Woman Veteran Award.

HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, across the country, the American people have been calling for months for Washington to pass responsible reform that will lower the cost of health insurance to small business owners, working families, and family farms.

Yesterday, House Republicans answered that call by putting forward commonsense legislation that will reduce the deficit, lower health insurance premiums, and ensure coverage for those with preexisting conditions. You can read all about it by going on www.healthcare.gov.

As a result of the House Republican bill, the nonpartisan Congressional Budget Office now confirms, families will see their health insurance premiums reduced by up to 10 percent, and hardworking taxpayers can expect deficits to decrease by $68 billion over the next decade.

The Pelosi health care plan: more government, more spending, more deficits. The Republican plan: lower government, lower deficits, and lower health insurance premiums.

That’s your choice, America. Let your voice be heard.

HEALTH CARE REFORM FOR WOMEN

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, few Americans have more at risk or at stake in health care reform than women. Forty States allow private health insurance companies to gender rate their premiums. As a result, a 25-year-old woman may pay between 6 percent and 45 percent more than a 25-year-old man for the same coverage.
Fifty-two percent of women reported postponing or foregoing medical care because of cost. Only 39 percent of men report having had those experiences.

Nine States allow private plans to refuse coverage for domestic violence survivors.

Eighty-eight percent of private insurance plans do not cover comprehensive maternity care. In many policies, a previous C-section and being pregnant are considered preexisting conditions.

Less than half of all women in America are covered by employer-sponsored insurance. This is partly due to the fact that more women tend to work for small businesses or have part-time jobs where health insurance is not offered.

Women matter. Health care reform matters. I urge my colleagues’ support to change this broken system.

### UNEMPLOYMENT EXTENSION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, over 8 months ago, Congress passed and the President signed a so-called “economic stimulus” bill which added nearly $1 trillion to our national debt, and now we are told by this administration, as the White House Council of Economic Advisors recently said, that we can expect 10 percent unemployment through the end of next year and that the economic stimulus bill will contribute little to further economic growth. However, since then, over 3 million jobs have been lost, and the national unemployment rate has soared from 8.1 percent to a 26-year high of 9.8 percent.

State unemployment numbers from my home State of Florida in September continue to reveal the sad fact that since the stimulus passed, unemployment has now risen to 11 percent, which is a record-high level not experienced since 1975.

Today, the House of Representatives will vote on legislation to extend unemployment benefits to those individuals who are unable to find a job. I have supported extensions of these benefits in the past, and I am proud to do so again today.

### REPUBLICAN HEALTH PLAN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Unlike any other industry or business in America, the health insurance industry is exempt from antitrust laws. That means they can and they do collude to drive up your premiums, to exclude you from coverage, to rescind your policy when you need it most, and to charge you a whole host of abuses. We do have a little bit of State regulation, but the Republicans are going to take care of that. They’re going to create a new safe haven for insurance company abuses.

Insurance companies will be able to offer national plans—that’s their big thing, yes—but they can choose any State in the 50 in which to base that plan. And no matter where you live and no matter what the laws are of your State, if you’ve gotten a problem—if they’ve denied you coverage, if they revoked your policy because you got sick, all the other abuses that go on every day within the insurance industry—if you live in Oregon, you’ll have to be talking to the insurance commissioner in Delaware or Mississippi with your complaint. And guess what? They don’t have consumer protections there for health insurance. The States will provide and compete, some States, the lowest common denominator, the least regulation to attract this great new business of abusive health insurers.

That’s the Republican plan. They’re always delivering for their buddies in the health insurance industry while the payments roll in at campaign time.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are limited to 1 minute and should heed the gavel.

### PELOSI HEALTH CARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, when I talk with constituents in my district, it’s clear that more and more of the American people do not support the Pelosi plan for a government takeover of health care. Sadly, that will not stop liberal Democrats from pushing forward with the Pelosi plan anyway. Buried in the 1,990-page bill are more than $700 billion in new taxes on small businesses and individuals and employers who can’t afford health care. The Pelosi health care plan also includes more than 100 new bureaucracies, boards, commissions, and programs. What it does not include is coverage for 29 million of the 30 million people that Pelosi and President Obama say need health insurance. They will still not be covered by this huge tax increase and increased bureaucracy.

We need to reject the Pelosi health plan—it is a tax increase masquerading as a health plan—and take up the Republican alternative, which covers everyone.

### HEALTH CARE BILL

(Mr. WELCH asked and was given permission to address the House for 1 minute.)

Mr. WELCH. Mr. Speaker, America knows that we live with a health care contradiction: some of the best hospitals and doctors in the world providing health care to those who have access to the best health care in the world, but a health care system that also shunts the door of access to 47 million Americans with exploding costs, putting a punishing financial burden on our middle class and on our businesses that are helping pay for their health care by their fingernails.

This system has worked very well for the insurance companies—unregulated, unsupervised, and unapologetic—but they have plundered the wallets of families and the profits of businesses to record record profits. That, Mr. Speaker, is the status quo.

On Saturday, this House of Representatives will face a question that has eluded it for 60 years: Will we accept the status quo or turn the page and provide health care to all Americans?

Our health care legislation is going to do what needs to be done to take that step, extend care to 36 million Americans, insurance reforms, and a public option.

### WHAT’S IN THE HEALTH CARE PACKAGE?

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, if you want to know what’s in a package, you ought to open it up and take a look at it.

Let me just talk about one thing that’s in this package we’re going to vote on Saturday. It’s in the area of tort reform, litigation reform, a subject that every single audience I’ve spoken to in my district has said should be in any bill, because right now the litigation system puts tremendous strain on our insurance companies and on our health care system, putting additional trillions of dollars. What does this program do? It says that it’s going to provide an opportunity for pilot projects. But if your State has on its books a law which says there will be any kind of an attorney’s fees or any limitation on damages, including noneconomic damages, you’re ineligible to participate. So my State of California, which had medical malpractice reform 30 years ago, will be ineligible, will be punished.

We’re not talking about the status quo on litigation reform; we’re talking about going back 30 years. That is what’s in this package, what else is in this package?

### HEALTH REFORM FOR SMALL BUSINESSES

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, rises in support of national health reform to help relieve the economic burden of rising health costs on small businesses.

Nationwide, 25 percent of the uninsured, 11 million people, are employees...
of firms with less than 25 workers. Because they lack bargaining leverage, some small businesses pay 18 percent more than larger businesses with the same health insurance.

If H.R. 3962, the Affordable Health Care Act for America, is enacted, small businesses will be able to find affordable health insurance coverage in the health insurance exchange.

Under the legislation, businesses with up to 100 employees will be able to join the health insurance exchange, benefit from group rates and a greater choice of insurers. There are 16,600 small businesses in the district I represent that will be able to join that health insurance exchange.

H.R. 3962 will allow small businesses with 25 employees or less and average wages of less than $40,000 to qualify for tax credits up to 50 percent of the cost of providing health insurance. There are 14,600 small businesses in our Texas district that will qualify for these credits. That's why it's important we pass health care.

HEALTH CARE REFORM

(Mr. GERLACH asked and was given permission to address the House for 1 minute.)

Mr. GERLACH. Mr. Speaker, I rise today in opposition to the Democrats' most recent health care reform proposal. Frankly, it's a bad bill that keeps getting worse and worse. Not only will it cost over $1.2 trillion over 10 years, it continues the typical Democrat model of huge tax increases on individuals and small business owners, and it will devastate our seniors' Medicare Advantage program.

Under the latest bill, it will now begin taxing our medical device manufacturers, of which there are 600 such companies in Pennsylvania employing nearly 20,000 people. That tax will do nothing but cut jobs, increase prices, and stifle new product innovation for an industry who wants to grow and prosper in the face of increasing European competition.

If this bill is the best reform this body can produce, it is a sad commentary, indeed, on the Democrats' professed willingness to achieve a commonsense, bipartisan solution to this most pressing issue.

HEALTH INSURANCE COMPANY PROTECTION ACT

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Well, it's finally here. The long-promised Republican health care bill was rolled out Tuesday night. Republicans controlled Congress from 1994 to 2006, so you could say they actually waited 15 years for their bill. But after 15 years of waiting, the Republican bill maintains the status quo and allows insurance companies to continue engaging in unfair practices that boost their profits at the expense of the American consumer.

Indeed, the Republican plan amounts to a "health insurance company protection act" and shows once and for all that Republicans don't want real reform and will fight to protect the status quo every step of the way. At least it's consistent with their message of "no." Does it cover 96 percent of the American public? No. Does it end denials because of a preexisting condition? No. Does it emphasize wellness and prevention? No. Does it rein in health care costs? No.

The Republican health insurance company protection act, it says "no" to Americans and "yes" to insurance company CEOs.

IT'S TIME FOR ALL PEOPLE TO HAVE ACCESS TO INSURANCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the time has come—it is long past time—that we should pass health care reform.

I know there is a lot of influence that is passing out a lot of information that is not true. We are not cutting Medicare. We are restructuring it so that it can cover more people, but there is no cut in services.

It's so easy to say things that are not true, to have scare tactics. Actually, all we have to do is try to understand the bill and tell the truth.

The people of this Nation want this change. It is time for the change. It is time for all people to have access to insurance. All the people—47 million, or whatever—that are not insured now could very well be insured if the insurance companies would insure them and allow them to use the insurance. That is not happening.

We have to think of another way. And the insurance companies can still live, but hopefully with some competition.

PROVIDING FOR CONSIDERATION OF H.R. 2868, CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 885 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 885

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance, maintain, and coordinate the nation's capabilities to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be limited to the bill and shall not exceed 90 minutes equally divided among and controlled by the chair and ranking minority member of the Committee on Homeland Security, and the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute adopted by the Committees on Homeland Security and Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those adopted in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponents and opponents, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Scc. 2. The Chair may entertain a motion that the Committee on Rules be discharged by the chair of the Committee on Homeland Security or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

Scc. 3. It shall be in order at any time through the legislative day of November 7, 2009, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to
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revise and extend their remarks on House Resolution 885.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 885 provides for consideration of H.R. 2868, the Chemical Facility Anti-Terrorism Act of 2009, under a structured rule. The rule provides 90 minutes of general debate equally divided between the Committees on Homeland Security, Energy and Commerce, and Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. It further provides that in lieu of the amendments in the nature of a substitute recommended by the Committees on Homeland Security and Energy and Commerce, the amendment in the substitute printed in the Rules Committee report shall be considered as an original bill for the purpose of amendment.

The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule makes in order 10 amendments listed in the Rules Committee report, each debatable for 10 minutes. All points of order against the amendments provided in part B of the report are waived except for clauses 9 and 10 of rule XXI. It further provides one motion to recommit with or without instructions.

Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of November 7, 2009. The Speaker or her designee shall consult with the minority leader or his designee on the designating of any matter for consideration pursuant to this resolution.

Mr. Speaker, now I will proceed to the underlying legislation.

I wish to thank Chairman BENNIE THOMPSON, Chairman HENRY WAXMAN, Chairman JIM OBERTSTAR, and other members of the House Energy and Commerce Committee who contributed to this legislation meaningfully and to the resulting amendment in the nature of a substitute.

H.R. 2868 amends the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities and for other purposes.

This bill will ensure that the chemical manufacturing and storage industry, which generates $550 billion in revenue each year, is safe and secure and less susceptible to a terrorist-inspired attack. Importantly, it offers additional protections for the people and families who live near these facilities.

The concentration of lethal chemicals near large population centers makes these facilities attractive terrorist targets. The bill protects workers and neighbors of chemical facilities by asking the highest risk facilities to switch to safer chemicals and processes when it is economically feasible.

By establishing a single agency responsible for drinking water and wastewater facilities, the bill promotes consistent implementation of security across the industry. This legislation also helps to ensure added security for this industry. This legislation is recognized by the National Association of Clean Water Agencies and by the American Public Works Association.

Also, it is critical to ensure that Chemical Facility Anti-Terrorism Standards—CFATS is the acronym—is a floor and not a ceiling for safety measures, allowing States and localities to implement more stringent chemical security standards for chemical facilities, community water systems, port facilities, and wastewater treatment facilities. The bill promotes innovation and best practices to ensure that our citizens are protected and secure.

Mr. Speaker, it is worth noting that my friends across the aisle may argue that the implementation of inherently safer technology, IST, standards will hurt small businesses and will cause job loss. However, IST is already recognized as a best practice, and is widely accepted within the chemical sector. Only facilities that are judged most at risk may be required to implement IST due to the danger posed by the release of large quantities of toxic substances at the facility.

Before IST is even implemented, it would have to be shown in writing that incorporating IST would significantly reduce the risk of death, injury or serious adverse effects to human health and that implementation is, number one, technically feasible; number two, cost-effective; and, number three, that it lowers the risk at that facility while also not shifting it to other facilities or elsewhere in the chain.

Mr. Speaker, I would be remiss to not again thank Chairman BENNIE THOMPSON for his support of an amendment that I will offer later to the underlying legislation.

My amendment strengthens the newly created Office of Chemical and Facility Security by designating a specific point of contract for interagency coordination with the EPA.

My amendment also requires the Secretary to proactively inform State emergency response commissions and local emergency planning committees about activities related to the implementation of the act so that they may update their emergency planning and training procedures.

I look forward to offering this amendment to the underlying legislation so that we can ensure that this legislation informs and better inter- faces with activities currently under way based on the Emergency Planning and Community Right-to-Know Act of 1986.

I urge my colleagues to support the rule and the underlying legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

I want to thank my good friend, the gentleman from Florida (Mr. HASTINGS), for the time.

In 2006, Mr. Speaker, as part of the Homeland Security Appropriations Act of 2007, Congress gave the Department of Homeland Security the authority to promulgate risk-based security performance standards for chemical facilities that use or store chemicals.

I am glad that Mr. LUNGREN of California is here, because he was intimately involved with the legislation that ultimately became law.

The DHS subsequently issued the Chemical Facility Anti-Terrorism Standards (CFATS), requiring chemical facilities to report the types and amounts of chemicals housed on sites. The legislative authority for CFATS was scheduled to expire in October. The underlying bill, the Chemical Facility Anti-Terrorism Act of 2009, makes permanent the authority of the Secretary of Homeland Security to regulate security at chemical plants.

I believe it’s important to address the sunsetting of the existing CFATS program at the Department of Homeland Security. How do we have concern that this bill fails to enhance our security and, at a time when we are facing 10 percent unemployment, perhaps even higher unemployment in the future, that it could endanger economic recovery.

Of particular concern is the IST. The inherently safer technology, provisions included in this legislation. IST allows the Federal Government to mandate the use of certain chemicals and technologies regardless of the efficiency and effectiveness of the IST. This was all the more worrisome when a witness from the Department of Homeland Security testified that the Department employed no specialists with IST expertise and that there is no future funding planned.

Now, I first learned how IST may hurt job creation and how, in fact, it may increase unemployment from a small business in my district, Allied Universal Corporation, that operates a chemical manufacturing facility.

I was informed that the IST is an attempt by the Federal Government to impose a one-size-fits-all approach to a complicated and disparate sector of our economy. It will cost Allied alone, this corporation that employs people in my community, hundreds of thousands of dollars in consulting fees and in staff time alone.

It is not a good use of resources. It has no tangible benefit as manufacturing struggles to survive in this economy. Furthermore, the underlying bill reduces existing protections on information regarding chemical facilities, and it reduces the penalties for the disclosure of security information.
These regulations that we are talking about today were thoughtfully included following the terrorist attacks on September 11, 2001. The primary responsibility, Mr. Speaker, of our government is to protect the citizenry. By making chemical facility security regulations, we enhance the security of our neighborhods and of our communities. By easing penalties for unlawfully disclosing sensitive information, we increase our vulnerability. To make matters worse, the majority includes those provisions in a bill that is supposed to help prevent attacks.

As I said before, I am glad Mr. LUNGRIS is here. He can explain the process by which the current regulations came into being, the amount of discussion, negotiation, and consensus that led to those regulations coming into effect, and really how unfortunate now this attempt at an imposition of further or different regulations is.

Mr. Speaker, later this week the Congress is expected to consider health care bills. I would like to take this moment to compare today’s rule on the chemical facility security regulations with the rule expected on the health care bills.

Today’s rule allows 10 amendments, five from the majority and five from the minority, on a bill that costs approximately $900 million. Although the rule is open, it’s important to admit that the rule allows some debate on the underlying issues. The rule expected later this week on the health care legislation will probably include an amendment written by the Speaker. Perhaps that’s a good thing, any amendment that will be allowed. We’ll see. And that bill spends about $1.3 trillion, I believe.

It seems that the more money Congress spends, the more likely we seem to have a closed debate process. And that, I say to the majority promised to this House.

On the opening day of the 110th Congress, the distinguished chairwoman of the Rules Committee came to the floor and said that the new majority would “begin to return this Chamber to its rightful place as the home of democracy and deliberation in our great Nation.” That pledge was echoed in a document written by the distinguished Speaker called a New Direction for America, where she stated, and, by the way, the statement is still on her Web site: “Bills should generally come to the floor under a procedure that allows open, full, and fair debate. After continuing today’s rule with the expected health care rule in a few days, today’s rule might look fair, but really it’s not. It blocks amendments from both sides of the aisle from receiving a full and fair debate on the House floor that was, as I pointed out, promised by the majority.

During the hearing in the Rules Committee, the ranking member, Mr. DREIER, made a motion to allow an open rule on this legislation that’s being brought to the floor; in other words, a rule that would allow all Members the ability to offer any amendment for a vote by the full House. If the Rules Committee had approved for open debate their first open rule this Congress. Unfortunately, the motion was voted down by a majority on the Rules Committee. The majority used to criticize us when we were in the majority for not allowing more open rules. They have offered none.

This rule that is bringing the underlying legislation to the floor today also gives the majority the authority to allow consideration of bills under suspension, a procedure that will be allowed. We’ll see. And this rule is not open, it’s important to admit that the rule allows some debate on the majority on the Rules Committee referred to that process as “outside the bounds of our majority.”

Now, in the past, a senior member of the majority on the Rules Committee said that process as “outside the bounds of our majority.”

It’s interesting how it’s wrong when they’re in the minority, but once they’re in the majority, it’s right.

ALLIED UNIVERSAL CORPORATION
Miami, FL, October 23, 2009.

Re H.R. 2686.
Hon. Lincoln Diaz-Balart,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DIAZ-BALART: My company is a small business as defined by the U.S. Small Business Administration. It operates a chemical manufacturing and distribution facility in your district (8350 NW 93 Street, Miami, FL), employing individuals and providing materials to a number of industries critical to our nation’s and state’s economy and public health. I am writing to express my opposition to H.R. 2686, the Chemical Facility Anti-Terrorism Standards Act of 2009, which will be scheduled for a House floor vote within days. This legislation will make significant changes to the Chemical Facility Anti-Terrorism Standards (CFATS), which took effect just two and a half years ago.

Security is a major priority for Allied Universal Corp. We are members of the Chemical Institute and National Association of Chemical Distributors (NACD), which requires our participation in the Responsible Distribution Process, an environmental, health, safety, and security management program. My company has spent substantial resources on security upgrades in recent years, and will continue to do so going forward under the current CFATS regulations. I do not embellish when I state that a significant amount of our company’s capital budget and personnel time has been spent on security improvement projects, and will continue to be spent as Allied works to address the Department of Homeland Security’s identified security risks for our facility.

I am concerned that H.R. 2686 is too prescriptive and includes requirements that are not appropriate for all facilities. Security is a very important and control-type regulation would not benefit the nation let alone the thousands of businesses that must comply with the regulation. For example, the requirement to conduct an assessment of inherently safer technologies (IST), or Methods to Reduce the Consequences of a Terrorist Attack, could require a company hundreds of thousands of dollars in consulting fees and staff time. This is not a good use of resources for a chemical manufacturing and distribution facility like mine, which stocks products based on our customers’ needs and operates on extremely tight margins. I am concerned about other mandates in the bill and the fact that state and local mandates are not preempted, which is critical for a national security program. Federal preemption may cause much confusion, not to mention additional staff time and resources that could otherwise be allocated to other pressing needs (i.e. one state may have stricter regulations, causing my company to allocate more resources to the facility in that state rather than say a facility in a state with less restrictions, but more significant security concerns or risks such as a high population area).

Therefore, I urge you to oppose H.R. 2686 under the following statements:

(1) All IST assessment and implementation mandates must be removed.

(2) Specific requirements regarding drills, employee and union involvement in SVA and SSP development, and other areas must be removed. A Risk Based Performance Standard approach should be continued as in the current CFATS regulations.

(3) The federal standards must preempt state and local requirements.

Thank you for your consideration. Please feel free to contact me if you have questions or would like more details on how H.R. 2686 would impact my company.

Sincerely,
ROBERT NAMOFF,
Chairman of the Board.

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

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to the distinguished Chair, I would like to remind my good friend on the other side of the aisle that what we’re debating here is the rule for H.R. 2686, the Chemical Facility Anti-Terrorism Act of 2009. This bill is about renewing the Homeland Security Department’s authority to implement, enforce, and improve the chemical facility anti-terrorism standards. It is designed to require a parallel security program for drinking water and wastewater facilities. It’s important that we pass this legislation.

I find it striking that my friend and colleague would reference the fact that a distinguished legislator, a friend of mine, who was doubtful here when this legislation originated, and I’m sure has insight as to its origin—bill. He has lived here in this institution for nearly 20 years. I’ve found an evolutionary process to just about all legislation. And there was a major intervention between the implementation of this legislation initially and the legislation that was passed in 9/11. And the things that have flowed from it allowed that we have more than 6,000 facilities in this country that are vulnerable and we have an absolute responsibility to deal with them. We also have an absolute responsibility to pass health care.

With that, Mr. Speaker, I’m pleased to yield 3 minutes to my good friend,
the gentleman from Mississippi (Mr. THOMPSON), distinguished chairman of the Committee on Homeland Security. Mr. THOMPSON of Mississippi. I appreciate the gentleman’s providing the time.

Mr. Speaker, I rise today in support of the rule for H.R. 2868. I want to first express my gratitude to Chairwoman Slaughter and the Rules Committee for this rule that allows five Democratic and five Republican amendments.

In the wake of the September 11 attacks, security experts immediately identified the threat of an attack on a chemical facility as one of the greatest security vulnerabilities facing the Nation. In 2006, Congress gave the Department of Homeland Security authority to regulate security within the chemical sector. DHS established the Chemical Facility Anti-Terrorism Standards program in 2007, and since that time, DHS has, by all accounts, worked in a collaborative manner with industry to implement this risk-based, performance-based program.

Early this year, I introduced H.R. 2868 to not only reauthorize this important program, which will sunset in October 2010, but to also improve it in a few key areas. At the start of this Congress, Chairman Waxman and I reached an agreement on issues that have dogged this effort. In Chairman Waxman I found a partner who was equally committed to making progress on this important homeland security issue. Starting last fall we began bipartisan discussion with earnest and engaged stakeholders including DHS, EPA, chemical sector representatives, water groups, environmental groups, and labor groups. What emerged was the package you see before you today.

Title I is a reauthorization of the DHS program. Titles II and III provide new regulatory authority to the EPA to regulate drinking water and wastewater utilities respectively. This package eliminates the exemptions for the water sector that both the Bush and Obama administrations identified as security gaps and makes a number of improvements to the DHS program.

The underlying legislation, which I introduced in June, built upon two hearings and two markups that were held in the last Congress. H.R. 2868 was marked up by the Homeland Security Committee over the course of 3 days in late June. The Committee on Energy and Commerce held a legislative hearing on H.R. 2868 and drinking water security legislation this October. Both bills were marked up in subcommittee and full committee in October, also.

Whether it was the staff negotiations or dozens of numerous Republican requests and concerns were included in the final product. The SPEAKER pro tempore. The time of the gentleman has expired. Mr. HASTINGS of Florida. I yield to the gentleman an additional 2 minutes.

Mr. THOMPSON of Mississippi. Thank you very much.

The detailed collaborative approach used to create the underlying legislation is a process for which we should all be proud.

As a Congressperson who represents one of the more agricultural districts, I can tell you that I have also not harmed agricultural interests. I have never voted against an agricultural interest. And I look forward to working with that interest on any concerns they might have.

Mr. Speaker, I support the rule for H.R. 2868, and I look forward to today’s debate and passage of this important legislation that will help to make America more secure.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, as Dr. King said in my favorite of his speeches, longevity has its place. And in Congress we have some Members who have been here for many years. I would like to yield one to such distinguished Member who was here for many years, then left us but then which is even more unusual. But he has the historical knowledge with regard to this legislation, which, by the way, was in this decade that he worked on and that led to the regulations that the majority seeks to abandon drastically, change drastically today.

I yield 5 minutes to my distinguished friend from California, Mr. DANIEL E. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman very much. I must add, though, I was a very, very young man when I first came here. I appreciate that.

First of all, I rise in opposition to this rule. I will talk about the underlying bill and the rule as it applies there, but we should also recognize this rule goes beyond the underlying bill and establishes what has been affectionately referred to as martial law, which means that the majority, basically, without notice, can bring up at any time through Saturday, November 7, under suspension of the rules any measure. There’s no limit on what measure it might be. And for Members who may have forgotten, this is a simple 1-year extension.

Mr. Speaker, I rise in opposition to this rule. I will talk about the underlying bill and the rule as it applies there, but we should also recognize this rule goes beyond the underlying bill and establishes what has been affectionately referred to as martial law, which means that the majority, basically, without notice, can bring up at any time through Saturday, November 7, under suspension of the rules any measure. Any measure. There’s no limit on what measure it might be. And for Members who may have forgotten, this is a simple 1-year extension.

Why would, for instance, as recently as several days ago the American Farm Bureau Federation, the American Petroleum Institute, the American Trucking Association, the Fertilizer Institute, the National Association of Chemical Distributors, the National Association of Manufacturers, the National Petrochemical and Refiners Association, and the U.S. Chamber of Commerce all oppose this bill?

It is primarily because while the administration, both the prior administration and the current administration, have worked well with all of these industries to come up with a regime that is workable, that does protect us, that does make a distinction between the larger companies and the smallest companies, that has engaged them in such a way that they have put forward new practices and capital investment, that all of that could be thrown out of the window now as we adopt new regulations under a new process.

What is the major concern they have? It has to do with something called inherently safer technology. It sounds great. Who could be against it? The problem is this legislation mis-understands what that is. We’ve been working on this for the last half decade.

In 2006, I remember Scott Berger, director of the Center for Chemical Process Safety of the American Institute of Chemicals, testified before us on this. His organization is the operation which has produced the accepted reference book on the issue of inherently safer processes. That is what we are talking about here. Here is what he said:

Inherently safer design is a concept related to the design and operation of chemical plants, and the philosophy is generally applicable to any technology. But he goes on to say that this is an evolving concept and that the specific tools and techniques for application are in the early stages of development and such methods do not now exist.
What basically we got out of his testimony and the testimony of every witness that appeared before us, both brought by the Democratic Party and Republican Party.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 2 minutes.

Mr. DANIEL E. LUNGEEN of California. Is that this is a process, not a product, yet we're not giving blanket authority for the Secretary to impose inherently safer technologies as if it were a product.

Now, this is going to impact companies disproportionately which are small. Mr. Speaker, 50 percent of the companies that will be impacted by this law employ 50 workers or less. In my home State of California, it's 62 percent. So at a time when we are having difficulty maintaining and producing jobs, everybody comes to the floor and says, We want to protect small business, we want to help small business, small businesses are going to be hurt disproportionately by this legislation. This legislation is at least premature.

The administration has said. Just give us a simple reauthorization for a year of what you're already doing. We did that in the appropriations bill, but somehow, because we seem to have more time on our hands, we have to bring back a new version of this floor. And that's why we're here dealing with this, despite the fact the administration doesn't support it, the industry doesn't support it, and even those who came up with the idea of inherently safer technologies have told us in testimony. You folks don't understand; you're misapplying it if you are going to put it in the bill as it is in this bill.

It sounds great. Everybody is for inherently safer technologies, but it's the substance of what it is that we ought to be concerned about, and we ought not put another job-killer bill on this floor just a day or 2 days before we're going to hear the latest unemployment statistics.

Mr. HASTINGS of Florida. Mr. Speaker, inherently safer technologies, known as methods to reduce the consequence of a terrorist attack, include techniques such as eliminating or reducing the amount of toxic chemicals stored on-site or using safer processes that facilitate as a best practice often integrated into the operations.

My good friend from California doth protest too much about us legislating on something that is particularly critical that we have this IST technology, and his argument, as I heard a portion of it, is we are doing this for the reason that we are waiting for health care and we don't have any time. Well, that's just not true. We've been a pretty busy Congress from the inception of this Congress. If there was no health care provision, we would have matters that we would have to undertake, including this particularly critical matter.

Only a small subset of the people that he is talking about, covered chemical facilities in the top two riskiest tiers by the Department of Homeland Security because of the consequences in the event of a chemical release, and it could be required to implement IST. Between 100 and 200 chemical facilities nationwide currently fall into that category, according to DHS.

I am continually surprised at my colleagues' arguments. A while back, we were discussing them as the party of "no," and I think that that had currency and still does after you look at their health care provision, which insures nobody. But the thing that really I find interesting about this is that they really are the party of "status quo." And if you look at this legislation that Congressman THOMPSON, Congressman OBERSTAR, and Congressman WAXMAN have fashioned, had hearings that were in the public, everybody had an opportunity to make their presentation, including what you just heard from the gentleman that had a different view as occurs in just about every hearing—the minority has an opportunity most times to bring witnesses and the majority brings witnesses, and generally, they don't agree. But that doesn't mean in this body that we don't have existing responsibility to go forward with legislation demonstrably to improve the American public's safety. That is what we are here about at this time. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 5 minutes to my friend from Pennsylvania, Mr. DENT.

Mr. DENT. Mr. Speaker, you are going to hear a lot of talk here today about chemical plant security, but let's be very clear. All of us, I think, in this Chamber understand the need for greater chemical plant security. As Mr. LUNGEEN so eloquently stated, we have regulations in place, the so-called CFATS regulations, that are being implemented, and we should give them time to be implemented. I will get into that in more specificity in a few moments. But I do rise to oppose the rule here today.

Mr. AUSTRIA of Ohio offered an amendment that was rejected by the Rules Committee that would have exempted small businesses from the inherently safer technologies provisions contained in the legislation. But I do want to focus on the content of IST that was enshrined into this security-focused bill.

There are similar provisions in the drinking water and wastewater titles, but this bill attempts to define IST, which is a catchy phrase. But I want to say that the concept of IST is not a new one. It's been around for decades as part of the environmental movement. As the Committee on Homeland Security prepared to tackle this bill back in June, I met with a number of scientists and subject matter experts. They consider it a conceptual framework, as Mr. LUNGEEN said, that involves four basic elements: first, minimizing the use of hazardous substance; two, replacing a substance with a less hazardous one; three, using a less hazardous process; and four, simplifying the design of a process.

This is not a technology. It is a concept. It is a framework. It's an engineering process that may or may not lead to a technology. The engineers are very concerned about us mandating this, and here we are, Congress, filled with a lot of lawyers. I'm not a lawyer, but a lot of lawyers are telling them how to build a chemical plant. I represent a district where I have about 4,000 people who make a living building chemical plants, not just in this country but all over the world. They understand this. I'll give you an example. They build hydrogen plants down by refineries on the Gulf coast because you need the hydrogen to help purify or clean the air as it relates to sulfur emissions. It's a requirement. So you build a hydrogen plant down by the refinery. Substituting hydrogen for something else wouldn't work. These plants are in places where they have for a specific reason, and the chemicals they are producing there are being produced for a specific reason. Let not
Mr. THOMPSON of Mississippi. Thank you very much. I appreciate the gentleman yielding the time.

Mr. DENT, as you know, is a member of the committee. I thank the Rules Committee for being so generous in allowing Mr. Dent to have two of the amendments that we will consider later in the debate.

First of all, Mr. Speaker, I want to say that the administration supports this bill. It is absolutely clear that they do. The other issue is the reference to jobs. Well, we've been doing security at chemical plants since 2007. There is no data that says that that security risk has created a loss in jobs.

All we are doing is codifying what the Department is already doing. To say that it's anti-jobs is just totally inadvisable.

The other issue is, my colleague, Mr. DENT, as you know, is our second time having this bill brought before us. Mr. DENT supported the bill the first time. Now he says, I guess, Sue could say he was for it before he was against it. But, clearly, what I am supporting is the fact that the Department looked at several thousand facilities. Mr. DENT. Will the gentleman yield?

Mr. DENT. Thank you, Mr. Chairman. I just wanted to point out that the legislation we are considering today is very different from the legislation that the committee considered a couple years ago.

The IST provisions have not been changed, but there are other differences in the legislation as well. This is not comparing apples to apples. There are very different bills, and there are a lot of reasons to oppose this bill. I just wanted to correct the record about my position on this bill and the previous bill.

Mr. THOMPSON of Mississippi. Since the gentleman raised the question, the civil lawsuit provision has changed in this bill. I would suggest, Mr. DENT, if you look at it, a plant cannot get sued under this particular legislation. A citizen can't bring lawsuit against a plant. We did change it. We heard you.

So we have changed it. That's why I think between the rule and the ultimate vote, if you read the bill, we have made the changes.

In addition to that, let me say that hospitals, all those other entities, Mr. Speaker, they have been considered in the DHS review. DHS has determined that there are only 6,000 facilities that require this kind of scrutiny. So it might be hospitals, it might be anything, we are already doing it. This is nothing new. It's not adding any, and it's not taking any jobs from small business.

Let me say this bill also requires that DHS assess potential impacts on small business. It's not taking jobs. They have to first decide if it's harmful. If it is, then we put in this program monies to help small business improve the security. It's not an undue requirement for them. I want to make very clear; this bill does not hurt small business. It provides monies to support any vulnerability that DHS might find at a small business. It does not require them to fund that improvement on its own.

It's an effort to get risk tied to threat and vulnerability. That's how we do it. The first piece of legislation we carried in the 110th was a bill addressing risk. But that risk has to be decided based on certain metrics. Those metrics are threats and vulnerabilities.

Regardless of what you might hear, this bill does not draw down jobs. It is a business-friendly bill. Because if there is a vulnerability, a risk, Mr. Speaker, that the Department determines. Nobody would want to work in an environment where a security risk was still there. That's why we have the Department. That's why the Department, through the help of Congress, passed this bill in 2006. We are just doing in the CFATS requirement what's already established.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from Illinois, Mr. SHIMKUS.

Mr. SHIMKUS asked and was given permission to revise and extend his remarks.

Mr. SHIMKUS. First of all to my friend, the chairman, when you start involving medical hospitals, you could change medical protocols and that segues into health care debate and other issues.

But I want to start by saying, you cannot tell me that this debate is all security. You just cannot. Much of this bill is a means to use Homeland Security regulations to force new processes and procedures, in refineries, chemical plants, or water facilities that are going to be more costly.

Now why would we do that? In a time when we have job loss after job loss, why would we add more costs to this struggling economy? Because there's an agenda here, and the agenda is an environmental agenda that's been run through this country since the Democrats took over.

I want to point out the hypocrisy of this safety and security debate. I have been reading through the health care bill, and we got it Friday. I have family and other things, so I am not through with it yet, but I almost am through.

The last 300 pages deal with the Indian Health Service, which has never come through the committee process. Why has it not? Because it could not pass on its own.

On page 1,785, I want to read something. Don't tell me safe drinking
Mr. Hastings of Florida. Mr. Speaker, I appreciate my good friend's passion. I don't know whether he has any Native American tribes in his constituency, but I do. I have Seminoles and Miccosukees in my constituency, and they are as proud of their ability to operate facilities and to do those things. As a matter of fact, quite frankly, both of those tribes are doing a whole lot better than a whole whale of a lot better than a part of the systemic institutions that have existed in the non-Native American area.

And I remind my friend that we are not here about the health care bill. I yield 3 minutes to the distinguished gentlewoman, who is the subcommittee Chair of the Homeland Security committee that has jurisdiction on this particular matter, Sheila Jackson-Lee.

Ms. Jackson-Lee of Texas. Mr. Speaker, let me explain to the colleagues that have gathered here in this august institution that this is the Homeland Security Committee, and, as the American people have asked us to do, we are using our due diligence.

I look forward to a vigorous debate on the health care bill, for the American people deserve that vigorous debate and transparency. But today the Homeland Security Committee is doing its job. The idea that we have lived in a balanced manner, that our staff was able to make important changes at markup, and I know that the minority staff was able to make important changes with us.

Our door remained open. Regardless of the rhetoric that we hear today, this has been a process that is thoughtful and well balanced. We dealt with the farmers. Chairman Thompson worked with the farmers over a period of time.

You have already heard that we have in this legislation crafted a response to our small businesses, the backbone of America. We have several Republican amendments that were adopted at markup, and I know that the minority staff was able to make important changes within that.

The SPEAKER pro tempore. The time of the gentlewoman has expired. Mr. Hastings of Florida. I yield the gentlelady an additional minute.

Ms. Jackson-Lee of Texas. I thank the distinguished member of the Rules Committee and thank him for managing this bill.

I am grateful to the Committee on Rules for specifically ruling 10 amendments in order, 5 of which come from our friends on the other side of the aisle.

Today's discussion will further demonstrate that process' commitment to fairness and transparency.

Working with the support of the Administration, this legislation gives regulatory authority over chemical facilities to DHS while giving EPA a lead role.

I look forward to the passage of this legislation. Why? Because 9/11 was a training exercise. It is necessary to look at that as a potential target of any terrorist, just as our rail system, just as our aviation system.

What is our job than to provide the framework than to ensure that our water is secure. Working with the administration, this legislation gives regulatory authority over chemical facilities for DHS while giving EPA a lead role.

I look forward to the passage of this legislation. Why? Because as Americans we have lived in a balanced manner, that our job is to provide for the security of the American people. I am grateful that over a period of time we have protected small businesses, we are concerned about water and wastewater facilities, chemical facilities, and we will be securing this Nation by pairing this rule and this bill on chemical security.

Mr. Speaker, I rise today to speak in support of the rule for H.R. 2868 and the underlying bill.

The underlying legislation reaffirms our solemn oath to keep the American people safe. The legislation improves and extends a critical DHS program.

I have been a champion of previous iterations of this legislation and I am an original co-sponsor of H.R. 2868.

By holding hearings in my Subcommittee on chemical security, authoring letters, and requesting briefings, I have been intimately involved in the implementation of this program and assessing its need.

At each step of the way in establishing the record for this legislation, we worked in a transparent, bipartisan manner to ensure that the legislation was thoughtful and well balanced. We dealt with the farmers.

Several Republican amendments were adopted at markup and I know that Minority staff was able to make important changes at the staff level.

Regardless of the rhetoric we hear today, this legislation will be considered following a process of which we can all be proud.

I am grateful to the Committee on Rules for ruling 10 amendments in order, 5 of which come from our friends on the other side of the aisle.

Today's discussion will further demonstrate that process' commitment to fairness and transparency.

Working with the support of the Administration, this legislation gives regulatory authority over chemical facilities to DHS while giving EPA a lead role, in consultation with DHS, over water and wastewater facilities.

I look forward to the passage of H.R. 2868, which will represent the culmination of comprehensive and collaborative efforts to protect the American people while doing so in a manner that understands the sector being regulated.

I support the rule for H.R. 2868 and I look forward to passage of the critical chemical security legislation in the underlying bill.

Mr. Lincoln Diaz-Balart of Florida. Mr. Speaker, before closing, I will yield 20 seconds to the gentleman from Pennsylvania (Mr. Dent).

Mr. Dent. Mr. Speaker, just very briefly, I want to thank the chairlady of the subcommittee for commenting on the amendments that were adopted in the Homeland Security Committee bill. Unfortunately, that is not a nonserious amendment that was stripped out of the bill that we are considering today. They are not in. Even so even though we had amendments...
Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Rhode Island, a member of the Energy and Commerce Committee, Mr. LANGEVIN.

Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Rhode Island, a member of the Energy and Commerce Committee, Mr. LANGEVIN.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the rule for H. Res. 554, offered by Representatives Baird and Culberson, requiring 72 hours to study the bill and read it thoroughly before it is voted on.

Mr. Speaker, in closing, I would like to remind my colleagues of the urgency of this legislation and to emphasize the important steps to protect our Nation's wastewater infrastructure. Publicly owned treatment facilities serve more than 200 million Americans and consist of 16,000 treatment plants, 100,000 major pumping stations, and 600,000 miles of sanitary sewers. Damage to these facilities and collection systems could result in loss of life, contamination of drinking water facilities, catastrophic damage to lakes and rivers, and long-term public health impacts.

Also, by requiring the Environmental Protection Agency to establish risk-based performance standards for community water systems serving more than 3,300 people and other exceptional water systems posing significant risk, the bill safeguards our Nation's drinking water supply and restores confidence at a time of upheaval and uncertainty.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question and without division.

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

There was no objection.

Mr. Speaker, I yield back the balance of my time.
for those who oppose the Democratic majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the previous question on resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This question will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 180, not voting 11 (col). [Roll No. 856]

YEAS—241


The SPEAKER pro tempore. The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the following question will be followed by 5-minute votes on adoption of House Resolution 885, if ordered, and to suspend the rules on H. Res. 886.

The vote was taken by electronic device, and there were—yeas 231, nays 180, not voting 11 (col). [Roll No. 857]

YEAS—233


The SPEAKER pro tempore. The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
Mr. STARK. Madam Speaker, I ask unanimous consent that the gentleman from California, Representative John Garamendi, be permitted to take the oath of office today.

Mr. STARK. His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

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

Mr. STARK. There was no objection.

The SPEAKER. Will the Representative-elect and the members of the California delegation present themselves in the well?

Mr. GARAMENDI appeared at the bar of the House and took the oath of office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. STARK. Madam Speaker, I ask unanimous consent that the gentleman from California, the Honorable John Garamendi, be permitted to take the oath of office today.

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

Mr. STARK. There was no objection.

The SPEAKER. Will the Representative-elect and the members of the California delegation present themselves in the well?

Mr. GARAMENDI appeared at the bar of the House and took the oath of office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Gentleman from California (Mr. STARK) is recognized for 1 minute.

Mr. STARK. Madam Speaker, as Dean of the California delegation, it is my pleasure to introduce the newest addition to our delegation, John Garamendi. He and his wife, Patti, began their years of public service as Peace Corps volunteers in Ethiopia. Since then, John has spent over 27 years serving the people of California in the State Assembly, as Insurance Commissioner, and as Lieutenant Governor, and he has preserved our nation's parks and wildlife as President Clinton's Deputy Secretary of the Interior.

As we prepare to enact health care reform, John will lend an effective voice to that effort. As California's Insurance Commissioner, he learned the problems families face when trying to buy health coverage. He is an expert on insurance regulation, and his perspective will be of great value. Please join me in welcoming John Garamendi, his wife Patti, their six children, and nine grandchildren to our congressional family.

I would like at this time to yield to the distinguished ranking Republican, Congressman DREIER.

Mr. DREIER. Madam Speaker, I thank my good friend, Mr. STARK, for yielding, and I want to join from our side of the aisle in the welcome that we have given John Garamendi. He is now part of a long-standing tradition of the relationship between California's congressional delegation and the Office of Lieutenant Governor of California.

As I look across the aisle at my friend Mr. STARK and many others, we have had the privilege of serving with two former Lieutenant Governors who come to this House of Representatives, Glenn Anderson and Mervyn Dymally, and of course, the very distinguished opponent Mr. GARAMENDI had, David Harmer's father, John Harmer, served as Ronald Reagan's Lieutenant Governor. And so I know that this is another in that long list of challenges that Mr. GARAMENDI will face, and I hope very much, Madam Speaker, that we will be able to work together in a bipartisan way to address the needs of our State and our Nation as well.

We extend congratulations.
ANNOUNCEMENT BY THE SPEAKER

The Speaker. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from California (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 868, on which the yeas and nays were ordered to be taken.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 868.

The vote was taken by electronic device, and there were—yeas 366, nays 0, not voting 67, as follows:

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So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for: Mr. STEARNS. Mr. Speaker, on rollcall No. 858, I was inadvertently defeated. Had I been present, I would have voted "yea."

Mr. COFFMAN of Colorado, Mr. Speaker, on rollcall No. 858, I was unavoidably defeated. Had I been present, I would have voted "yea."

Mr. BIGGERT. Mr. Speaker, on rollcall No. 858, honoring and recognizing the service and achievements of current and former female members of the Armed Forces.

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HONORING CURRENT AND FORMER FEMALE MEMBERS OF THE ARMED FORCES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 868, on which the yeas and nays were ordered to be taken.

The Clerk read the title of the resolution.

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The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 868.

The vote was taken by electronic device, and there were—yeas 366, nays 0, not voting 67, as follows:

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So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

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Mr. BIGGERT. Mr. Speaker, on rollcall No. 858, honoring and recognizing the service and achievements of current and former female members of the Armed Forces.

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members of the Armed Forces I was absent. Had I been present, I would have voted ‘‘yea.’’

Mr. BUYER. Mr. Speaker, onrolcall No. 858, I was unavoidably detained and therefore did not vote on passage of H. Res. 868, honoring and recognizing the service and achievements of current and former female members of the Armed Forces. Had I been present, I would have voted ‘‘yea.’’

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present I would have voted as follows: Rollcall vote 858, on motion to suspend the rules and agree—H. Res. 868, honoring and recognizing the service and achievements of current and former female members of the Armed Forces—I would have voted ‘‘yea.’’

Mr. THOMPSON of Pennsylvania. Mr. Speaker, onrolcall No. 858, I was unintonially late upen return to the House Chamber and consequently missed this vote due to a meeting with my constituents who traveled to Washington, DC, to voice their opposition of pending health care legislation. I most certainly share overwhelming sense of the House in honoring and recognizing the service and achievements of current and former female members of the Armed Forces. Had I been present, I would have voted ‘‘yea.’’

Mr. Wilson of South Carolina. Mr. Speaker, today I missed a rollcall vote. Unfortunately I missed this vote due to a scheduling conflict.

Had I been present I would have voted ‘‘yea’’ on rolcall No. 858. On Motion to Suspend the Rules and Pass, H. Res. 868, honoring and recognizing the service and achievements of current and former female members of the Armed Forces.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will further proceed today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the ‘‘Worker, Homeownership, and Business Assistance Act of 2009’’.

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) In General.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)(A)—

(II) by adding ‘‘and’’ at the end of subparagraph (A);

(III) in subparagraph (A), by striking ‘‘If’’ and all that follows through ‘‘the amount added to an individual’s account under this subsection’’; and

(IV) by redesignating subparagraph (B) as paragraph (2) of section 4002;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) In General.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

‘‘(d) REVISIONS TO SECOND-TIER BENEFITS.—

‘‘(1) IN GENERAL.—If, at the time that the amount added to an individual’s account under subsection (c)(1)(a) (hereinafter second-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount hereinafter ‘‘third-tier emergency unemployment compensation’’ equal to the lesser of—

‘‘(A) 50 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

‘‘(B) 13 times the individual’s annual average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.’’

‘‘(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

‘‘(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

‘‘(i) were applied by substituting ‘‘6’’ for ‘‘5’’ each place it appears; and

‘‘(ii) did not include the requirement under paragraph (1)(A) thereof; or

‘‘(B) such a period would then be in effect for such State under such Act if—

‘‘(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

‘‘(ii) such section 203(f) were applied to any week of unemployment commencing before the date of the enactment of this Act.’’

‘‘(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.’’

(b) CONFORMING AMENDMENT TO NON-EXTENSION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4(b), is amended—

(1) by striking ‘‘and’’ and inserting ‘‘, (d), and (e) of section 4002’’; and

(2) by striking ‘‘or’’ and inserting ‘‘, or (as the case may be)’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) In General.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

‘‘(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

‘‘(1) In General.—If, at the time that the amount added to an individual’s account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘fourth-tier emergency unemployment compensation’) equal to the lesser of—

‘‘(A) 24 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

‘‘(B) 6 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.’’

‘‘(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

‘‘(A) such a period would then be in effect for such State under such Act if—

‘‘(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

‘‘(ii) such section 203(f) were applied to any week of unemployment commencing before the date of the enactment of this Act.’’

‘‘(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.’’

(b) CONFORMING AMENDMENT TO NON-EXTENSION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking ‘‘and’’ and inserting ‘‘, (d), and (e) of section 4002’’; and

(2) by striking ‘‘or’’ and inserting ‘‘, or (as the case may be)’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

‘‘(f) COORDINATION RULES.—

‘‘(1) COORDINATION WITH EXTENDED BENEFIT PERIOD.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may extend compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009), if such individual claimed extended compensation for any week of unemployment commencing on or after the date of the enactment of this Act.’’
for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this Act) may elect to treat the date of exhaustion of such second-tier emergency unemployment compensation as the date of exhaustion of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of such increased second-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.

SEC. 6. TRANSFER OF FUNDS.

Section 4004(c)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking “Act” and inserting “Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009.”

SEC. 7. EXPANSION AND MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(b)(3) of the Social Security Act (42 U.S.C. 609(b)(3)(B)) is amended to read as follows: “(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not superecede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses: “(1) Domestic violence, verified by such reasonable and confidential documentation as the State may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor); and “(2) Sexual assault, verified by such reasonable and confidential documentation as the State may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to claims filed on or after January 1, 2010.

SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 430) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining an individual’s eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), is amended—

(1) in clause (ii)—

(A) by striking “June 30, 2009” and inserting “June 30, 2010”; and

(B) by striking “December 31, 2009” and inserting “December 31, 2010”; and

(2) by adding at the end of clause (iv) the following: “In addition to the amount appropriated to the Railroad Retirement Board in the Supplemental Appropriations Act, 2009, there shall be appropriated to the Railroad Retirement Board through September 30, 2009, $750,000,000 to cover the cost of additional increased unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.”.

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: “In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $750,000,000 to cover the administrative expenses associated with the payment of additional increased unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.”.

SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010 and the first 6 months of calendar year 2011”;

(2) by striking “calendar year 2010” in paragraph (2) and inserting “the remainder of calendar year 2011”;

(3) by inserting “(or portion of the calendar year)” after “during the calendar year”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

SEC. 11. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER TAX CREDIT.

(a) EXTENSION OF APPLICATION PERIOD.—(1) IN GENERAL.—Section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: “(4) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases made on or after January 1, 2010.

(b) S PECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of a taxpayer to whom a credit under subsection (a) is allowed by reason of subsection (c)(6), subparagraphs (A), (B), and (C) shall be applied by substituting “$6,000” for “$8,000” and “$12,000” for “$14,000.”

(c) S PECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—“(1) IN GENERAL.—In the case of the disposi- tion of a principal residence by an individual or a cessation referred to in paragraph (2) after December 31, 2009, in connection with Govern- ment orders received by such individual, or such individual’s spouse, for purposes of service in the Armed Forces, for purposes of service in the Uniformed Services, or for purposes of service in a foreign country, the term ‘credit under subsection (a)’ shall include the amount which would have been allowed by reason of subsection (c)(6) if the taxpayer were an individual who was a member of the Armed Forces, or a member of the Uniformed Services, or an employee of the Intelligence Community.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to disposi- tions发生的年份.
(a) AGE LIMITATION.—
(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting "50 percent of the taxpayer's taxable income" after "such loss under clause (i) shall not exceed 50 percent of the taxpayer's total income".

(b) EFFECTIVE DATES.—
(1) IN GENERAL.—Except as otherwise provided in this subsection, this subsection is effective in the case of elections made by a taxpayer for taxable years ending after January 1, 2009.

(c) APPLICABLE LOSS FROM OPERATIONS.—
(1) IN GENERAL.—The amendments made by subsection (b) shall apply to taxable years beginning in 2009.

(d) Extending elections of subsection—
(1) IN GENERAL.—The amendments made by subsection (b) shall apply to returns for taxable years ending after January 1, 2009.

SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEOWNER CREDIT

(a) AGE LIMITATION.—
(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting "50 percent of the taxpayer's taxable income" after "such loss under clause (i) shall not exceed 50 percent of the taxpayer's total income".

(b) EFFECTIVE DATES.—
(1) IN GENERAL.—Except as otherwise provided in this subsection, this subsection is effective in the case of elections made by a taxpayer for taxable years ending after January 1, 2009.

(c) APPLICABLE LOSS FROM OPERATIONS.—
(1) IN GENERAL.—The amendments made by subsection (b) shall apply to taxable years beginning in 2009.

(d) Extending elections of subsection—
(1) IN GENERAL.—The amendments made by subsection (b) shall apply to returns for taxable years ending after January 1, 2009.

(e) LIMITATION ON AMOUNT OF LOSS CARRIED BACK TO 5TH PRECEDING TAXABLE YEAR.—
(1) IN GENERAL.—The amount of any loss from operations which may be carried back to the 5th taxable year preceding the taxable year of such loss shall not exceed 50 percent of the taxpayer's total income for such taxable year.

(f) DETERMINATION.—
(1) IN GENERAL.—Any election under this paragraph may be made only with respect to 1 taxable year.

EFFECTIVE DATES.—
(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section are effective for returns for taxable years ending after December 31, 2008, and beginning before January 1, 2011.
section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEPARTMENT.—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 2002.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANY.—The amendments made by this subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of any net operating loss (or, in the case of a life insurance company, any loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may be revoked before the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before such due date.

(f) EXCEPTION FOR TARP RECIPIENTS.—The amendments made by this section shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquired before the date of the enactment of this Act an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(B) the Federal Government acquired before such date of enactment any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(C) such taxpayer receives after such date of enactment any warrant to exchange in an interest described in subparagraph (A) or (B) pursuant to a program established under title I of division A of the Emergency Economic Stabilization Act of 2008 (unless such taxpayer is a financial institution as defined in section 3 of such Act) and the funds are received pursuant to a program established by the Secretary of the Treasury for the stated purpose of increasing the availability of credit to small businesses using funding made available under such Act), or

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 was or is a member of the same affiliated group (as defined in section 1594 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

SEC. 14. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE RE-ALIGNMENT AND CLOSURE FRINGE.

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (b) by striking “this subsection” and inserting “the provisions described in section 132(n)(2) of the Code” in section 4612(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 16. INCREASE IN PENALTY FOR FAILURE TO FILE TAX RETURN FOR S CORPORATION RETURN.

(a) IN GENERAL.—Sections 6698(b)(1) and 6698(b)(10) of the Internal Revenue Code of 1986 are each amended by inserting “$250” and inserting “$1950”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. 17. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) IN GENERAL.—The Secretary shall require that—

(1) any taxpayer if—

(A) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

(b) SPECIAL RULE FOR TAX RETURN PREPARERS.—

(A) IN GENERAL.—The Secretary shall require that—

(1) any taxpayer if—

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. 18. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 6655 of the Internal Revenue Code of 1986 in effect on the date of the enactment of this Act is increased by 3.3 percentage points.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I ask that all Members have 5 legislative days to consider and extend their remarks and insert extraneous material in the Record.

The SPEAKER pro tempore. There was no objection.

Mr. RANGEL. Mr. Speaker, along with the Ways and Means Committee ranking member, Mr. CAMP, we asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill. The technical explanation expresses the committee’s understanding and legislative intent behind this very important piece of legislation. It is available on the Joint Committee’s Web site at www.jct.gov and is listed under the document No. JCX–44–09.

Over 6 weeks ago, the House sent legislation in a bipartisan way to the Senate to extend unemployment insurance for workers who live in high unemployment States, that have already used all of the tiers of the benefits available under current law. Since that time, hundreds of thousands of workers have lost or gone without unemployment compensation.

This conference committee, with the leadership and working together in a bipartisan way, sent to the Senate a bill which allowed an additional 14 weeks of unemployment benefits in every State and a total of 20 weeks in high unemployment States. Our committees worked hard together in order to soften the blow that so many hundreds of thousands of people have felt.

Mr. Speaker, I yield the balance of my time to Chairman Jim McDermott, who, over his lifetime, has spent so much time in trying to improve the quality of lives of those that have suffered economic deficits in this great country of ours, and with the permission of the Speaker, I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

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

Mr. BRADY of Texas. Mr. Speaker, Mr. McDermott, I yield myself such time as I may consume.

Mr. BRADY of Texas asked and was given permission to revise and extend his remarks.

Mr. BRADY of Texas. Mr. Speaker, I rise in support of key parts of this legislation.

The bill before us today offers long-term unemployment workers in all States 14 weeks of additional unemployment benefits and provides 20 additional weeks of benefits in high unemployment States. In all, with the passage of this bill, a record total of up to 99 weeks of Federal and State unemployment benefits will be paid in a total of 29 States and territories where the unemployment rate is 8.5 percent or greater. In the State of Texas, where the unemployment rate is 8.2 percent, it would provide an additional 14 weeks of unemployment benefits for the long-term unemployed who continue to struggle to find a new job.

In addition, the bill we are considering today includes a number of important tax relief provisions that will help families, businesses, and our economy as a whole. This bill will extend the $8,000 homeowner tax credit, which is currently scheduled to expire just a few short weeks from now, until the middle of next year. It will also create a new $6,500 tax credit that will help current homeowners who have lived in their homes for at least 5 years to
move up into new homes. And especially with Veterans Day coming up next week, I’m pleased this bill includes a number of homeowner assistance provisions that would specifically benefit the brave men and women who serve in our Armed Forces.

Taken all together, this bill’s homeowner tax relief provisions will provide a much-needed boost to our struggling housing market and our broader economy by helping to soak up the excess housing inventory that we see in so many parts of our country. Estimates show that there may be up to 3 million renters who are currently financially well qualified to buy a median-priced home. Timely help to bolster the housing market is essential.

Another important component is the expanded net operating loss provision, which will provide an immediate cash infusion to struggling businesses, large and small, all across the Nation. By giving businesses that are currently in loss positions the opportunity to claim refunds on taxes they paid when they were profitable, we can help employers make crucial new investments in our economy and, most importantly, free up additional payroll to help get more Americans back to work. That’s the goal that all of us on both sides of the aisle should share. And I’m pleased to support the 5-year net operating loss carryback included in this legislation.

But this is not the end of the process. There is much more work to be done. Before the end of the year, the House is expected to consider legislation to extend the current Federal extended unemployment benefit program possibly through all of next year. This would cost $30 billion or more and simply add to the enormous deficits and equally enormous State tax hikes on jobs this system is amassing.

All of this begs the question: Where are the jobs? While long-term unemployed workers appreciate the additional weeks of unemployment benefits in every State and a total of 20 weeks in high unemployment States, I welcome the extension of the bill compared to the legislation we sent over. It seems the least we can do after we’ve made them wait for 6 weeks. However, I heard concerns that the complexity of the Senate amendment may present some administrative challenges for State government, so I hope every State is actively planning on how to deliver these benefits in the quickest possible time frame. This is a wake-up call to State unemployment insurance programs.

I would ask my colleagues to keep in mind that Congress must act again before the end of this year to continue the extended unemployment benefits that we are now improving.

The cost of this extension of unemployment benefits is completely offset by an 18-month continuation of a tax called the FUTA surtax, which has been in place for over 30 years. In addition to helping unemployed workers, this bill raises the extension of the extension and expansion of two other relief provisions. One helps and encourages those buying homes and another helps struggling businesses.

Mr. Speaker, our Nation has lost 8 million jobs since the great recession started in December of 2007. Even as we see signs of economic recovery, such as last week’s announcement that the GDP rose substantially for the first time in over a year, we know it will take considerable time to restore those lost jobs. There are predictions that it will rise above 10 percent nationally and will not come down until late in 2010.

We must continue to provide the life-line for the unemployed workers who have lost their jobs from fault of their own and who are searching for new employment. Sending this bill to President Obama today will accomplish that goal for over 1 million of our fellow citizens before the end of the year. Additionally, it would help keep families in their homes and prevent foreclosures. This is the right thing to do, and we shouldn’t have waited so long to do it.

Mr. STARK. Would the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from California.

Mr. STARK. I associate myself with the remarks of the distinguished chairman and urge adoption.

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

Mr. BRADY of Texas. I yield 5 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank the gentleman for yielding.

Six weeks ago, we stood on this floor to discuss a prior version of this bill providing extended unemployment benefits. Since then, we have gotten additional checkups on jobs and unemployment in the United States, and the Democrats’ 2009 stimulus plan has received more failing grades. Another 283,000 jobs were eliminated in September, and the unemployment rate reached 9.8 percent. More job losses and higher unemployment are expected to be announced tomorrow. This and other Democrat legislation is perpetuating unemployment, not solving it.

The Democrat energy policies would increase the price of gasoline and kill millions of jobs. The Democrat health policies would make health care and health insurance more expensive and kill millions of jobs. Democrats promised a stimulus policy that would keep unemployment from exceeding 8 percent. It is now 9.8 percent, soon to reach 10 percent. Despite administration claims that 1 million jobs were saved or created, nearly 3 million real jobs have been destroyed since the stimulus plan was signed into law, and yesterday we found out how to pay back the savings. 

Stimulus money went to a south Georgia community organizing group. They took all the money and gave it back to the Treasury. This is the right thing to do.

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

Mr. STARK. Would the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from California.

Mr. STARK. I associate myself with the remarks of the distinguished chairman and urge adoption.

Mr. MCDERMOTT. I reserve the balance of my time.
That effort can start with not raising taxes on jobs and by offering unemployed workers real help in finding new work instead of just more benefit checks. Sadly, this bill does none of that. How then will it create jobs? It won’t. We like equity and growth. Equity for the unemployed, people who are looking for work. The estimate is that 1.3 million will exhaust their benefits by the end of the year. This is a response. There are six people looking for every job. The Michigan Unemployment Office has been swamped with phone calls. Today, one of the staff there told my office: These are the unemployed. They call asking, When is Congress going to pass this bill? What are they waiting for? Don’t they understand we are desperate?

As to growth, there are two provisions here. I am surprised that the previous speaker says nothing is being done anywhere when we have two provisions here that are aimed to do that. The homeowners’ tax credit is extended and is also expanded, and the net operating loss provision is inserted here to create jobs. This is a bill that combines equity and growth. Hopefully—and I think it will—create jobs.

So let’s vote for it without equivocation and, if I might say, without debating other issues like health care. We will debate those tomorrow and Saturday.

Mr. MCDERMOTT of Washington. I yield 1½ minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

One of the things that has been a real drag on the economy, Mr. Speaker, has been the housing industry, and the tax credit that we’ve given first-time homebuyers, according to the Realtors and the homebuilders with whom I’ve talked, has been a real plus. That is one of the few things that we’ve done around here that has helped the economy and helped create some jobs.

Now, in this bill, we’re not only extending the first-time homebuyer credit, which is going to help the economy, but we’re also going to say to people that already own homes, we’re going to give you a $6,500 tax credit if you choose to move up and buy another house. That’s been one of the shortcomings that we’ve had over the last few months, because people that want to get another home feel like with the economy being the way it is right now, they don’t want to move. But if you encourage them with a $6,500 tax credit—a tax credit. We like tax cuts and tax credits. If we give them a $6,500 tax credit, I guarantee you there is going to be a lot of people that will move up into more homes, newer homes, and it will really help economic growth in this country.

So I just want to congratulate the sponsors, even on the Democrat side, for putting this in the bill. I really think this is a plus. I don’t compliment them because they do too much over there, but the $8,000 tax credit that is being extended for first-time homebuyers is good, and the $6,500 tax credit for people that are going to buy a home, a second home or a third home, as they get rid of their first one, I really think this is going to be very good for the economy. So even though I disagree with my colleagues 95 percent of the time, this is one time they have put something good in a bill.

Mr. MCDERMOTT of Washington. I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of this legislation. I want to thank my good friend, the chairman, Mr. MCDERMOTT, for his hard work in bringing this bill to the floor.

Under this bill, a Georgian would receive an additional 20 weeks of unemployment benefits. Many have been waiting, worrying, and juggling bills for months. People from all over the State of Georgia call my offices every day asking what is taking Congress so long to act. Let me be clear, these are not people who want a handout. These are people who want to work. Many are older workers with all levels of education who have worked in the same jobs for years, and now their jobs are gone, just gone.

We can act today, and we must act. Now is the time to act to pass this legislation, send it to the President, and let him sign it into law so our citizens will receive the necessary benefits.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore. 1 minute.

Mr. MCDERMOTT. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore. 1 minute.

Mr. MCDERMOTT. Thank you.

I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, last week we saw that 5.8 million Americans were collecting unemployment benefits at the end of October. I want to remind my friends on both sides of the aisle that in the first quarter of this year, we saw a loss of 691,000. The stimulus went into effect—partially anyway—after we passed it in February with no votes from the other side, and in the third quarter of this year, we’re at a loss of 250,000. That’s a gain of $35 billion. You compare that to the last year, the last 4 years of the former administration, and I think that the stimulus has been a great help.

This Congress is working hard to get people back on their feet. For this reason, it is imperative that, today, we pass the Unemployment Compensation Extension Act.

I am proud to say that we’ve also extended the first-time homebuyer assistance through the first-time homebuyer tax credit while putting in place new and significant fraud protection. I think that’s important. It came out in Mr. LEWIS’s hearings, and we’ve done something about that.

I applaud Chairman LEWIS for convening a hearing through the Ways and Means Oversight Subcommittee on the first-time homebuyer tax credit, which brought light to some of the abuses that were plaguing this important credit. The American people need to know that this Congress is working to remedy the insufficient regulation and oversight that has plagued our Nation for too long.

I urge all my colleagues on both sides to take swift and decisive action to pass this legislation.

Mr. BRADY of Texas. I understand Chairman MCDERMOTT has additional time. I yield the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Washington for yielding.

Mr. Speaker, I rise today in strong support of H.R. 3548. This proposal would extend unemployment benefits by 20 weeks for workers in States with high unemployment rates like Nevada. This would serve as a lifeline, aiding those still struggling to find work in Las Vegas and other parts of Nevada. The once recession-proof economy of my district of Las Vegas has not been spared from the effects of this downturn. Quite the contrary, Nevada has been hard-hit, and almost harder hit than any other State by the foreclosure crisis, and currently our unemployment rate has skyrocketed to over 13 percent, second highest in the Nation.

Additionally, this bill includes important tax provisions, extending and expanding the homebuyer tax credit and allowing businesses to carryback losses in 2008 or 2009 for 5 years. The extended homebuyer credit will allow more people to purchase a home in my district and help end the continued downward spiral in housing prices caused by the foreclosure crisis. The net operating loss provision will help keep businesses afloat during the tough times, preventing further layoffs.

Mr. BRADY of Texas. I continue to reserve my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. This bill represents a textbook example of how not to deal with the economic challenges that our country faces. While previously approved by the House solely to address
the needs of the unemployed in economically depressed areas at a cost of a little more than a billion dollars, the Senate has taken the good work of Chairman MCDERMOTT, delayed it, not responded promptly, and has now muscled the bill to $24 billion.

Economists have advised us that every dollar we invest to help the unemployed spurs economic growth (GDP) by $1.61, very effective, a real winner, what the House did originally. But the corporate giveaway that the Senate added to this bill—the so-called “loss carry-back provision”—yields, according to the same economists, 19 cents for every dollar of revenue that we invest—a real loser.

Today’s bill allocates $2 billion to the winner and $10 billion to the loser.

Understand that this bill now directs the Treasury to essentially write a check directly to corporations for more than $10 billion; checks to corporations that have committed fraud, checks to corporations that have no ability to create jobs because they have no employees and exist solely on paper as a fiction. It rewards some of the very corporate losers who have brought us to the brink of economic ruin.

That’s the pro tempore. The time of the gentleman has expired.

Mr. MCDERMOTT. I yield the gentleman an additional 15 seconds.

Mr. DOGGETT. If this is such a great idea, why don’t we first apply loss carry-back to those workers who have lost their jobs and give them back some of the taxes that they paid when they had a job? That would certainly be more stimulative.

As we move forward next month to extending benefits for next year, it will be much more costly. We should use this lesson as a reminder that good policy to address jobs and the needs of the unemployed should not be burdened with windfalls to those with good lobbyists.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 2 minutes.

While there are serious disagreements about what direction to go on the economy, there is bipartisan support for the provisions to help people try to buy that first home or to move up into that next one, and there is bipartisan support across the aisle strongly in this Congress to help small businesses survive this recession, not just large but medium-sized businesses and larger businesses. The truth of the matter is, a job is a job. And if we can help companies weather this storm, if we can help them keep workers on the payroll, if we can help them sort of balance out their tax payments over these years, allow them to be in a position to recover and grow when this economy finally does grow, I think that that tax relief, targeted to those who can most create jobs, is extremely helpful.

I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to Joe COURTNEY, the gentleman from Connecticut.

Mr. COURTNEY. Mr. Speaker, last fall, 2008, this country got a lesson in how central the housing market is to the American economy. When housing prices started to fall, the financial markets soon followed, and we are today nowhere in the deepest recession since the Great Depression.

In the stimulus bill last February, we included a first-time homebuyer tax credit, which by all accounts has been a smashing success in terms of increasing home sales and stabilizing housing prices. The market, though, needs a little bit more time to nurture, and that is why, as has been said earlier, there is strong bipartisan support for extending this tax credit.

I, along with Congressman CALVET from California, put together a letter with 165 signatures in support of extending the tax credit. I salute the chairman and all the leadership who worked hard on a bipartisan basis to make sure that we are going to continue to grow the real estate market.

That’s how we got into this recession and that’s how we are going to get out of it.

I urge strong support for the measure.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from Indiana (Mr. BURTON).

Mr. Speaker, a year ago this week Barack Obama was elected President in the midst of the greatest economic crisis in almost three-quarters of a century. Since his inauguration and the passage of the Recovery Act, we have been working hard to turn our economy around and put America and Americans back to work.

And whether we are Democrats or Republicans, there is reason for hope in the reality we have seen in that time, because they mean growing economic security for the people we represent. We’re not there, we need to keep working on it, but we’ve made progress.

Last month, we saw news that the American economy grew at a rate of 3.5 percent between July and September.

That, Mr. Speaker, is the best growth in 2 years and a reversal of four quarters of decline. That’s progress. It is not yet success.

According to Moody’s, the Congressional Budget Office and the Council of Economic Advisors, the Recovery Act has saved or created about 1 million jobs. The Center on Budget and Policy Priorities recently concluded that the Recovery Act kept 6 million Americans from falling into poverty and reduced the severity of poverty for 33 million Americans. It was the right thing to do. But we’re not there yet. Facts like these have combined to convince unbiased observers that the recession the President inherited is over.

Yet that is not the whole picture. For millions of American families struggling with unemployment, the recession is not over. It’s not over until their loved ones get back to work, until they have a job, until they can pay for the housing and the food and the clothing and the schooling their families need.

In Congress cannot consider the work of recovery done until those jobs are back. The truth is that long-term unemployment remains at its highest rate since we began measuring it in 1948. Over 33 percent of the total unemployed have been out of work for more than 26 weeks.

And because it’s harder to get hired the longer you’ve been out of the workforce, long-term unemployment can become a vicious circle. This bill provides a hand to nearly 2 million Americans whose unemployment insurance is set to run out by the end of the year. It extends their unemployment insurance by up to 14 weeks, and by a further 6 months for the States which have found difficult job markets. This means they will be able to survive; not thrive, but survive.

Who are these 2 million Americans and who will benefit? Many of them are middle-class Americans who have lost their jobs without warning. According to a survey recently conducted at the Rutgers University, “Six in 10 of those whose employer had let them go had no advance warning.” What a wrenching experience that was for them, for their spouses, for their children and, yes, for their entire extended families, as well as their communities.

Adding to the pain for many, nearly four in 10 said they had been employed by their company for more than 3 years and one in 10 more than a decade. These were people with stable jobs and commitments based upon those stable jobs, such as college payments and mortgages.

People with jobs and the ground falling out from under them through no fault of their own. We owe it to them, Mr. Speaker, and their families to help, and we owe it to our economic health as well.

The money provided by unemployment insurance quickly goes to necessities and boosts local economies. In fact, according to the CBO, every dollar we spend on unemployment insurance generates $1.61 in local economic activity, making this bill an investment that pays off for all of us, so we have a win-win situation here. We help people in very bad straits; and we help our economy and help us all. I am also glad that this bill is fiscally sound. It’s fully paid for. It does not contribute to the deficit.

Though we have made progress since the depths of last winter and the depths of the recession inherited by this Congress; there is, as I have said, clearly more work to do. We pledge to continue that work. We can take action today for those families for whom recovery is not yet a reality, and I urge my colleagues to join us.

Mr. BRADY of Texas. I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).
Mr. BURTON of Indiana. I thank the gentleman for yielding.

I have great respect for the majority leader. I just want to correct a couple of things that he said.

He cited that the worst economy in the last three-quarters of a century, and I would like to bring to his attention that in the Jimmy Carter administration we had 12 percent unemployment, which is worse than now. We had 14 percent unemployment. When Ronald Reagan came in, Mr. Volcker had to raise the interest rates, or did raise the interest rates, to 21.5 percent. What happened was the economy took another huge nose dive because of the terrible inflation and economic problems that were created during the Carter administration, which was not three-quarters of a century ago; it was just a mere 20-some years ago.

The other thing I would like to say is that when we are doing the right thing by passing this bill, and I complimented my colleagues on the other side of the aisle for the extension of the home building credit for first-time homebuyers and adding to it the tax credits for buying a home, and I think those are great steps in the right direction, and I will support this bill—the things that they are doing on the other side of the aisle with the stimulus bill, $1 trillion, with the health care bill that they are going to try to ram through here Saturday that’s going to cost $1 to $3 trillion that we don’t have, when there is a better way to do that, really troubles me. I will tell you that the problems start thinking about what Ronald Reagan did because the deficits were so high and inflation was so high, and that is cut taxes. When you cut taxes, you stimulate economic growth and you will see new businesses and people get back to work. That creates economic expansion.

Mr. MCDERMOTT. Mr. Speaker, may I have the time remaining?

The SPEAKER pro tempore. The gentleman from Washington has 4½ minutes remaining and the gentleman from Texas has 9 minutes remaining.

Mr. MCDERMOTT. I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and thank him for his longstanding leadership on this issue that relates to the economic well-being of America’s families.

America’s families gather across America at their dinner table to see how they are going to make ends meet or struggle through the loss of a job, they know they have a friend in Jim MCDERMOTT in the Congress. This has been the tradition of the Cartwright family, and he has served them and this Congress and this country excellently in that regard. I thank him for bringing this legislation to the floor.

We passed this bill over a month ago. At long last it is back, but we are glad it is back, no matter how long it took. I am pleased to rise to support the legislation.

The bill will mark another step forward to boost our economic growth, and it will make a critical investment in our families and our workers.

This legislation offers a lifeline to out-of-work Americans, to the men and women hardest hit by the recession, by extending unemployment benefits—you have heard it over and over—by 14 weeks nationwide and an extra 6 weeks in States suffering the highest jobless rates. It’s a smart choice for our Nation’s economy. Every dollar spent on unemployment insurance is much more than $1.60 in new economic demand. It’s good for businesses. It’s good for workers.

This money, because it is so needed by these out-of-work families will, in an unprecedented move, inject demand into the economy, creating jobs, to the tune of $1.60 for every dollar. It’s hard to think of any other initiative we can name that is as beneficial to job creation.

Its original purpose is fairness to those workers who have paid into the insurance system, and now they are getting an insurance credit. But it also has an impact as a stimulant. It means more Americans will have access to the support and assistance they need to get back on their feet, reenter the workforce, contribute to our economy and succeed.

The bill also places a down payment on the future of our middle class because it extends for the first-time homebuyer a tax credit, helping more Americans purchase homes and making it a little easier for families to move into a new house and keep a roof over their heads.

This initiative has already been successful. We have seen the positive impact, the steadier foundation in our housing market. Most significantly, we have watched successive generations of Americans start living out their dream of homeownership and economic security.

The bill also has the net operating loss carryback, which businesses tell us is necessary for them to succeed and to hire new people, and also to mitigate some of the damage that has been done to the economy from past policies.

Taking action now to turn around our country is our most urgent and pressing challenge. It must be our top priority, regardless of party. That is why I am so pleased that we are going to have such a strong bipartisan vote. Mr. BRADY, thank you today.

The House acted more than a month ago, as I mentioned, to pass the bill and help 1.3 million Americans set to lose their unemployment benefits by the end of the year. Today, we are proud to see the Senate version come back to the floor, to this Chamber. We would have wanted it sooner, but here it is.

The Nation’s leaders have a responsibility to give every American the opportunity to recover, to thrive, to reap the rewards of our common progress and to take part in our prosperity. Today’s vote is about a never-ending effort to put our economy on the road to recovery, create jobs, and establish the building blocks for growth in the long term.

President Obama has said over and over again, and so eloquently, that our success here would be measured only in the progress made by America’s families as they get back on their feet and move to help them address their economic struggles.

The economic security of America’s families is important to them, to their children, to their children’s future; and it is important to the strength of our country. For that reason, I again commend Mr. MCDERMOTT and Mr. BRADY and urge all Members to support this bill.

Mr. BRADY of Texas. Mr. Speaker, I reserve my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman, and I want to offer my strong support for this legislation that is before us today and certainly to acknowledge the role that Mr. RANGEL and Mr. MCDERMOTT played and the leadership they offered to us on this legislation.

This bill before us is fully vetted and fully paid for. It is bipartisan in nature. I take great satisfaction from the fact that not only does it extend unemployment insurance benefits for many who are finding it difficult to pay our bills, it is the reminder that we all ought to embrace, and that is, that in this atmosphere, you are far better off as being perceived for being for something than against everything.

This bill extends the first-time homebuyer credit to help our ailing housing industry get back from the worst record in our history. I support both provisions.

Finally, the bill provides net operating loss relief for many businesses that have been simply hanging on in this country over the last year. It is particularly important to retailers. Based on a bill that I filed with Representatives TIBERI which became the basis for this provision, this relief for businesses, big and small, will provide quick capital at a time when it is currently impossible to find. I think that this is an affirmative position, it ought to be embraced, and I thank Mr. MCDERMOTT for moving it forward.

Mr. BRADY of Texas. I reserve my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for yielding.

The SPEAKER pro tempore. The gentleman from New Hampshire (Mr. SXBELL) has the floor.
This bill continues Congress' critical efforts to restore the economy and put our people back to work. Fixing the economy and creating jobs needs to be our top priority in this economic downturn.

This bill helps folks who are out of work in two ways. First, it extends the safety net of unemployment insurance to those who are struggling the most. This is critical to help people put food on their table and keep their lives together until they can find new employment.

Second, it supports the struggling companies which are trying to create jobs. The tax credits in this bill will help restore the health of businesses so they can get healthy again, contribute to the growth of this economy, and put our people back to work.

I applaud the Senate for their work in joining these two goals and moving it forward. I thank my colleagues for their work and urge my colleagues to vote for H.R. 3548.

Mr. BRADY of Texas. I reserve my time.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Texas.

Mr. BRADY of Texas. I yield myself such time as I may consume.

There is bipartisan support for much of this bill. For all the good this bill will do to help people buy their first home, and perhaps move up, for all the help it will provide to help businesses survive this recession, make no mistake, the unemployment benefits are no substitute for a good job, and in that regard, this Congress and this White House has failed the American public.

We were told that the stimulus bill, all $787 billion of it, $1 trillion with interest, as Christina Romer said, the head of the President's economic advisors, would provide an immediate jolt to the economy. They promised us that it would keep the unemployment rate under 8 percent. They promised it would create jobs in every State in the Nation.

Today, the unemployment rate is not 8 percent. It is 9.8 percent and rising, for the numbers we will hear tomorrow, to 9.9 percent in all likelihood. Forty-nine of 50 States have lost jobs.

The two areas of manufacturing and construction, where we were promised the greatest rate of job creation, have actually seen the greatest rate of job loss. In fact, nearly 3 million jobs have been lost since the stimulus took effect.

We are not simply in, as the White House put it, a recession recovery. We are in a "job loss" recovery. We continue to shed hundreds of thousands of workers every month, 175,000 in the past month; and unfortunately, the stimulus has lost all credibility as to job creation.

We hear each day reports of wildly exaggerated jobs claims. The Associated Press did a revealing story that shows that in some cases contractors exaggerated their job numbers by 10 times. In other cases they counted the same job four times. In many cases the money didn't come from the stimulus at all.

This morning, a Dallas Morning News investigation showed that in Texas, one out of every four jobs related to the stimulus is not a new job. In one community, an organization claimed 450 jobs were created with stimulus money of $236,000. In one case, again, the money didn't even come from stimulus money. And in Beaumont, the congressman is paying for child care for people out of stimulus dollars.

Unfortunately, the claim that the stimulus has created millions of new jobs, created or saved them, simply isn't backed up. And, in fact, the majority of economists today say it has had little impact on the stimulus, and a second stimulus down the road isn't needed or, in fact, will be damaging.

I think what is critical, too, is a lot of businesses are holding off creating those new jobs, especially small businesses, because of Washington. They watch what we are doing and considering on health care. It will drive up their premiums, Cap-and-trade will drive up their energy costs. New energy taxes will go to offshore American energy jobs. They look at new financial regulations, tax increases on everything from income to capital to dividends to international investment, and they are saying we are not going to create jobs. They are not going to risk jobs in this environment.

It is hard enough to predict the market itself, much less to predict the market and Congress together. And when they look at the bill that this Congress is going to pass this weekend on health care, they see tax increases on small businesses that will cost us about 4 million jobs, mandates on small businesses that will force their workers out of their own health care system, and a job trap that actually punishes small businesses. When they hire between 11 and 25 workers, actually in this bill Congress punishes them, and punishes them more if they raise the wages of those workers.

So, there is a lot more that needs to be done on the economy. This bill is no substitute for a good job. It is a step forward in housing and for business retention. For that, there is bipartisan support, and I do appreciate Chairman McDermott's work on trying to bring a bill forward to this floor that many can support.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Washington has 45 seconds remaining.

Mr. McDermott. Mr. Speaker, I appreciate Mr. BRADY's work on bringing this bill to the floor, but I would say that in 1935 there was no unemployment insurance, there was no welfare, there were no jobs, and the Federal Government stepped in and acted to change all of that.

Now, we clearly need to stimulate the economy; and if we don't stimulate the economy, we will continue to have businesses sitting back waiting forever and watching their health care costs go out of sight.

The bill tomorrow on health care is really to help businesses get control over one cost item in their budget, and in many ways that is the kind of thing we should be doing to help create more jobs. If we sit here, we can build this bridge of unemployment insurance, but it is a bridge to nowhere if the economy does not start to turn around, and then we mean dealing with the conditions that are destroying this economy.

The health care costs of every single business are rising totally out of control, and you can't expect them to invest if we haven't done something about getting control of health care costs.

So this is only one part of the issue. We have many other issues we are going to have to deal with on the floor, but I am grateful today for your help in passing this piece of it.

Ms. Richardson. Mr. Speaker, I rise today in strong support of the Senate amendments to H.R. 3548, the "Unemployment Compensation Extension Act of 2009," because they will provide much-needed relief to small businesses that are struggling to find jobs today and to others who are working to buy their first home.

With the passage of this bill, Congress will provide up to 14 additional weeks of desperately needed unemployment benefits to workers who are about to exhaust their unemployment benefits, directing much-needed help to the unemployed who live in states where unemployment rates are highest.

California has the 4th highest unemployment rate in the Nation and in terms of my district the numbers are staggering:

Carson—12.6 percent
Compton—20.9 percent
Long Beach—13.7 percent
Signal Hill—9.4 percent

Mr. Speaker, although job losses have begun to decline more recently, unemployment is still too high, and the American people need relief now. With the national unemployment rate at 7.7 percent, we must act now.

Over 1 million people will exhaust their benefits by the end of December if we do not act. The extension to providing relief to the unemployed, H.R. 3548, will help stimulate the economy. Extending unemployment benefits is one of the most cost-effective and fast-acting ways to stimulate the economy because the money
is spent quickly. Every $1 spent on unemployment benefits generates $1.63 in new economic activity.

The new Senate amendments to this bill will do even more to breathe life into our economy. With the inclusion of these amendments, this bill will strengthen our domestic housing market by extending the $8,000 first-time homebuyer tax credit through April, 2010. These amendments will also expand eligibility for the homebuyer credit so more families qualify. Specifically, the bill will establish a $6,500 tax credit for families that have been in their current residence for at least the last five years and who are looking to purchase and move into a new home. By expanding the tax credit to include more than just first-time homebuyers, this bill will further stimulate the economy and help us to continue to fully recover from the recession.

I strongly support these amendments because, for many people in my district, the extended and expanded tax credit will allow them to realize the American Dream of owning a home. If passed, this bill will also provide housing assistance to military families that have sacrificed so much to defend our great nation.

Mr. Speaker, I urge my colleagues to support this necessary and timely legislation because it provides relief to unemployed Americans when they need it the most and it extends and expands the first-time homebuyer tax credit. If we do not pass this bill, we will not only face a financial crisis but a moral deficit in this country as well. We cannot allow that to happen. I urge all members to vote "aye" on the Senate amendments to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this bipartisan legislation to extend unemployment insurance benefits, extend and expand the homebuyer tax credit, and provide needed liquidity to businesses struggling to stay afloat in this difficult economy.

Millions of Americans remain unemployed through no fault of their own and are struggling to make ends meet. If Congress and the President do not take action with the Recovery Act, millions more would be unemployed. We now know that the Recovery Act has saved or created at least 640,000 jobs across the country and 6,700 jobs in Maryland.

We are seeing signs of economic recovery and progress. The housing and stock markets are rebounding and the gross domestic product increased for the first time last month. To help sustain the rebound in the housing market, I am pleased that the bill will extend the first-time homebuyer tax credit as well as expand the tax credit for military families who have been in their current residence for at least the last five years. Additionally, this legislation will provide needed liquidity to cash-strapped businesses by giving companies a one-time opportunity to carry back their operating losses for five years in order to further support our economic recovery.

Mr. Speaker, much work remains to be done. Protecting the middle class, rebuilding our economy, and providing job growth remains our top priority. I urge my colleagues to support this much-needed legislation.

Mr. CONYERS. Mr. Speaker, I rise today in strong support of H.R. 3548, which extends unemployment benefits to scores of Americans who are out of work due to the severe downturn in the economy. The bill will also continue to extend the First Time Home Buyer Tax Credit through April 30, 2010.

The $8,000 First Time Home Buyer Tax Credit program has allowed approximately 350,000 hard working Americans to achieve the dream of homeownership this year. Given that this nation is still struggling, providing American families with an $8,000 homebuyer tax credit will stabilize the housing market and stimulate the economy. The bill will also provide a $6,500 homebuyer credit to current homeowners for their home.

Furthermore, providing an extension of the First Time Home Buyer Tax Credit will also help further encourage job growth at a time when it is desperately needed. With the purchase of a home, other jobs are created in various sectors. This includes construction, plumbing, home appliances, and numerous other jobs that are the result of expanding affordable housing. There is also evidence that suggests that neighborhoods are safer and become more stable when there are high rates of homeownership in the community.

This legislation also extends unemployment benefits to millions of Americans who otherwise would lose much needed and deserved benefits. In this sluggish economy, American workers are finding it even more difficult to find good jobs and this bill will help.

This bill could not be any timelier. It extends a provision that allows states with high unemployment, like Michigan, to provide a total of twenty weeks of extended benefits.

Mr. Speaker, I believe today’s legislation will further help the workers of Michigan through these difficult times. I rise in strong support of H.R. 3548 and urge my colleagues to support today’s legislation.

Mr. BLUMENAUER. Mr. Speaker, Oregon has one of the highest unemployment rates in the country at 11.5%, which means that hundreds of thousands of Oregonians are without work. In the Portland region, roughly 140,000 residents are out of work.

The average weekly unemployment insurance benefit in Oregon is $310. Each week, I receive letters indicating how much of a lifeline this program provides to Oregonians. In Oregon, the unemployment benefit in Oregon is worth up to $6,500.

This legislation also extends unemployment benefits to millions of Americans who other- wise would lose much needed and deserved benefits. In this sluggish economy, American workers are finding it more difficult to find good jobs and this bill will help.

This bill could not be any timelier. It extends a provision that allows states with high unemployment, like Michigan, to provide a total of twenty weeks of extended benefits.

Today, I voted to provide stability to American families hit hardest by the recession by extending unemployment benefits. The legislation will provide families with at least 14 weeks of additional benefits, and six more weeks to those living in the 27 states with the highest unemployment rates—states including Oregon. This means over 11,000 Oregonians will retain their insurance for 20 weeks.

Also, this bill does not add to the deficit. Rather, it is paid for by extending a federal unemployment tax that has been in place for more than 30 years.

It is important to recognize that the losses from unemployment will last long after these workers—those that look like them around the country—have again found work. Income losses for workers who are let go in a recession can persist for as long as two decades, and in some cases longer.

The economic crisis gripping the United States is one of the greatest economic challenges that the country has faced. It can be squarely traced to the ideology of economic deregulation, leaving the government with few tools to address the reckless actions of many financial institutions until it was too late.

It is time to rebuild the foundations of our economy and improve our fiscal fitness. I look forward to working with my colleagues to create a nation where every family is safe, healthy, and provided with the tools they need to succeed.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 3548, the Worker, Homeownership, and Business Assistance Act of 2009. The bill contains an important provision that expands and expands the First-Time Homebuyer Tax Credit to homes purchased through April 30, 2010. Under current law, the tax credit would expire on December 1, 2009, and would not apply to homes closed on or after that date. The extension allows for homebuyers to claim the credit if they enter into a binding contract before May 1, 2010 and close within 60 days of that date. In addition to the extension of the First-Time Homebuyer Tax Credit worth up to $8,000, the legislation expands the credit to homeowners who have been in their current residence for at least the past five years. The expanded credit is worth up to $6,500.

There is strong evidence that suggests this program has greatly aided in stabilizing our nation’s housing market, and it has also helped to improve Guam’s housing market. The extension of the First-Time Homebuyer Tax Credit will allow this program to complete its designed purpose and provide a longer term stimulus to the recovering, but still lagging housing market. This legislation further expands the tax credit to current homeowners who have been in their homes for at least five years but wish to move to a new residence. This expansion will provide an additional incentive for responsible homeowners to participate in this program. The tax credit will further stimulate the housing market to a point where more potential buyers will enter the market, in turn helping to stabilize and eventually increase housing prices. The passage of this legislation marks an important step toward the full recovery of our nation’s housing market and our economy overall.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3548.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MCDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the prior announcement, further proceedings on this motion will be postponed.

WORLD WAR I MEMORIAL AND CENTENNIAL ACT OF 2009

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1849) to designate the Liberty Memorial at the National World War I Memorial in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observation of the centennial of World
War I, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 1849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

SEC. 1. SHORT TITLE.

This Act may be cited as the “World War I Memorial and Centennial Act of 2009.”

SEC. 2. AUTHORITY.

Congress finds the following:

(1) More than 4,000,000 men and women from the United States served in uniform during World War I, among them two future presidents, Harry S. Truman and Dwight D. Eisenhower.

(2) 2,000,000 individuals from the United States served overseas during World War I, including 200,000 naval personnel who served on the seas.

(3) The United States suffered 375,000 casualties during World War I.

(4) The events of 1914 through 1918 shaped the world, our country, and the lives of millions of people in countless ways.

(5) The centennial of World War I offers an opportunity for people in the United States to learn about the sacrifices of their predecessors.

(6) Commemorative efforts allow people in the United States to gain a historical understanding of the type of conflicts that cause countries to go to war and how those conflicts are resolved.

(7) Kansas City is home to the Liberty Memorial and America’s National World War I Museum (as so recognized in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-355)).

(8) America’s National World War I Museum seeks—

(A) to preserve the history of World War I; and

(B) to educate and enlighten people about this significant event, the consequences of which are still with us.

(9) Kansas City is home to the national headquarters for the Veterans of Foreign Wars.

(10) Missouri is the home State of General John Joseph Pershing, who commanded the American Expeditionary Forces in Europe during World War I.

(11) The Kansas City area is the home of the Harry S. Truman Presidential Library and Museum.

(12) The Dwight David Eisenhower Presidential Library and Museum is located close to Kansas City in the neighboring State of Kansas.

(13) There is no nationally recognized memorial honoring the service of Americans who served in World War I.

(14) In 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than 2,000,000 in two weeks for a memorial to the service of Americans in World War I. That fundraising was an accomplishment unparalleled by any other city in the United States irrespective of population and reflected the passion of public opinion about World War I, which had so recently ended.

(15) Following the drive, a national architectural competition was held by the American Institute of Architects for designs for a memorial to the service of Americans in World War I, and the competition yielded a design by architect H. Van Buren Maagionale.

(16) On November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial Monument at America’s National World War I Museum in Kansas City, Missouri. That dedication marked the only time in history that the five allied military leaders; Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain, were together at one place.

(17) General Pershing noted at the November 1, 1921, dedication that “[t]he people of Kansas City are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters whose country’s armed forces during the World War. It symbolized their grateful appreciation of duty well done, an appreciation, be it said, I know so well how richly it is merited.”

(18) During an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of an effort to construct a project for the Liberty Memorial by the laying of the cornerstone of the memorial.

(19) The 217-foot Liberty Memorial Tower has an inscription that reads “In Honor of Those Who Served in the World War In Defense of Liberty and Our Country” as well as four stone “Guardian Spirits” representing courage, honor, justice, and sacrifice, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I.

(20) During World War II, President Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed.

(21) The 106th Congress recognized the Liberty Memorial as a national symbol of World War I.

(22) The National World War I Museum is the only publicly supported national museum in the United States specifically dedicated to the history of World War I.

(23) The National World War I Museum is known throughout the world as a major center of World War I remembrance.

SEC. 3. DESIGNATION OF THE LIBERTY MEMORIAL AS A NATIONAL SYMBOL OF WORLD WAR I.

(a) ESTABLISHMENT.—There is established a commission to be known as the World War I Centennial Commission (in this Act referred to as the “Commission”).

(b) PURPOSE.—The purpose of the Commission is to carry out such functions as are necessary in the exercise of the powers of the Commission under subsection (d) of this section.

(c) DUTIES.—The Commission shall have the following duties:

(1) To plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I.

(2) To encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I.

(3) To facilitate and coordinate activities throughout the United States related to the centennial of World War I.

(4) To serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I.

(d) MEMBERSHIP.—

(A) Members appointed by the Speaker of the House of Representatives—The Commission shall be composed of 24 members as follows:

(1) Members appointed by the Speaker of the House of Representatives—The Commission shall be composed of 24 members appointed as follows:

(A) Four members appointed by the minority leader of the House of Representatives.

(B) Three members appointed by the Senate minority leader.

(2) Members appointed by the Senate—The Commission shall be composed of 24 members appointed as follows:

(A) Four members appointed by the majority leader of the Senate.

(B) Three members appointed by the minority leader of the Senate.

(3) Members appointed by the President—Seven members who are broadly representative of the people of the United States (including members of the armed services and veterans), appointed by the President.

(B) Ex officio members.—The Archivist of the United States and the Secretary of the Smithsonian Institution shall serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) VACANCIES.—A vacancy on the Commission shall—

(1) not affect the powers of the Commission; and

(2) be filled in the manner in which the original appointment was made.

(f) PAY.—Members shall not receive compensation for the performance of their duties on behalf of the Commission.

(g) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(h) QUORUM.—A majority of members of the Commission plus one shall constitute a quorum, but a lesser number may hold hearings.

(i) DIRECTOR AND ADDITIONAL PERSONNEL.
(A) APPOINTMENT.—The Chairperson of the Commission shall, in consultation with the members of the Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) PAY.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5 of the United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of title 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for the executive director and other staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(C) WORK LOCATION.—If the city government for Kansas City, Missouri, and the non-profit organization which administers America’s National World War I Museum make space available, the executive director and any additional personnel appointed under subparagraph (A) shall work in the building that houses that museum.

(2) GIFTS, BEQUESTS, AND DEVISES.—The Commission may procure temporary and intermitent services under section 3109(b) of title 5, United States Code.

(3) PAY OF GENERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(3) POWERS OF THE COMMISSION.—(1) HEARINGS AND SESSIONS.—For the purpose of carrying out this Act, the Commission may hold hearings, sit and act at times and places, and receive evidence as the Commission considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—If authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) GIFTS, BEQUESTS, AND DEVISES.—(A) ACCEPTANCE BY COMMISSION.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(B) DEPOSIT AND AVAILABILITY.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(C) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(7) CONTRACT AUTHORITY.—The Commission is authorized to procure supplies, services, and property and to make or enter into contracts, subcontracts, and legal agreements except that any contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of termination of the Commission.

(g) REPORTS.—(1) PERIODIC REPORT.—Beginning not later than 90 days after the date of the effective date of this Act, and after each 3-month period beginning on the effective date of this Act, and the last day of each 3-month period thereafter, the Commission shall submit to Congress an annual report on the activities and plans of the Commission.

(2) ANNUAL REPORT.—The Commission shall submit to the President and Congress an annual report on the revenue and expenditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(3) RECOMMENDATIONS.—Not later than 2 years after the effective date of this Act, the Commission shall submit to Congress and the President a report containing specific recommendations for commemorating the centennial of World War I and coordinating related activities.

(h) FEDERAL ADVISORY COMMITTEE ACT WAIVER.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), relating to the termination of committees, shall not apply to the Commission.

(i) AUTHORIZATION OF FUNDS.—(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act $500,000 for each of fiscal years 2010 through 2019.

(2) AVAILABILITY.—Amounts made available under this subsection shall remain available until the termination of the Commission as described in subsection (k).

(j) ANNUAL AUDIT.—For any fiscal year for which the Commission receives an appropriation of funds, the Inspector General of the Department of the Interior shall perform an audit of the Commission, and shall make the results of such audit available to the public, and shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(k) TERMINATION.—The Commission shall terminate on the earlier of the date that is 30 days after the activities honoring the centennial observation of World War I are carried out, or July 31, 2019.

(l) EFFECTIVE DATE.—This section shall take effect on January 1, 2010.
it. A part of Kansas City is in the district of Congressman SAM GRAVES who has been an ardent supporter of this. I yield first to the gentleman from Missouri (Mr. S KELTON) whose father was there at the beginning of this landmark.

Mr. S KELTON. I certainly thank the gentleman from Missouri for yielding, and I compliment him on this effort today which I fully support, as well as for his successful effort when he was mayor of Kansas City.

The Liberty Memorial is not only a landmark, it is a museum that is like no other museum in our country. It reflects that war, the war to end all wars in which America was engaged so deeply. And this memorial has a special meaning for me, Mr. Speaker, since my father served in the Navy during that war. If you go into the memorial, you will see his picture in his pancake hat with USS Missouri emblazoned on the front with the ribbon down the back. He was so proud of his service in that war.

Those folks are gone now, but this serves as a memorial to them, and more than that, and it serves as a museum like none other. It is good for people to reflect upon what America did in yesteryear. And this memorial has a special place for all those in uniform to reflect upon what America did in yesteryear. It is a special place for all those in uniform to reflect upon what America did in yesteryear.

This is a wonderful undertaking. I am so proud of the gentleman from Missouri (Mr. CLEAVER) for this resolution. I compliment him and fully support it and hope it has a unanimous vote.

Mr. BILBRAY. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I rise today in support of H.R. 1849, the World War I Memorial Centennial Act of 2009, and I want to thank my friend and Missouri colleague, Congressman EMANUEL CLEAVER, for introducing this legislation. I would very much like to echo his remarks. He has been very active in this process, the work he has done at the memorial in Kansas City, and I am very proud to call him a good friend.

As Mr. CLEAVER has already mentioned, H.R. 1849 is a fitting recognition and tribute to all U.S. veterans who served in World War I, at home and abroad. This bill designates the Liberty Memorial, the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial. To be clear, there is no nationally recognized memorial honoring the service of Americans who served in World War I. H.R. 1849 also establishes a World War I Centennial Commission to ensure suitable observance of the centennial of World War I which is fast approaching.

Again, I thank Congressman CLEAVER for his outstanding work on this important legislation. I would strongly urge its adoption. Thanks for letting me be a part of it.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to Mr. S KELTON.

Mr. S KELTON. Mr. Speaker, I include for the record a letter from the Department Commander and Department Adjutant of the Department of Missouri, The American Legion, as well as an American Legion Department of Missouri resolution to designate the Liberty Memorial of Kansas City at the National World War I Museum as the National World War I Memorial.

THE AMERICAN LEGION,
DEPARTMENT OF MISSOURI, INC.,
Representative Ike S KELTON,
Rayburn Office Bldg.,
Washington, DC.

DEAR REPRESENTATIVE S KELTON: On Behalf of the 4,000,000 American Legionnaires of The American Legion Department of Missouri, we would like to take this opportunity to thank you for your service to our Country and to the citizens of the State of Missouri. Re- cently during the American Legion National Convention, held in Jefferson City, Missouri, we adopted Resolution Three, which urges the Congress of the United States to designate the Liberty Memorial, at the National World War I Museum in Kansas City, Missouri, as “The National World War I Memorial.” I have attached a copy of said resolution.

The Liberty Memorial site was dedicated in November of 1921 and marks the only time in history that five Allied Military Leaders were present. The design was created by the 4,000,000 women and women that served during World War I. General of the Armies John J. Pershing, a native of Missouri, noted on that day “the people of Kansas City, Missouri are deeply proud of this beautiful memorial, erected in Tribute to the Patriotism, the gallant achievements, and the heroic sacrifices of the sons and daughters who served in our country’s Armed Forces during the World War. It Symbolized their grateful appreciation of duty well done, and appreciation which I shall always know so well how richly it is merited”.

The Memorial has been and still remains a proud part of the patriotic heritage of not only the United States of America and should be designated as “The National World War I Memorial.”

Thank you for your consideration and continued support.

Sincerely,

VICTOR J. STRAGLIATI,
Department Commander,
Wade P. Prosser,
Department Adjutant.

RESOLUTION

Subject: Designate Liberty Memorial, Kansas City, Missouri, as the National World War I Museum as the National World War I Memorial.

Whereas, more than 4,000,000 Americans served in World War I, and

Whereas there is no nationally recognized Memorial honoring the Service of those 4,000,000 Americans.

Whereas in 1919 (90 years ago since this is 2009) the people of Kansas City, Missouri, expressed an outpouring of support and raised more than 200,000 dollars for a Memorial to the service of Americans who served in World War I. This fund was an accomplishment Unparalleled by any other city in the United States Irrespective of population and reflected the passion of Public opinion about World War I, which had so recently ended, and

Whereas following the drive, a national architectural competition was held by the American Institute of Architects for designs to memorialize to the sacrifices of the Americans in World War I, and the competition yielded a design by Architect H. Van Buren Magonigle, and

Whereas on November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri, and

Whereas the dedication of the site on November 1, 1921 marked the first time in history that the five (5) Allied Military Leaders present, Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, Admiral Lord Earl Beatty of Great Britain, and General of the Armies John J. Pershing of the United States of America, were together at one place, and

Whereas General of the Armies John J. Pershing, a native of Missouri and the Commanding Officer of the American Expeditionary Forces in World War I, noted at the November 1, 1921 Dedication of the site that the people of Kansas City, Missouri are deeply proud of the beautiful memorial, erected in Tribute to the patriotism, the gallant achievements, and the heroic sacrifices of sons and daughters who served in our country’s Armed Forces during the World War. It Symbolized their grateful appreciation of duty well done, and an appreciation which I shall always know so well how richly it is merited”, and

Whereas during an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three year construction project for the laying of the cornerstone, and

Whereas the 217 foot Liberty Memorial Tower has an inscription that reads, “In honor of Those Who Served in the World War in Defense of Liberty and Our Country” as well as Four (4) stone “Guardian Spirits” representing Courage, Honors, Patriotism, and Sacrifice, which rose above the Observatory deck, making the Liberty Memorial a noble Tribute to all who served in World War I, and

Whereas during a rededication of the Liberty Memorial in 1961, World War I Veterans and former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed, and

Whereas the 106th Congress recognized the Liberty Memorial as a National Symbol of World War I, and

Whereas the 108th Congress designated that the memorial at the base of The Liberty Memorial as “American’s National World War I Museum”, and

Whereas the American’s National World War I Museum is the only Public museum in the United States specifically Dedicated to the History of World War I, and

Whereas the National World War I Museum is known throughout the World as a major center of World War I remembrance, now therefore be it Resolved: By The American Legion Department of Missouri in regular Convention assembled in Jefferson City, Missouri on July 16, 17, 18, and 19, That The American Legion Department of Missouri urges The Congress of The United States to designate The Liberty Memorial, Kansas City, Missouri at the National World War I Museum in

RESOLVED: By The American Legion Department of Missouri in regular Convention assembled in Jefferson City, Missouri on July 16, 17, 18, and 19, That The American Legion Department of Missouri urges The Congress of The United States to designate The Liberty Memorial, Kansas City, Missouri at the National World War I Museum in
Kansas City, Missouri as the “NATIONAL WORLD WAR I MEMORIAL”.

VICTOR J. STRAGLIATI, Department Commander, Department of Missouri, The American Legion.

WADE F. PROSSER, Department Adjutant, Department of Missouri, The American Legion.

Mr. BILBRAY. Mr. Speaker, I would like to yield such time as he may con- sume to the distinguished gentleman once removed from Missouri, but from California now, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my colleague from San Diego for yielding, and I am very privileged and hon- ored to join here with my fellow na- tives of the Show Me State. And I want to congratulate my former mayor from Kansas City and now distinguished col- league here in the House for intro- ducing this resolution.

First and foremost, this is about rec- ognizing those tens of thousands of Americans who lost their lives in the First World War. It was a very chal- lenging time for the entire world when we look at the two alliances that ex- isted at that time. It is often forgotten when we talk about the Great War, that America was not involved in the Second World War.

The Liberty Memorial is very impor- tant to me personally, as the gen- tleman from Kansas City and I have discussed, Mr. Speaker. My great- grandfather was on the city council of Kansas City, Charles O. LaRue. He was one of the individuals who played a role in the construction of the Liberty Memorial itself when it was built in 1921. In 1921, he was a member of the city council.

I have memories of having first vis- ited the Liberty Memorial when I was a very young child. In fact, I remember very vividly when I was 4 or 5 years old and President Eisenhower came and deliv- ered a spectacular address at the foot of the Liberty Memorial in Kansas City, Missouri.

Recently, I had a chance to be there and see the new wing, which has expanded this memorial. As one walks in and see the poppies on display that you walk over, it is a very moving experience when you think about the men who faced the conflict in World War I.

I just want to say that I have told my friend from Kansas City that I anxiously look forward, with my great- grandfather’s name being inscribed at the base of the Liberty Memorial, to be able to participate in any celebration or ceremony they have. He has invited me to be there, and I will join him and it will be a great honor. I am privileged to be invited, and I am proud to be a cosponsor of Mr. CLEAVER’s resolution.

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

Too quickly we forget those who have served all over the world. Sadly, we even forget the magnitude of the casualties that were lost. So often in the United States, we think about Europe in World War I and service there, but this truly was a world war. It was a war that transformed not only Europe, but Asia and Africa. We forget about that. We forget that the wars were not just fought in Flanders Field, but fought in villages and on three con- tinents. And we not only saw the bat- tles of Americans in the skies of France, but we also saw, like my moth- er’s side of the family, Australians fighting in Turkey; the battles in Saudi Arabia; the concepts and the bat- tles in Africa. These are things that we don’t read about and think about, but it truly was a world conflict involving millions and millions of men and women around the world.

This memorial in the heart of Amer- ica is a reminder for us to stop and think about the fact that although a lot of Americans had second thoughts and misgivings about our venturing overseas, the first major venture that we had seen in that century following the last venture, which was actually very close to our neighborhoods.

So I think it is quite appropriate that today, where America finds itself today involved around the world, that we’ve got to remember that we didn’t start that. We inherited the fact that World War I was truly when America stepped forward, and not just declaring ourselves a world power, but one that would stand up and fight for freedom whenever and wherever it was threat- ened.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois, Mr. Speaker, to close, let me just, first of all, comm- end all of our colleagues with lineage and heritage to the great State of Mis- souri. Let me also commend Represent- ative CLEAVER for his introduction of this legislation.

And I couldn’t end without paying special tribute to the family of Rep- resentative SKEELTON for the tremen- dous service that they have provided to this country, both in the military, and of course Chairwoman here in this House of Representatives.

As we move toward Veterans Day, where we will honor and pay tribute to all of our veterans because they have given all of us the opportunity to live in a free and democratic society—and I don’t think there is anything more im- portant than that—I ask all of my col- leagues to join me in supporting H.R. 1849.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursu- ant to the rule, the gentleman from Ill- inois (Mr. DAVIS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Mem- bers may have 5 legislative days in which to revise and extend their re- marks.

The SPEAKER pro tempore. Is there objection to the request of the gen- tleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may con- sume.

Mr. Speaker, on behalf of the House subcommittee with jurisdiction over the United States Postal Service, I am very proud to present H.R. 3788 for consider- ation. This measure will designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the “Corporal Joseph A. Tomci Post Office Building.”

H.R. 3788 was introduced by my col- league Representative STEVEN LATOURRETTE of Ohio on October 13, 2009, and favorably reported out of the Oversight Committee by unanimous consent on October 29, 2009. Addition- ally, this legislation enjoys the over- whelming support of the Ohio House delegation.

After graduating from Stow-Munroe Falls High School in 2003, Corporal Tomci joined the U.S. Marine Corps and was assigned to the 3rd Battalion, 9th Marine Regiment, 2nd Marine Division. II Marine Expeditionary Force out of Camp Lejeune, North Carolina.

Tragically, on August 2, 2006, while conducting combat operations during
his second tour in support of Operation Iraqi Freedom. Corporal Tomci was killed in a roadside bomb in al Anbar province, Iraq. He was only 21 years old at the time.

Although Corporal Tomci is no longer with us, his spirit will endure in the memory of his mother, Gayle, his stepfather, Phil, his friends, and all those who were fortunate enough to know this brave young man. In fact, every year since his death, a group of Corporal Tomci’s friends gather to gether at Heritage Park in Stow, Ohio, to remember the life of their friend and hero. Affectionately called “Joe Tom Day” after Corporal Tomci’s nickname, about 150 joined in this year’s commemoration and wore black T-shirts with Corporal Tomci’s quote, “You guys will be telling your kids about me,” on their backs.

And so, Mr. Speaker, let us, as a body, take this opportunity to recognize the life of Corporal Tomci, which stands as a testament to the bravery and dedication of the heroic men and women who serve our great Nation. I urge all of our Members to join in support of this resolution.

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

Mr. BILBRAY. Mr. Speaker, at this time, I would like to yield as much time as he may consume to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank my friend from California for yielding. I want to thank the Chair and ranking member of the Government Reform and Oversight Committee for moving this bill in such an expedited manner. I want to thank my friend and colleague from Illinois (Mr. DAVIS) and from California (Mr. BILBRAY) for bringing this bill to the floor today.

I am proud to be the lead sponsor of H.R. 3768. It is going to honor a marine and native of Stow, Ohio, who gave his life in the line of duty, Corporal Joseph A. Tomci, and I urge my colleagues to support the bill. This bill will name the post office at 3900 Darrow Road in Stow as the Corporal Joseph A. Tomci Post Office Building.

As has been mentioned, Joe Tomci, a graduate of Stow-Munroe Falls High School, was killed in a roadside bombing on August 2, 2006. It was his second tour of duty in Iraq, and he happened to be only 21.

While I didn’t have the pleasure of knowing Joe Tomci when he was alive, I have been awed by the impact that he had on those who did have the privilege of knowing him, loving him, and calling him a friend. There were thousands of people, Mr. Speaker, at his funeral. And every year since his death, friends and family have gathered to remember Joe on the anniversary that he died.

There is also a tree planted at Fish Creek Elementary School in Stow, Ohio. You may think well, maybe that’s where Joe went to school, but the reason the tree is there is that Joe was a pen pal of the students for 2 years, and the students would chart Joe’s progress in Iraq on a map to reflect his experiences.

Joe Tomci was a great son, a great friend, and a great leader. And I honestly can’t think of many people at the age of 21 who have made such a mark on the world in such a short amount of time. He loved his family and his friends, he loved serving his country, and he loved being a Marine. He told his mother, Gayle, that he believed in what he was doing and that he believed that his service was a benefit to the world. I’ve had the privilege, as most of our colleagues have, of travelling to Iraq to witness firsthand the important work of servicemen and -women like Joe and what they’re doing every day, as well as the selfless sacrifices that they and their families make. Some, like Joe, have made the ultimate sacrifice, but their deaths have not been in vain.

Mr. Speaker, I appreciate the work of the committee in approving this legislation, and I urge my colleagues to support the bill.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, my words on this quite appropriate bill would pale in comparison to the fine words from the gentleman from Ohio and the gentleman from Chicago. I think they said it quite well and eloquently, so at this time I think it’s appropriate that I just urge all Members to support H.R. 3788. I rise today in support of this bill designating the United States Postal Facility, located at 3900 Darrow Road in Stow, Ohio as the “Corporal Joseph A. Tomci Post Office Building.”

A native of Ohio, Corporal Joseph Tomci was a “humble, determined and athletic” man. A football player and avid outdoorsman, Corporal Tomci was inspired by his favorite quote “the only thing necessary for the triumph of evil is the consent of good men to do nothing.” He was assigned to the 2nd Marine Division, 3rd Battalion, 8th Marines, Lima Company based in Camp Lejeune and quick to rise to a leadership position. He was deployed three times—Haiti in 2003, Fallujah, Iraq in 2005, and Ramadi in 2006. When on leave from Iraq, Corporal Tomci often told friends “I’m doing this so you guys don’t have to.” As a squad leader, Corporal Tomci had great concern for the 12 Marines under his command. He was especially conscious of training the soldiers who had just been deployed to Iraq, once telling his mother that now he knew what it felt like to be a parent.

Tragically, while serving his 3rd deployment in Ramadi, he was killed by a roadside bomb on August 2, 2006.

After his death, one of Corporal Tomci’s friends put it best when he said Corporal Tomci was a patriot and “he was made to be a Marine.” I urge the passage of this bill in honor of an ambitious, caring, and dedicated American who sacrificed his life while serving his country.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, 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. 3788.

The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

Mr. DAVIS of Illinois. Mr. Speaker, I demand the yeas and nays.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

The vote was taken by electronic vote, and there were—yeas 403, nays 12, not voting 18, as follows:

[Roll No. 859]

YEAS—403

YEAS—403

Abraham

Abercrombie

Bachus

Berry

Ackerman

Baird

Biggert

Adler (NJ)

Baldwin

Bilirakis

Alexander

Barlow

Bishop (GA)

Altmire

Barrett

Bishop (NY)

Andrews

Barrett (TX)

Bishop (UT)

Arcuri

Bens

Blackburn

Baca

Becker

Blumenauer

Bacsa

Berman

Boncier
Ms. CLARKE changed her vote from "nay" to "yea."

So (two-thirds) being in the affirmative) the rules were suspended and the Senate amendment was concurred in. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. POE of Texas. Mr. Speaker, on rollcall No. 859, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. HARPER. Mr. Speaker, on rollcall No. 859, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. ROGERS of Michigan. Mr. Speaker, on rollcall No. 859, I was unable to vote as I was in Michigan attending to a recent death in my family. Had I been present, I would have voted "yea."

Mr. OBEY. Mr. Speaker, on rollcall No. 859 I was involved in discussions with our Governor about upcoming health reform legislation and missed the vote. Had I been present, I would have voted "yea."

CONGRATULATING FIRST UNITED STATES AIR FORCE ACADEMY GRADUATION CLASS ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 139, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution and missed the vote. Had I been present, I would have voted "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

YEAS—411

A motion to reconsider was laid on the table.

NOTEVING—18

This will be a 5-minute vote.
The SPEAKER pro tempore. The motion to reconsider was laid on the table.

A motion to reconsider was laid on the table.

RECOGNIZING THE EFFORTS OF CAREER AND TECHNICAL COLLEGES

The SPEAKER pro tempore. The motion to reconsider was laid on the table.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLE. Mr. Speaker, on Tuesday, November 5, 2009, I was unavoidably detained and I missed a series of votes. I misspelled Rollcall Nos. 859, 860, and 861. Had I attended and I missed a series of three votes. I had been present and voting, I would have voted as follows: Rollcall vote No. 859 "yea" (On Senate Amendments to H.R. 3548). Rollcall

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The resolution was amended so as to read: "Recognizing the efforts of postsecondary institutions offering career and technical education to educate and train workers for positions in high-demand industries."

A motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

The result of the vote was announced as above recorded.

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.
vote No. 860 "yea" (On agreeing to H. Con. Res. 139). Rollcall vote No. 861 "aye" (On agreeing to H. Res. 880).

PERSONAL EXPLANATION

Ms. HERSETH SANDLIN. Mr. Speaker, I regret that I am unable to participate in three votes in the House of Representatives today because I was participating in a panel on public safety and housing as part of the White House Tribal Nations Conference.

The first vote was on the Senate Amend-
ments to H.R. 3548—Unemployment Com-
ensation Extension Act of 2009. Had I been present, I would have voted “yea” on that question.

The second vote was H. Con. Res. 139—
congratulating the first graduating class of the United States Air Force Academy on their 50th graduation anniversary and recognizing their contributions to the Nation. Had I been present, I would have voted “yea” on that question.

The third vote was H. Res. 880—Recogn-
izing the efforts of career and technical col-
leges to educate and train workers for posi-
tions in high-demand industries. Had I been present, I would have voted “yea” on that question.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing roll votes today, Thursday, November 5, 2009. If I was present, I would have voted: “yea” on rollcall 856, On Ordering the Previous Question on H. Res. 885, Providing for consideration of H.R. 2868—Chemical Facility Anti-Terrorism Act of 2009; “yea” on rollcall 857, agreeing to H. Res. 885, Providing for consideration of H.R. 2868—Chemical Facility Anti-Terrorism Act of 2009; “yea” on rollcall 858, agreeing to H. Res. 868, Honoring and recognizing the service and achievements of current and former female members of the Armed Forces; “yea” on rollcall 859, to sus-
pend the rules and concur in the Senate amendment to H.R. 3547, the Worker, Home-
ownership, and Business Assistance Act; “yea” on rollcall 860, agreeing to H. Con. Res. 139, Congratulating the first graduating class of the United States Air Force Academy on their 50th graduation anniversary and rec-
ognizing their contributions to the Nation; “aye” on rollcall 861, agreeing to H. Res. 880, Rec-
ognizing the efforts of career and technical colleges to educate and train workers for posi-
tions in high-demand industries.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may con-
sume.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may con-
sume.

I rise today in support of S. 1211, des-
ignating the United States Post Office at 60 School Street in Orchard Park, New York, as the Jack F. Kemp Post Office.

A former Congressman, Secretary of
Housing and Urban Development, and, most importantly, a cornerstone for the San Diego Chargers, Jack Kemp will always be remembered in San Diego and around this country for his unwavering dedication to the ideals of conservative principles, a passion for economics, faith in helping poor people across the country, and for his elo-
quent quotes of Abraham Lincoln, Win-
ston Churchill, or one of the influential citizens he met along his journey, such as Kimi Gray. Jack Kemp was truly an American original.

Through his years as a Congressman and as a Cabinet Secretary, Jack Kemp inspired us all to hold fast to our ideals. He was known and respected by people in both political parties and by people from all walks of life for his leadership and commitment to prin-
ciples, no matter what the issue.

Jack Kemp spent the majority of his political career staunchly advocating tax cuts, promoting economic growth, and encouraging us all to recognize, as John Kennedy did, that a rising eco-

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eat was then favorably re-
ported out of the House Committee on
Oversight and Government Reform by
unanimous consent on October 29, 2009.

Mr. Speaker, S. 1211 will designate the Postal facility at 60 School Street in Orchard Park, New York, as the Jack F. Kemp Post Office. Mr. Kemp launched his first political campaign in 1970 and ran for the congressional seat in upstate New York’s 39th District. Mr. Kemp won his first election and proceeded to serve eight additional terms in Congress.

In addition to his tenure in Congress, Mr. Kemp’s political career also in-
cludes his service as Secretary of Hous-
ing and Urban Development in the ad-
ministration of President George Her-
bert Walker Bush from 1989 to 1993 and as the Republican Party’s Vice Presi-
dential candidate in 1996.

Mr. Speaker, regretfully, Jack Kemp passed away on May 2 of this year. In honor of his legacy of public service, Mr. Kemp was posthumously awarded the Presidential Medal of Freedom by President Barack Obama in 2009. Let us continue to honor this dedicated public servant through passage of this legisla-
tion to designate the School Street post office in his name.

I urge my colleagues to join me in sup-
porting S. 1211 and reserve the bal-
ance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may con-
sume.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Mem-
bers may have 5 legislative days in the

record of the United States Postal Service located at 60 School Street, Orchard Park, New York, be shall be known and designated as the “Jack F. Kemp Post Office Building”. The Clerk read the title of the bill. The text of the bill is as follows:

S. 1211

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Congre-
ss assembled,

SECTION 1. JACK F. KEMP POST OFFICE
BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, shall be known and designated as the “Jack F. Kemp Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Jack F. Kemp Post Office Building”.

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

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Mem-
bers may have 5 legislative days in the
which to revise and extend their re-
sults.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yea and nay orders, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. Is there an objection to the request of the gen-
tleman from California (Mr. BILBRAY) each will
time as I may con-
sume.

Mr. Speaker, S. 1211 will designate the Postal facility at 60 School Street in Orchard Park, New York, as the “Jack F. Kemp Post Office Building”. The text of the bill is as follows:

S. 1211 was introduced July 9, 2009, by Mr. DAVIS of Illinois. Mr. Speaker, I yield myself as much time as I may con-
sume.

Mr. Speaker, I rise today in support of S. 1211, des-
ignating the United States Post Office at 60 School Street in Orchard Park, New York, as the Jack F. Kemp Post Office.

A former Congressman, Secretary of
Housing and Urban Development, and, most importantly, a cornerstone for the San Diego Chargers, Jack Kemp will always be remembered in San Diego and around this country for his unwavering dedication to the ideals of conservative principles, a passion for economics, faith in helping poor people across the country, and for his elo-
quent quotes of Abraham Lincoln, Win-
ston Churchill, or one of the influential citizens he met along his journey, such as Kimi Gray. Jack Kemp was truly an American original.

Through his years as a Congressman and as a Cabinet Secretary, Jack Kemp inspired us all to hold fast to our ideals. He was known and respected by people in both political parties and by people from all walks of life for his leadership and commitment to prin-
ciples, no matter what the issue.

Jack Kemp spent the majority of his political career staunchly advocating tax cuts, promoting economic growth, and encouraging us all to recognize, as John Kennedy did, that a rising eco-

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Reagan administration’s economic policy. He believed in expanding and growing the economic pie, not just parceling up what was available at the time.

He was also deeply committed to minority rights. Throughout his life, Jack Kemp repeatedly urged the GOP to fight for and support minorities. He sincerely believed in the party of Abraham Lincoln as the party that should be leading all people in this country.

As Secretary of Housing and Urban Development, he was a forceful advocate for affordable housing for all Americans, especially in the inner cities.

Congressman Kemp was a role model because of his integrity and his passion, whether it be on the football field, in the House Chamber or in the executive branch, and it is appropriate today that we name this post office after him.

I reserve the remainder of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to Representative Michael Barton of New York.

Mr. HIGGINS. I thank the gentleman for the time.

Mr. Speaker, I rise today in support of H.R. 1211, a bill to honor former Congressman Jack Kemp by naming a post office in Orchard Park, New York, in his memory.

Jack Kemp was born and raised in Los Angeles, and he did much of his important work here in Washington. But in his adopted home of western New York we consider him one of our own. We are especially proud of the contributions he made to our community, both on the football field as quarterback of the Buffalo Bills and in public service as our Representative in the United States Congress.

During his 7-year tenure as quarterback of the Bills, Jack was embraced by the western New York community. He led the Bills to back-to-back AFL championships in 1964 and in 1965, winning the league’s Most Valuable Player award in 1965 as well. Today he still ranks third all time in Bills’ record books for yards and touchdowns thrown.

Before he ever stood for public office, Jack’s leadership skills were evident when his teammates named him captain of the San Diego Chargers in 1960, and after he was claimed by Buffalo, the Bills, in 1962. In a preview of the interest he would later take in matters of economic policy, he cofounded the AFL Players’ Association and was elected its president five times.

After he retired from football, Jack ran for an open House seat in New York’s 31st congressional district. He served nine terms in the House of Representatives, where many of my colleagues had the privilege to serve with him.

As a Member of the House, Congressman Kemp was a tireless advocate for job creation, particularly in urban areas like Buffalo. He helped promote the idea of using special tax incentives to encourage job creation and private investment in distressed communities. This is a cause that I try to advance on behalf of Western New York today through my work on the House Ways and Means Committee, and I owe a great deal to the foundation and the groundwork that Jack laid in this area.

After leaving Congress, Jack went on to serve as Secretary of Housing and Urban Development in the administration of George H. W. Bush, where he continued to advocate for America’s urban centers through promoting enterprise zones to attract investment to cities and by moving more Americans into homeownership.

Jack also famously joined the 1996 Presidential ticket of Senator Bob Dole. While I may not have agreed with much of the platform on which they ran, I, like all western New Yorkers, was proud to represent our community so well on the national stage.

Jack Kemp passed away on May 2, 2009, at his home in Bethesda, Maryland. He was an accomplished politician, an outstanding pro athlete, a person who was always tireless public servant to this Nation. He will be, and already is, greatly missed.

Mr. Speaker, S. 1211 would name a post office in Orchard Park, New York—where the Buffalo Bills play—and I, like all western New Yorkers, was proud to represent our community so well on the national stage.

Mr. Speaker, I rise today in support of this legislation which will be naming a post office in honor of Jack Kemp.

As the Speaker well knows, Jack Kemp was a long-time Congressman from New York. Jack Kemp was a proud Republican who was always willing to reach across party lines. Jack Kemp was a principled conservative who tried to find ways always to make those who were not as well off as others, to enable them to move up in society.

He was particularly interested in low-income areas. He was particularly interested in expanding housing opportunities for the underprivileged. As the Speaker knows, Congressman Kemp worked very closely with Congressman Garcia in the Bronx to expand housing, to provide opportunities. Jack Kemp was a Republican who saw a large world. He saw a world where we could reach out to all people.

In my own case, I was proud to call Jack Kemp a friend. I knew him for many years before I had the opportunity to be here in Congress. During that time I was always struck by his integrity, by his candor and by his willingness to explain, even to people like myself, the nuances of economics. Jack Kemp was the author and the architect—and no one was more involved than he was in the Reagan Revolution—of the Kemp-Roth tax bills which brought unprecedented job growth to this country.

Mr. Speaker, Jack Kemp personified the very best of this Congress. He personified the very best of being an all-pro athlete, a person who was always there for his friends, always there for his country, a man who until the day he died was fighting for the principles he believed in.

I am proud to join in this resolution. Mr. DAVIS of Illinois. Mr. Speaker, it’s my pleasure to yield such time as he might consume to the gentleman from Pennsylvania, Representative FATTAH.

Mr. FATTAH. Mr. Speaker, I rise in support of this legislation, I knew Jack Kemp and worked with him when he was Secretary of HUD on an initiative in Philadelphia to take a major step in reforming public housing, move away from high-rise public housing for families with children and create real neighborhoods. It was Secretary Kemp, formally and informally, who supported this effort and today, with a whole new skyline, a city of neighborhoods, increased our property values in all of the communities where we took down the high-rises and created real homes and neighborhoods for families.

So I want to just rise—even though I know he is from New York and the Yankees won—as a Philadelphian to thank Jack Kemp for his service and to support this legislation today. He truly made a difference, not just as a Member of Congress but in his life after his work in the Congress as part of the President’s Cabinet and as the Secretary of Housing and Urban Development.

Mr. BILBRAY. Mr. Speaker, I yield myself as much time as I may consume.

I want to compliment the gentleman from Pennsylvania. It’s true, as somebody who had to endure, as my father was stationed in South Philly before the urban renewal, but mostly before we abandoned the old concepts of urban renewal and talked about true revitalization, which was a totally different restructuring of the way government works. It wasn’t ease-all. Washington knows best, it went in and incorporated with the community, allowed the community to decide, right sizing, human sizing, not just government sizing. It really did transform, especially South Philly.

As the Speaker well knows, when he spent his childhood, some of his childhood in Philly, I was happy to see that Jack Kemp was able to work with the local Congressmen, the local community, to make sure that in the future the children in this area wouldn’t have to endure what we did in those days.

I also want to point out, Mr. Speaker, that Jack Kemp was somebody who...
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November 5, 2009

H12400

MRS. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. The yeas and nays were ordered.

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

The Chair recognizes the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, S. 1211.

The question on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, S. 1211, was sustained.

The question being taken up under suspension of the rules, the Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am very pleased to see Senator BOXER’s companion legislation move forward. Cesar Chavez was born in Yuma, Arizona, in 1927, and he spent the majority of his life advocating for safe working conditions and fair wages for migrant workers.

This work of his was driven by a commitment to the principles of non-violence and community building, which has become his legacy. Cesar Chavez means so much to my constituents in San Diego because he embodied the spirit of our city, a big Navy town.

In addition to his community activism, Mr. Chavez served in the Navy, was a World War II veteran, and a recipient of the Presidential Medal of Freedom. Though most well-known for his work with farm workers, in San Diego we know him best for his work improving conditions for the men and women who worked on fishing boats and in the local canneries.

Let me tell you a little bit about Logan Heights. Logan Heights is actually one of the oldest communities in the City of San Diego, and it’s a neighborhood rich in Hispanic heritage. Cesar Chavez is the hero to the people of Logan Heights.

Every year the community holds a parade in honor of him on his birthday, March 31, which is celebrated in California as a State holiday. In fact, many young people devote themselves to service on that day.

In 2003, the United States Postal Service issued a commemorative postage stamp to honor Cesar Chavez. A post office named in his honor in our community would be a lasting tribute to his legacy and symbolic of how one person can truly make a difference.

Please join me in recognizing an American hero and honoring the community of Logan Heights.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I have no speakers at this time, and I reserve the balance of my time.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, it is a great honor to be able to be here today to urge passage of this bill. Especially for those of us who personally knew Cesar Chavez, it has a special meaning.

Every year in San Jose, on Cesar’s birthday, we walk from Cesar Chavez School on the east side to Cesar Chavez Plaza, which is right in the heart of San Jose.

Many of his relatives continue to live in San Jose, and in fact he did his first organizing about eight blocks from my home in San Jose. So it is with a great deal of pride that people in San Jose, California, endorse and support the idea of this post office, even if it is in San Diego, not in San Jose.

We would just like to say that it is an honor to be supportive of his memory. We think of him often. He was a leader who brought people together, and I will give just one example. We have the Mexican Heritage Plaza in San Jose that sits on the site of the Safeway that was the object of the first organizing effort on the grape boycott that Cesar Chavez led. One of the major contributors to that plaza is Safeway.

So we are pleased and proud of the people who were in opposition together and made for a more peaceful and a more just world.

Mr. Speaker, I urge my colleagues to support this tribute to him.

Mr. BILBRAY. Mr. Speaker, I reserve my time.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield 3 minutes to my colleague and friend from San Diego, Mr. FILNER, who, by the way, actually represented this district and had carried similar legislation.

Mr. FILNER. I thank Mrs. DAVIS. As she said, I represented this area, Logan Heights, for 10 years in Congress. I want to thank her for picking up the baton and doing something that the community really wants and understands as a clear incentive and appropriate honor that children in the area and other members will look to Cesar Chavez as their hero.

When I was a graduate student at Cornell University studying history, I had a colleague in the department of philosophy who was doing a Ph.D. thesis on the nature of saintliness, what constitutes a saint throughout history. The only American figure that he could find really to exemplify the nature of saintliness was Cesar Chavez. And it was not just because Chavez was an advocate of some of the most oppressed members of our society, farm workers, seasonal workers, but in the manner in which he approached politics.

I marched with Cesar. I knew him. He approached politics with an air of humility and contemplation, and, of course, nonviolence. The marches he undertook, the boycotts, the hunger strikes, all were done in a spirit that he represented. He was his servant, and he exemplifies the notion of being a servant to those people in the most
calm, nonviolent way that you can imagine; and people around him, and as his movement grew, were inspired by this incredible saintly manner that he exemplified and practiced.

He was a politician, yes, and he organized the farm workers. He organized boycotts against Victorville, organizing and unionizing farm workers in California and other parts of the nation. But it was the manner in which he did this, the calmness, the nonviolence, the sense that he could take all of these indignities and all the pressure for oppression, and respond in a positive way.

I think that is what influenced so many people, and why this honor that Mrs. Davis is sponsoring today is so important, to name a post office in the Logan Heights Community that really were his constituents.

Mr. BILBRAY. Mr. Speaker, just to close, I yield myself such time as I may consume.

Mr. Speaker, there is a lot about Cesar Chavez that a lot of people don’t remember. The fact is that he was a decorated naval veteran. Also, they don’t remember that Cesar Chavez was probably a good, well, 20 years ahead of his time. In fact, Cesar Chavez in 1969 led the first march on the Mexican border to protest illegal immigration. He was accompanied by Walter Mondale and Ralph Abernathy at that time to alert all to the problems that were equating with illegal immigration at that time.

In fact, in 1979, Mr. Chavez, testifying before Congress, pointed out that when farm workers strike and their strike is successful, the employers go to Mexico and have unlimited, unrestricted use of illegal immigrants to break our strikes. He also pointed out that the employers used professional smugglers to recruit and transport human contraband across the Mexican border specifically to break the union strikes of the farm workers.

I think as we recognize him, we understand that history does repeat itself. Years and years later, 20 years later, there were those raising the issue of the impact on the working class by illegal immigration, but first and foremost there was Cesar Chavez at the Mexican border saying illegal immigration is hurting us more than anybody is willing to admit and that the growers and the wealthy were benefiting from the exploitation of illegal immigration. History will show that Cesar Chavez was right and brave to stand up in 1969, and we should be doing the same today.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, before closing, I include for the RECORD this letter from the council president of San Diego, Mr. Ben Hueso, who also is celebrating and encouraging this post office for Cesar Chavez in the community and recognizing what a hero he is to the people.

The CITY OF SAN DIEGO,
San Diego, CA, October 6, 2009.

HON. SUSAN A. DAVIS,
House of Representatives, Washington, DC.

Dear Ms. Davis: Cesar Chavez is a hero in my community, so I heartily endorse the proposal that the United States Postal Service facility located at 2777 Logan Avenue, San Diego, be renamed the Cesar Chavez Post Office in his honor. Though he passed away in 1993, this union leader’s accomplishments continue to impact the quality of life for farm workers and other laborers.

I am happy that you have sponsored H.R. 1820 to effect this change, and that the bill has 15 House cosponsors. I am not surprised that support for the redesignation of the postal office is widespread. This proposal was unanimously endorsed by the Senate in August, cosponsored by Senator Barbara Boxer. Please let me know if there is anything else I can do to support your effort to honor Cesar Chavez.

Sincerely,

BENJAMIN HUESO.
Council President.

Mr. Speaker, I also wanted to mention in closing, I mentioned the fact that we have a holiday in California that young people devote to service. I think what is so really engaging about that particular holiday is that we have young people throughout the community that are so eager to carry on his legacy. They do it throughout the community in multiple ways, with the environment, educating others, educating their peers and going into schools and preschool centers to really feel that they are part of his legacy and to speak to the students.

To see the fact that they really tell you so proudly of the experiences that they have had in his memory is very, very appealing; and I think it is continuing to make a difference in the lives of young people in San Diego today.

With that, I urge my colleagues to join me in supporting S. 748.

I yield back the balance of my time.

The SPEAKER pro tempore. 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.

AMERICAN MEDICAL ISOTOPES PRODUCTION ACT OF 2009

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3276) to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

SEC. 1. SHORT TITLE. This Act may be cited as the “American Medical Isotopes Production Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Molybdenum-99 is a critical medical isotope whose decay product technecium-99m is used in approximately two-thirds of all diagnostic medical isotope procedures in the United States, 16 procedures annually, including for the detection of cancer, heart disease, and thyroid disease, investigating the operation of the brain and key imaging stress fractures, and tracking cancer stages.

(2) Molybdenum-99 has a half-life of 66 hours, and decays at a rate of approximately 0.1 percent per hour. As such, molybdenum-99 cannot be stockpiled. Instead, molybdenum-99 production must be scheduled to meet the projected demand and any interruption of the supply chain from production, to processing, packaging, distribution, and use can disrupt patient care.

(3) There are no facilities within the United States that are dedicated to the production of molybdenum-99 for medical uses. The United States must import molybdenum-99 from foreign production facilities, and independent testing is required of these foreign facilities for millions of critical medical procedures annually.

(4) Most reactors that produce molybdenum-99 utilize highly enriched uranium, which can also be used in the construction of nuclear weapons. In January 2009, the National Academy of Sciences encouraged molybdenum-99 producers to convert from highly enriched uranium to low enriched uranium, and there are technical reasons that adequate quantities cannot be produced from LEU targets in the future and “that a 7-10 year phase-out period would likely allow enough time for current HEU-based producers to convert.”

(5) The 51-year-old National Research Universal reactor in Canada, which is responsible for producing approximately sixty percent of United States demand for molybdenum-99 under normal conditions, was shut down unexpectedly May 14, 2009, after the discovery of a leak of radioactive water. It is unclear whether the National Research Universal reactor will be able to resume production of molybdenum-99.

The United States currently faces an acute shortage of molybdenum-99 and its decay product technetium-99m due to technical problems which have seriously interrupted operations of four nuclear reactors producing molybdenum-99.

(7) As a result of the critical shortage of molybdenum-99, patient care in the United States is suffering. Medical procedures requiring technetium-99 are being rationed or delayed, and alternative treatments which are less effective, more costly, and may result in increased radiation on patients are being substituted in lieu of technetium-99.

(8) The radioactive isotope molybdenum-99 and its decay product technetium-99m are critical to the health care of Americans, and the continued availability of these isotopes, in a reliable and affordable manner, is in the interest of the United States.

(9) The United States should move expeditiously to ensure that an adequate and reliable supply of molybdenum-99 can be produced in the United States without the use of highly enriched uranium.

(10) Other important medical isotopes, including iodine-131 and xenon-133, can be produced as byproducts of molybdenum-99 fission production process. In January 2009, the National Academy of Sciences concluded...
that these important medical isotopes 'will be sufficiently available if Mo-99 is available'. The coproduction of medically useful isotopes such as iodine-131 and xenon-133 is an important ingredient of establishing supply of molybdenum-99 production in the United States without the use of highly enriched uranium, and these coproduced isotopes should also be available for medical uses.

(11) The United States should accelerate its efforts to convert nuclear reactors worldwide away from the use of highly enriched uranium fuels. Some of which can be used in nuclear power reactors, to low enriched uranium. Converting nuclear reactors away from the use of highly enriched uranium is a critically important element of efforts to prevent nuclear terrorism, and supports the goal announced in Prague by President Barack Obama on April 5, 2009, to create "a new international effort to secure all vulnerable nuclear material around the world within four years".

(12) The United States engaged in an effort to convert civilian nuclear test and research reactors from highly enriched uranium fuel to low enriched uranium fuel through the Global Threat Reduction Initiative. As of December 2009, this program has successfully converted 17 reactors in the United States to low enriched uranium fuel, some of which are capable of producing molybdenum-99 for medical uses.

SEC. 3. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary of Energy shall establish a program to evaluate and support projects for the production of medical isotopes and isotope production targets which can be used in nuclear power reactors, to low enriched uranium.

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor.

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the cost of the proposed project.

(3) EXEMPTION.—An existing reactor fueled with highly enriched uranium shall not be disqualified from consideration if the Secretary of Energy determines that—

(A) there is no alternative medical reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the cost of the proposed project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out the program under paragraph (1) $163,000,000 for the period encompassing fiscal years 2010 through 2014.

(b) DEVELOPMENT ASSISTANCE.—The Secretary of Energy shall establish a program to provide assistance for—

(1) the development of fuels, targets, and processes for molybdenum-99 production that do not use highly enriched uranium, and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(1) URANIUM LEASE AND TAKE BACK.—The Secretary of Energy shall establish a program to make low enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses. The lease contracts shall provide for the Secretary to retain responsibility for the final disposition of radioactive waste created from the production, processing, or purification of leased uranium. The lease contracts shall also provide for compensation in cash amounts equivalent to prevailing market sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for the disposition of such radioactive waste, provided that the discount rate used to determine the net present value of such costs shall be no greater than the average interest rate on marketable Treasury securities. The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services related to final disposition of the radioactive waste from such leased uranium.

SEC. 4. EXPORTS.

Section 134 of the Atomic Energy Act of 1946 (42 U.S.C. 2160d(b)) is amended by striking subsections b. and c. and inserting in lieu thereof the following:

(b) Effective 5 years after the date of enactment of the American Medical Isotopes Production Act of 2009, the Commission may issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production. c. The period referred to in subsection b. may be extended for no more than four years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2009, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

(d) At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export license may be lifted for a period of no more than 12 months, if—

(1) the Secretary of Energy certifies to the Congress that the export of United States-origin, highly enriched uranium is necessary for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

(2) the Congress passes a Joint Resolution approving the temporary suspension of the restriction of export licenses.

(e) As used in this section—

(1) the term 'alternative medical reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U-235; and

(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic procedures or for research and development.

SEC. 5. EXPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purposes stated in an export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 6. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1946 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following new section:

"SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION. a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

(1) the Commission determines that—

(A) there is no alternative medical isotope production target which is enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

"b. As used in this section—

(1) the term 'alternative medical isotope production target' means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

(2) a target 'can be used' in a nuclear research or test reactor if—

(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

(B) use of the target will permit the large majority of ongoing and planned experiments and isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

(3) the fuel or target will permit the large majority of ongoing and planned experiments and isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and
“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotopes U-235; and
“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic purposes or for research and development purposes.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item after the item relating to section 111:

“Sec. 112. Domestic medical isotope production.”

SEC. 7. ANNUAL DEPARTMENT OF ENERGY REPORTS.

The Secretary of Energy shall report to Congress no later than one year after the date of enactment of this Act, and annually thereafter for 5 years, on Department of Energy actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses. These reports shall include the following:

(1) For medical isotope development projects—
(A) the names of any recipients of Department of Energy support under section 3 of this Act;
(B) the amount of Department of Energy funding provided to each project;
(C) the milestones expected to be reached for each project during the year for which support is provided;
(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;
(E) the findings of the evaluation of projects described in paragraph (C) of this subsection; and
(F) the ultimate use of any Department of Energy funds used to support projects under section 3 of this Act.

(2) A description of actions taken in the previous year by the Secretary of Energy to ensure the safe disposition of radioactive waste from used molybdenum-99 targets.

SEC. 8. NATIONAL ACADEMY OF SCIENCES REPORT.

The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences for a study of the state of molybdenum-99 production and utilization, to be provided to the Congress not later than 5 years after the date of enactment of this Act. The study shall include the following:

(1) For molybdenum-99 production—
(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including the extent to which these facilities use highly enriched uranium in any way;
(B) a review of international production of molybdenum-99 over the previous 5 years, including—
(i) whether any new production was brought online;
(ii) whether any facilities halted production unexpectedly; and
(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and
(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes coproduced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department of Energy and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 9. DEFINITIONS.

In this Act the following definitions apply:

(1) HIGHLY ENRICHED URANIUM.—The term ‘highly enriched uranium’ means uranium enriched to 20 percent or greater in the isotopes U-235.
(2) LOW ENRICHED URANIUM.—The term ‘low enriched uranium’ means uranium enriched to less than 20 percent in the isotope U-235.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKY) and the gentleman from Michigan (Mr. URTON) each will control 20 minutes.

Mr. URTON. Reserving the right to object.

Mr. MARKY of Massachusetts. I appreciate the gentleman from Michigan’s warning to me not to go overboard; but it is, without question, a historic day.

Mr. Speaker, the American Medical Isotopes Production Act will safeguard America’s health care and our national security. By helping to establish production of critical medical isotopes here at home, the American Medical Isotopes Production Act will end our dependence on aging nuclear reactors outside of our control, and by responsibly ending the export of weapons-usable, highly enriched uranium for medical isotope production, this bill will give a much-needed boost to U.S. efforts to permanently convert all reactors away from the unnecessary and dangerous use of bomb-quality material.

The bipartisan bill authorizes $163 million for the Department of Energy to evaluate and support projects in the private sector or at universities to develop domestic supplies of the most critical medical isotopes. This is necessary because we currently face a daunting supply shortage caused by technical problems at the aging foreign reactors upon which we are presently reliant and reliable domestic production capacity, the 50,000 daily procedures which normally occur in this country, including for cancer scans and bone and brain imaging, will be secure.

The nuclear nonproliferation benefits of this bill are significant and they are timely. Shockingly, the United States still allows for nuclear weapons-grade highly enriched uranium to be exported to other countries for medical isotope production. This 1950s-era policy simply does not work in a post-9/11 world. It is dangerous, unnecessary, and it must come to an end. We simply cannot allow to have additional nuclear weapons materials in circulation when we know that terrorists like nothing more than to steal or buy such dangerous materials.

Fortunately, according to the National Academy of Sciences, there are no technical or economic reasons why medical isotopes cannot be produced with low enriched uranium.

Currently, nuclear medicine is practiced mostly in the most developed countries, like the United States. But that is changing. And as more countries practice more nuclear medicine, more medical isotopes will need to be produced. In preparation for this, it is absolutely essential that we stop using highly enriched uranium for this purpose.

Previously, the United States spread these dangerous technologies around the world, including to some surprising places. For instance, the United States built a reactor in Iran which we fueled with weapons-grade uranium. Today, the Iranians want to use this reactor to produce medical isotopes, and negotiations are ongoing on this point. Fortunately for the world, the Iranian reactor was converted to low enriched uranium by Argentina in the 1980s. Converted reactors using the use of highly enriched uranium, both at home and abroad, is very much in our national security interest. And that is exactly what this bill will do.

By sending a clear signal that the United States will no longer export this dangerous material, H.R. 3276 will accelerate U.S. efforts to convert reactors around the world from highly enriched to low enriched uranium. In fact, this has already begun, as the Department of Energy on September that all the medical isotope production reactors around the world which still use highly enriched uranium have approached the Department of Energy to ask for assistance in converting to low enriched uranium in the past few years.

This bill has the support of a wide variety of stakeholders, including the unanimous support of industry and the nuclear medical community, and nuclear nonproliferation advocates.

This is also a bipartisan bill, and I would like very much to thank my friend FRED UPTON from Michigan for working in such a bipartisan fashion. This is the way it should be done, and we thank him and we thank the other members of the minority for the majority for working towards this conclusion. You could not have a more excellent partner. Mr. WAXMAN and I and the other members of the committee want to note the incredible cooperation that did exist.

This bill will help to ensure that America has a reliable domestic source of the radio isotopes needed for life.
saving medical procedures, it will close a dangerous loophole in our Nation’s nonproliferation policy by phasing out exports of highly enriched uranium, and it does so without increasing the Federal deficit, according to the Congressional Budget Office.

I urge a ‘yes’ vote on this important bill.

I reserve the balance of my time.

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

Mr. Speaker, let me just start off by congratulating our colleague from New York. I feel we will have a resolution honoring the Yankees. I would just note as a Tigers, Cubs and White Sox fan and coming from Michigan, Derek Jeter does hail from Kalamazoo, Michigan. And to his credit, he has not forgotten his roots. He is a great individual, and we appreciate his prowess on the field. I congratulate him and the Yankees as well.

Mr. Speaker, I too want to commend my colleague Ed MARKEY, and the Democratic and Republican Members on this committee for moving swiftly on an issue that is of critical importance. Problems abound where exposed troublesome flaws are made in the nuclear medicine. Every year, 16 million medical procedures in the United States rely on the production of nuclear isotope molybdenum-99. That is 50,000 procedures every single day, and yet we import 100 percent of our supply of this isotope.

The Canadian reactor that has for decades supplied over 60 percent of molybdenum-99 is now off-line, and the nuclear reactor may never ever return to operation. Among their many medical uses, these isotopes are critical in the procedures for the detection and staging of cancer as well as heart disease. Without a proper supply of this critical isotope, tens of thousands of patients seeking diagnosis or treatment will be in jeopardy literally every single day.

So what this bill does, it will help ensure a reliable supply of the most critical isotopes that are produced here in the U.S. Today, with the passage of this bill, we are a step closer to ensuring the tens of thousands of Americans who seek diagnosis and treatment every day promptly receive the care that they need. Literally, the clock is ticking, and the well-being of countless folks continues to hang in the balance.

I would note that there is a good laundry list of organizations that support this legislation, among them: American Association of Physicists in Medicine; American College of Radiology; American College of Cardiology; as well as the American Society of Nuclear Cardiology.

We don’t want to deny Americans this long-practiced medical procedure which we know produces early diagnosis, a number of diseases, and we can save countless American lives.

I would urge my colleagues on both sides to support this. Again, I congratulate the speed with which our committee held hearings, moved this through both the subcommittee and full committee. Both Mr. WAXMAN and BARTON are to be complimented, and particularly my friend, Ed MARKEY, who recognized this very early, and we worked together to get it to the House floor.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I want to thank the chairman and Mr. UPTON for their leadership on this bill. I want to thank Mr. MARKEY for working with me to include language in the bill that recognizes the 17 research reactors in this country that have converted from highly enriched uranium to low enriched uranium fuel. One of these reactors is in my home State at Washington State University. This reactor can be used for medical isotope production with the use of highly enriched uranium.

I would like to clarify with Mr. MARKEY that the purpose of section 3(a)(3) which allows reactors that are in the process of converting from highly enriched uranium to low enriched uranium fuel to qualify for funds under this bill. It is my understanding that this provision should not be interpreted as giving any preferences to these reactors and that all applicants for these funds will be given full and equal consideration.

I yield to Mr. MARKEY.

Mr. MARKEY of Massachusetts. The gentleman is correct. Neither this provision nor the bill as a whole give any preference whatsoever to any technology type. The purpose of this provision is to give the Department of Energy the greatest number of options for dealing with the medical isotope crisis while also maintaining the incentive for reactors to convert to low enriched uranium fuel.

The bill includes several conditions on reactors seeking the exemption to ensure that their conversion to low enriched uranium fuel is successful. I fully expect the Department of Energy to give full consideration to every application for these funds, and to do so in an equitable and technology-neutral manner.

Mr. INSLEE. I would like to thank the Chair for that clarification and for working with me on one of those conditions which would make sure that we have updated status report for reactors using this exemption.

PARLIAMENTARY INQUIRY

Mr. INSLEE. Before I close, I have a parliamentary inquiry, if I may pose it.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. INSLEE. Mr. Speaker, do the rules of the House prevent Members, including those in the Chair, from wearing Yankee hats on the floor of the House of Representatives?

The SPEAKER pro tempore. The wearing of a hat is in violation of the House rules.

Mr. INSLEE. I thank you, Mr. Speaker. I am sure that rule is supported by the vast majority of Americans. Thank you for your understanding.

Mr. UPTON. Mr. Speaker, I urge my colleagues to vote for this bill, and I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I include for the records the letters of support for H.R. 3276, including from the Society for Nuclear Medicine, the American College of Cardiology, the Health Physics Society and the Union of Concerned Scientists.

GE HITACHI NUCLEAR ENERGY,

Hon. Edward J. Markey,
Chairman, Committee on Energy and Commerce,
House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Congressmen Markey and Representative Fred Upton,

This bill will provide the resources necessary for the United States to move expeditiously to ensure that an adequate and reliable supply of molybdenum-99 can be produced in the United States, without the use of highly enriched uranium. Accordingly, Americans will benefit from a more robust supply of life-saving diagnostic medical isotopes like molybdenum-99.

GEH is pleased that this legislation has been introduced. It is in the best interest of the health and well-being of the citizens of our great nation that this legislation is passed. We look forward to working with the government in bringing a solution to the medical isotope crisis facing America.

Thank you for your leadership on this important issue.

Sincerely,

Lisa M. Price.

NUCLEAR THREAT INITIATIVES,

Hon. Edward J. Markey,
Chairman, Committee on Energy and Commerce,
House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Congressmen Markey,

You have asked for our reaction to your draft American Medical Isotopes Production Act of 2009. I believe this legislation can and will make an important contribution to reducing commercial use of highly enriched uranium (HEU).

As we know, HEU is the most attractive raw ingredient for nuclear terrorism, and its use could produce essential medical isotopes constitutes a continuing and dangerous global commerce in HEU. Means are now available to meet the world’s medical isotopic needs in production that do not rely on HEU, and conversion of existing facilities appears achievable in a span of seven-to-ten years.

We understand this legislation is principally intended to provide both a legal and a financial basis to develop domestic isotope production capacity based on low enriched uranium (LEU), which removes proliferation potential. It would also provide for the elimination of U.S. HEU exports and the vulnerabilities associated with any transport of HEU material, which would constitute significant progress toward reducing nuclear terrorism risks.
We also welcome your efforts to support international steps to convert commercial isotope production processes to LEU. The U.S. can provide a valuable example by concentrating isotope production on U.S.-based technologies, but other countries may need additional technical assistance and international coordination to accomplish their own conversions. We strongly support efforts that are consistent with NTI’s effort to eliminate a major hole in our web of efforts to reduce nuclear dangers.

We appreciate your initiative in addressing these important issues, and your long-reconciled attention to nonproliferation issues. This bill’s purposes are consistent with NTI’s effort to minimize highly enriched uranium use and commerce and will do much to advance that mission.

Sincerely,

SAM NUNN
Co-Chairman.

Charles B. Curtis,
President.

COUNCIL ON RADIONUCLIDES AND RADIOPHARMACEUTICALS, INC.

Morgana, CA, September 25, 2009.

DEAR Chairman MARKOY AND RANKING MEMBER UPTON, CORAR has been asked to provide the Committee (1) the feasibility of LEU based Mo-99 medical isotopes and (2) CORAR’s position on H.R. 3276, the American Medical Isotopes Production Act of 2009.

CORAR supports H.R. 3276 and supports increasing the capacity for medical radioisotope production.

In regards to the technical feasibility of supply for U.S. patients of LEU medical isotopes, CORAR member companies produce all of the Tc-99m generators used by the U.S. nuclear medicine community for the detection of heart disease, cancer and other illnesses. These companies need a reliable supply of Mo-99 used to produce these Tc-99m generators to fulfill patients’ needs. The reactors used to produce this Mo-99 are not operated by CORAR member companies. All of the five reactors currently producing Mo-99 to supply the U.S. are operated by government subsidized companies or government entities. Several groups have proposed different reactor options to producing LEU—based Mo-99 to increase the current capacity. Although CORAR believes some of these represent worthwhile efforts to supplement the current capacity, they have significantly different timetables to completion due to different regulatory and operational issues. Each of these reactors has developed their own timelines and milestones for completion of their new method of Mo-99 production. Since these efforts to supplement the current Mo-99 capacity will be performed by different groups, it would be more appropriate for these individual groups to present the Committee with their own timetables. CORAR respectfully suggests the Committee contact each one of these groups to request a Gantt chart for their plans for the design, construction and completion of their project.

CORAR also believes it would be in the committee’s best interest to review the funding applications for Mo-99 projects submitted to DOE.

As you are aware, CORAR has expressed its concern over the mandatory 7 to 10 year shutdowns of exports could be problematic if medical isotope production is insufficient to meet U.S. patient needs at that time. However, CORAR supports the mandatory 7 to 10 year shutdowns of exports which are intended to curtail the use of highly enriched uranium (HEU) in radionuclide production as a non-proliferation strategy to deter terrorism. We further appreciate your willingness to work with other stakeholders to draft legislation to responsibly address these important issues and keep patient needs in the forefront. As you know, Mo-99 decays into Tc-99m (Tc-99m) which is used in approximately 16 million nuclear medicine procedures each year in the U.S. Recent disruptions in the supply of Mo-99 have highlighted the need to ensure a domestic supply for the U.S. Your bill, the American Medical Isotope Production Act of 2009, will help patients who rely on medical imaging for the treatment and diagnosis of many common cancers by authorizing funding and providing a clear road map to create a domestic supply of Mo-99 while also allowing a responsible timeline and safeguards for the transfer of HEU to low enriched uranium (LEU); therefore, SNM endorses the American Medical Isotope Production Act of 2009.

Tc-99m is used in the detection and staging of cancer; detection of heart disease; detection of thyroid disease; study of brain and kidney function; imaging of stress fractures. In addition to pinpointing the underlying cause of disease, physicians can actually see how a disease is affecting other functions in the body. Imaging with Tc-99m is an important part of patient care. As you may be aware, SNM, along with thousands of nuclear medicine physicians and technologists, have, over the course of the last two years, been disturbed about supply interruptions of Mo-99 from foreign vendors and the lack of a reliable domestic supplier in the U.S. Due to these recent shutdowns in Canada, numerous nuclear medicine professionals across the country have delayed or had to cancel imaging procedures. Because Mo-99 is produced through the fission of uranium and has a half-life of 66 hours, it cannot be produced and stored for long periods of time. Unlike traditional pharmaceuticals which are dispensed by pharmacists or sold over-the-counter, nuclear reactors produce radio-isotopes that are processed and provided to hospitals and medical centers as they are produced, necessitating close coordination with nuclear facilities based on demand. Any disruption to the supply chain can wreak havoc on patient access to important medical imaging procedures.

In order to ensure that patient needs are not compromised, a continuous reliable supply of medical radioisotopes is essential. Currently there are no facilities in the U.S. that are dedicated to manufacturing Mo99 for Mo-99/Tc-99m generators. The United States has focused efforts on developing the capability to produce Mo-99, and not rely solely on foreign suppliers. In addition, forcing a change from HEU to LEU must be done with adequate time made available for the research and development needed for the transition period. There also must be consideration of economic and environmental factors to prevent, first and foremost, putting patients at risk because of delays in production of much needed radionuclides, such as Technetium-99m (Tc-99m) which is made from Mo-99.

Our legislation would in the short term meet the needs of patients by promoting the production of Mo-99 in the United States. We thank you for your efforts and look forward to continuing to work with you on this important issue.

Should you have any further questions, please call the High Cannon, Director of Health Policy and Regulatory Affairs.

MICHAEL M. GRAHAM, PHD, MD,
President, SNM.

This is, in my opinion, a very important piece of legislation. It makes a connection between the nuclear medicine that is practiced in this country and the nuclear proliferation issue that we are trying to solve around the world. This real need to draw a line that that between atoms for peace and atoms for war in a way which I think we can all on a bipartisan basis come to support. History has been pointing us in this direction. This legislation is something that all Members of this Committee can probably support.

Mr. Speaker, I hope that all of the Members support this legislation.

Mr. INSLEE. Mr. Speaker, I request that the attached letters in support of H.R. 3276 be entered into the RECORD.

Sincerely,

MICHAEL M. GRAHAM, PHD, MD,
President, SNM.
encouraged that the legislative language provides annual reports to Congress on the status of domestic development and a National Academy of Sciences report reviewing the international supply of Mo-99. While these reports will provide ample time for Congress, if necessary, to intervene if the 7-10 year deadline cannot be met. Also, while the bill itself does not address Mo-99, it does include the development and manufacturing of other important radioisotopes currently produced using highly enriched uranium (HEU), such as Iodine-131 (I-131), which are also critically important to patients.

Please accept our thanks for your work on this issue and the opportunity to collaborate with you.

Sincerely,

TIMOTHY R. WRIGHT, President.

LANTHEUS MEDICAL IMAGING, Inc., 600 High Street, Billerica, Massachusetts 01821, USA.

Based in Billerica, Massachusetts, Lantheus Medical Imaging, Inc. ("Lantheus") is a worldwide leader in diagnostic medical imaging for the past 50 years. We have over 600 employees worldwide, approximately 400 of whom work in Massachusetts and approximately two dozen of whom live in the 7th Congressional District (including the undersigned). Lantheus is the home to leading diagnostic imaging brands, including, among others, Technelite® (Technetium Tc-99m Generator), the leading Technetium-based generator produced in the United States in both quality and number of units sold. Lantheus sells Technelite® generators to customers located in the United States and around the world.

Molybdenum-99 is the key ingredient in the Technelite® generator. Molybdenum-99 spontaneously decays into Technetium Tc-99m which is then eluted from the generator to radiolabel organ-specific imaging agents. These products are then used to image a variety of heart, brain, bone and other diagnostic imaging procedures.

As the largest consumer of Molybdenum-99 in the United States, we are very concerned about the fragility of the global Molybdenum-99 supply chain. We currently rely for our Molybdenum-99 supply on nuclear reactors which produce Molybdenum-99 in Canada, South Africa, Australia, Belgium and the Netherlands. Most of these reactors (all located outside of the United States) are aging and are increasingly subject to unscheduled shutdowns and time-consuming repairs, which limit the predictability of and access to a critically important medical diagnostic procedure for patients in the United States and throughout the world. We have worked closely with your office over the past several months discussing issues affecting the medical imaging industry, and we have reviewed earlier drafts of the bill. We strongly endorse your efforts to promote the production of Molybdenum-99 in the United States for medical isotope applications.

In your discussions with your colleagues in the House and Senate about the bill, it will be important to note that the medical imaging procedures that rely on Technetium-based imaging agents contribute to improved medical care as cost savings in the entire medical system. It is established that better diagnostic medicine results in more appropriate treatments, better patient outcomes, less morbidity associated with inappropriate treatments and significant cost savings for the system. As a good example of this, all patients that undergo a diagnostic cardiac catheterization—an invasive and costly procedure with significant morbidity and mortality—are being diagnosed with a coronary artery disease. In other words, hundreds of thousands of procedures are performed each year at an annual cost to the system of potentially billions of dollars, and, under-lying disease is identified. A number of these cardiac catheterization procedures could be avoided if patients had had a clear cardiology imaging study using a Technetium-based imaging agent, such as Lantheus' Cardiolite® (Kit for Preparation of Technetium Tc-99m Sestamibi for Injection). A nuclear imaging study is non-invasive, and the radiation exposure to the patient is comparable to a cardiac catheterization (although the radiation exposure to health care professionals performing the procedures is substantially less for nuclear imaging). Moreover, a nuclear diagnostic study is between an order of magnitude and 100 times less costly—core goals of the Obama Administration’s proposed health care reforms.

Lantheus congratulates you and Congressmen for your amendment to the American Medical Isotopes Production Act of 2009. We would be pleased and honored to assist you in any way we can to ensure that this important and much-needed bill becomes enacted into law.

Sincerely,

MICHAEL P. DUFFY, Vice President and General Counsel.

LANTHEUS MEDICAL IMAGING, Inc., 600 High Street, Billerica, Massachusetts 01821, USA.


HON. EDWARD J. MARKEY, House of Representatives, Washington, DC.

DEAR MR. MARKEY: On behalf of the Health Physics Society, I am pleased to endorse your proposed bill entitled the “American Medical Isotopes Production Act of 2009” and to support your consideration. We believe this is an important and much-needed bill.

We have been pleased to support and work with your staff in the past on important legislation like the series of “Dirty Bomb Prevention Act” bills starting in 2002 that culminated in important domestic terrorism prevention and security measures in the Energy Policy Act of 2005, and the more recent “Nuclear Facility and Material Security Act of 2006” introduced in Congress in 2008.

Once again, we would like to support and work with your staff in developing and promoting your American Medical Isotopes Production Act of 2009.

The Health Physics Society interest in this legislation is based on radiation safety considerations. Specifically, the lack of a readily available supply of the isotope Molybdenum-99 (Mo-99) requires substitution of diagnostic procedures that result in a higher radiation dose to the patient and the medical practitioners performing the procedure than would be received if the Mo-99 daughter, Technecium-99m (Tc-99m), were available. In addition, the lack of a domestic supply of Mo-99 production requires the United States to ship Highly Enriched Uranium (HEU) to foreign countries with the subsequent shipment of the radioactive materials and waste products from the production of the Mo-99 back into the United States. Although we believe this to be an unnecessary risk as compared to domestic production of Mo-99 using Low Enriched Uranium (LEU), One consequence, however, of using LEU in place of HEU for Mo-99 production is an increase in radioactive waste, including an increase in the production of plutonium. These waste products can be safely disposed of in properly designed disposal facilities. However, approximately 34 states do not have access to the currently authorized disposal facilities licensed by the Nuclear Regulatory Commission.

In light of these radiation safety issues associated with the proposed “American Medical Isotopes Production Act of 2009”, the Health Physics Society recommends two additional items be included in the bill:

1. First, we recommend the “Findings” in the bill include a finding that the lack of a reliable supply of Mo-99 necessitates an increase in the radiation doses received by patients and medical practitioners.

2. Second, we recommend the bill require the Secretary of Energy to develop an appropriate radioactive waste disposal facility, including a federal facility if no licensed commercial facility is available.

I hope these suggestions are helpful and I look forward to the Health Physics Society helping you in advancing this legislation. Please do not hesitate to contact me if you, or your staff, would like further information or assistance on this matter, or any other radiation safety issue.

Sincerely,

HOWARD W. DICKSON, President.


Mr. MARKEY of Massachusetts. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. Markey) that the House suspend the rules and pass the bill, H.R. 2868, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MARKEY of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the adjournment of the House, the further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2868.

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

There was no objection.
CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 885 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2868.

In the Committee of the Whole

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes, with Mr. INSLEE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered the first time.

General debate shall not exceed 90 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Homeland Security, the Chair and ranking minority member of the Committee on Energy and Commerce, and the Chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Mississippi (Mr. THOMPSON), the gentleman from California (Mr. WAXMAN), the gentleman from Texas (Mr. BARTON), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Florida (Mr. MICA) each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to present H.R. 2868, a bill to authorize reasonable, risk-based security standards for chemical facilities.

Faced with the fact that DHS' chemical security program, CFATS, would expire, the President requested and received a 1-year extension to allow this bill to go through the legislative process. Under the CFATS program, DHS placed about 6,000 facilities in four risk tiers. That accounts for just 16 percent of the 36,000 facilities that initially submitted information to DHS.

My committee began working on comprehensive chemical security legislation 4 years ago in response to widespread concern that chemical plants may be potential terrorist targets. Previous attempts at getting comprehensive chemical security legislation to the floor in the last two Congresses were unsuccessful.

However, this Congress, thanks to the collaborative approach taken by Chairman WAXMAN, as well as by Chairmen OBERSTAR and CONYERS, the House now has an opportunity to consider this homeland security bill. I am proud of the robust stakeholder engagement that went into this bill, and to the extent with which Department and Republican input was sought and included.

H.R. 2868 closes a major security gap identified by both the Bush and Obama administrations. Specifically, titles II and III authorize EPA to establish a security program for drinking water and wastewater facilities. EPA's new program will complement CFATS. This bill is fully supported by the Obama administration, taps into the existing regulatory relationship between EPA and public water facilities.

Additionally, H.R. 2868 requires all tiered facilities to assess "methods to reduce the consequences of a terrorist attack." Plants that voluntarily perform these assessments, which are sometimes called IST assessments, often find that good security equals good business. In fact, this week, Clorox announced, to strengthen its operation and add another layer of security, it would voluntarily replace chlorine gas with a safer alternative at six of its bleach manufacturing facilities.

H.R. 2868 simply incorporates this best practice into how all tiered facilities integrate security into their operations. And H.R. 2868 strengthens CFATS by adding enforcement tools, protecting the rights of whistleblowers, and enhancing security training.

Some on the other side are arguing for a 3-year blanket extension of DHS's current authority. Such an approach flies in the face of testimony that we received about gaps in CFATS and would be a rejection of all the carefully tailored security enhancements in the bill.

This legislation demonstrates the progress we can make with a transparent process that is open to diverse viewpoints and addresses the concerns of everyone who wants to be in the process. This is exactly how government should work.

With that, Mr. Chairman, I urge passage of this important legislation and I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue of chemical plant security is obviously a very vital one. It's one that has to be addressed. It's an issue which certainly since September 11 is more vital than ever. That is why in 2006, the Homeland Security Committee, when I was chairman working across the aisle, worked long and hard to enact landmark legislation. There was much negotiation. There was much debate. We covered issues such as preemption and inherently safer technology. Legislation was put in place, and that is the basis upon which the Department has been acting for the past 3 years. And this legislation that we enacted then is in the process of being implemented by the Department of Homeland Security. In fact, the Department, itself, asked for a 1-year extension. That was voted on in the appropriations bill last month, which I strongly supported. Instead, the administration has not asked for this legislation, and I'm not aware of any statement of support that they've sent up in support of it. But before I get to that, let me just commend the chairman, Mr. THOMPSON, the Chair of the subcommittee, Ms. JACKSON-LEE, and the ranking member of the subcommittee, Mr. DENT, because even though we are going to have differences during this debate today, I want to emphasize the fact that this was done very fairly, very openly, and with a tremendous spirit of cooperation from your side of the aisle and I hope from ours as well.

The differences today are very honest ones, but I want to emphasize the level of cooperation that existed throughout this process.

I am, however, opposed to the legislation because I believe it is going to create confusion and undue cost. It is going to cost jobs, it's going to raise taxes. It gives far too much credibility to IST, or inherently safer technology, which is a concept, yet this concept will have, I believe, a very stifling effect on the private sector. We should always be thinking about how we are going to make industry safer, but we're not just talking about large chemical plant facilities, but we're also talking about institutions such as colleges and hospitals which will have to incur these costs.

The current law is working. And I asked the chairman this during the time of the debate when it was in the committee, what is the rush to move it through? And when I say "rush," obviously, if it had to be done, we should do it. But if it isn't absolutely necessary, we should do it yesterday. But the fact is that the Department did not ask for this extension, did not ask for these changes. I believe that we took a good concept, an admirable concept of enhancing chemical plant security, and have allowed concepts and ideas regarding the environment, regarding certain pet projects, and allowed that to, I believe, have too large an influence on this bill.

There is another aspect of this bill which has been discussed. There is the concept of civil lawsuits against the Department. I know Mr. MCCaul, in the debate later, is going to offer an amendment on this issue. But any fair reading of the testimonies of the Department at the hearing we held on this legislation made it clear that they did not support this language regarding the civil lawsuits.

Quite frankly, with all the work the Department of Homeland Security has to do, with the difficulty there is in bringing all of these thousand of entities into compliance with the law, I believe the last thing they need right now is to be subjected to civil lawsuits.
where there would virtually be no limitations on who could bring those lawsuits. My understanding is that the person doesn’t even have to be a citizen to bring a lawsuit under this or live in the State where the facility is located.

So, Mr. Chairman, this is a bridge too far. To prejudgment faster than work with the carefully crafted and thought-out legislation that we adopted in a bipartisan way 3 years ago, we are now changing it—and changing again—without a request from the administration. As you know, the legislation, H.R. 2868, would authorize DHS to make specific product substitutions and processes. These provisions would be significantly detrimental to the progress of current chemical facilities going through the chemical facilities anti-terrorism standards (CFATS) program and should not be included in this legislation. DHS should not be making engineering or business decisions for chemical facilities around the country. It should be focused instead on making our country more secure and protecting American citizens from terrorist threats. Decisions on chemical substitutions can be made by qualified professionals whose job it is to ensure safety at our facilities.

Furthermore, forced chemical substitutions could simply transfer risk to other points in the chain, failing to reduce risk at all. Because chemical facilities are custom-designed and constructed, such mandates would also impose significant financial hardships on traders struggling during the current economic recession. Some of these forced changes are estimated to cost hundreds of millions of dollars per facility. Ultimately, many facilities would not be able to bear this expense.

Thank you for taking our concerns into account as the House of Representatives continues to consider the “Chemical Water and Security Act of 2009.” We stand ready to work with Congress towards the implementation of a responsible chemical facility security program.

Sincerely,

Agricultural Retailers Association American Trucking Associations American Forest & Paper Association; American Petroleum Institute; American Trucking Associations; Chemical Producers and Distributors Association; Consumer Specialty Products Association; The Fertilizer Institute; Institute of Makers of Explosives; Inter-American Council of Refrigerated Warehouses; International Liquid Terminals Association; International Warehouse Logistics Association; National Agricultural Aviation Association; National Association of Chemical Distributors; National Association of Manufacturers; National Grange of the Order of Patrons of Husbandry; National Mining Association; National Oilseed Processors Association; National Paint and Coatings Association; National Petrochemical and Refiners Association; National Propane Gas Association; North American Millers' Association; Petroleum Equipment Suppliers Association; Petroleum Marketers Association of America; U.S. Chamber of Commerce; USA Rice Federation;

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to enter into the RECORD testimony of Under Secretary Rand Beers from an October hearing that reflects that this administration supports this bill and desires for action this year.
experts, members of industry, academia, and Federal Government partners, we leveraged vital knowledge and insight to develop the regulation.

(2) Risk-based tiering will ensure that resources are appropriately deployed. Not all facilities present the same level of risk. The greatest level of scrutiny should be focused on those facilities that present the most risk and could endanger the greatest number of lives.

(3) Reasonable, clear, and equitable performance standards will lead to enhanced security. The current CFATS rule includes enforceable risk-based performance standards. High-risk facilities have the flexibility to select among site-specific security measures that will effectively address risk. The Department will analyze each tiered facility's SSP to see if it meets CFATS performance standards. If necessary, DHS will work with the facility to revise and resubmit an acceptable plan.

(4) Recognition of the progress many companies have already made in improving facility security leverages those advancements. Many responsible companies have made significant capital investments in security since 9/11. Building on that progress in implementing the CFATS program will raise the overall security baseline at high-risk chemical facilities.

Appendix A of CFATS lists 322 chemicals of interest, including common industrial chemicals such as chlorine, propane, and anhydrous ammonia as well as specialty chemicals, such as arsine and phosphorus trichloride. The Department included chemicals based on the consequences associated with them or more of the following three security issues:

(1) Release—toxic, flammable, or explosive chemicals that have the potential to create significant adverse consequences for human life or health if intentionally released or detonated;

(2) Theft/Diversion—chemicals that have the potential, if stolen or diverted, to be used or converted into weapons that could cause significant adverse consequences for human life or health; and

(3) Sabotage/Contamination—chemicals that, if mixed with other readily available materials, have the potential to create significant adverse consequences for human life or health.

The Department established a Screening Threshold Quantity for each chemical based on its potential to create significant adverse consequences for human life or health.

IMPLEMENTATION STATUS

Implementation and execution of the CFATS regulation require the Department to identify which facilities it considers high-risk. The Department developed the Chemical Security Assessment Tool (CSAT) to identify potentially high-risk facilities and to provide feedback that facilities can use to conduct SVAs and to develop SSPs. CSAT is a suite of online applications designed to facilitate compliance with the program. The area security manager, the initial consequence-based screening tool (Top-Screen), an SVA tool, and an SSP template. Through the Top-Screen process, the Department initially identifies SVAs and sorts facilities based on their associated risks.

If a facility is initially identified during the Top-Screen process as having a level of risk subject to regulation under CFATS, the Department assigns the facility to one of four preliminary risk-based tiers, with Tier 1 indicating the highest level of risk. Those facilities complete SVAs that may permit them to the Department. Results from the SVA inform the Department’s final determination as to whether a facility is high-risk and, if so, of the facility’s final tier assignment. To date, the Department has received over 6,300 SVAs. Each one is carefully reviewed for technical, cyber, and chemical security content.

Only facilities that receive a final high-risk determination under CFATS will be required to complete and submit an SSP or an Alternative Security Program (ASP). DHS’s final determinations as to which facilities meet the high-risk criteria based on each facility’s individual consequentiality and vulnerability as determined by its Top-Screen and SVA. After approval of their SVAs, the final high-risk facilities are required to develop SSPs or ASPs that address their identified vulnerabilities and security issues. The high-risk facility must also determine whether SSP security measures and the more frequent and rigorous the inspections will be. The purpose of inspections is to validate the adequacy of a facility’s SSP and to verify that measures identified in the SSP are being implemented.

In May, the Department issued approximately 140 final tiering determination letters to Tier 1 facilities, confirming their high-risk status and initiating their 120-day timeframe for submitting an SSP. In June, we notified approximately 256 facilities of their status as final Tier 2 facilities and the associated due dates for their SSPs. Most recently, on August 31, 2009, we notified approximately 137 facilities of their status as either a final Tier 1, 2, or 3 facility and the associated due dates for their respective SSPs. Following preliminary authorization of the SSPs, the Department expects to begin performing inspections in the first quarter of FY 2010, starting with the Tier 1-designated facilities.

Along with final tiering determination notifications for Tier 1 facilities in May, the Department launched additional measures to support CFATS. The first is the SSP tool, which was developed by DHS with input from an industry working group. A critical element of the Department’s efforts to identify and secure the Nation’s high-risk chemical facilities, the SSP enables final high-risk facilities to document their individual security strategies for meeting the Risk-Based Performance Standards (RBPS) established by CFATS.

Each final high-risk facility’s security strategy will be unique, as it depends on its risk level, physical characteristics, and other factors. Therefore, the SSP tool collects information on each of the 18 RBPS for each facility. The RBPS cover the fundamentals of security, such as restricting the area perimeter, securing site assets, screening and controlling access, cybersecurity, training, and response. The SSP tool is designed to account for the complicated nature of chemical facility security and allows facilities to describe both facility-wide and asset-specific security measures that they use to satisfy the RBPS. The Guidance will provide examples of various security measures and practices that would enable facilities to achieve the appropriate level of performance for the RBPS at each tier level. The Guidance also presents public and private sector examples on the RBPS and industrial security, including public comments on the draft guidance document. High-risk facilities are free to make reasonable security decisions in the processes they choose, provided that they achieve the requisite level of performance under the CFATS RBPS. The Guidance will provide flexible options to adopt guidance types and combination of security measures may satisfy the RBPS.

To provide a concrete example, in the case of CFATS Tier 1 facility or the Chemical, Oil and Natural Gas and Food and Agriculture Sector, our inspectors have been actively participating in almost 100 Local Emergency Planning Committees, our inspectors have been actively participating in a variety of other meetings of related security partners and, so public meetings to discuss the draft SSP, will be held with the facility to resubmit a plan.

OUTREACH EFFORTS AND PROGRAM IMPLEMENTATION

Since the release of CFATS in April 2007, the Department has taken significant steps to publicize the rule and ensure that our security partners are aware of its requirements. As part of this dedicated outreach program, the Department has regularly updated the Sector and Government Coordinating Councils of industries most impacted by CFATS, including the Chemical, Oil and Natural Gas and Food and Agriculture Sector. We have also made it a point to solicit feedback from our public and private sector partners and, where possible, to reflect that feedback in our implementation activities, such as adjustments made to the SSP template and guidance.

We have presented at numerous security and chemical industry conferences; participated in a variety of other meetings of related security partners; and, we have primarily used the Help Desk for CFATS questions; and developed and regularly updated a highly-regarded Chemical Security Web site. These efforts are having a positive impact: approximately 36,900 facilities have submitted Top-Screens to the Department via CSAT.

Additionally, the Department continues to foster productive relationship—ships with State and local officials as well as first responders in jurisdictions with high-risk facilities. To meet the risk-based performance standards under CFATS, facilities need to cultivate and maintain effective working relationships—including a clear understanding of roles and responsibilities—with local officials who would aid in preventing, mitigating and responding to potential attacks. To facilitate these relationships, our inspectors have been actively participating in facility audits and reviews and in their areas of operation, and they have participated in almost 100 Local Emergency Planning Committee meetings to provide a better understanding of CFATS.

We are also working with the private sector as well as all levels of government in
order to identify facilities that may meet the threshold for CFATS regulation but that have not yet registered with CSAT or filed a Top-Screen. We have recently completed a pilot audit level screen in New York and New Jersey to identify such facilities in those jurisdictions. We will use these pilots to design an approach that all States can use to identify facilities that may meet the threshold for CFATS. The Administration supports closing this gap.

As DHS and EPA have stated before, we believe that there is a critical gap in the U.S. chemical security regulatory framework. As such, the exemption of drinking water and wastewater treatment facilities would need to work with Congress to close this gap in order to secure substances of concern at these facilities and to protect the communities they serve; drinking water and wastewater treatment facilities meet CFATS thresholds for chemicals of interest should be regulated. We do, however, recognize the unique public health and environmental responsibilities of such facilities. For example, we understand that a “cease operations” order that might be appropriate for another facility under CFATS would have significant public health and environmental consequences when applied to a water facility. The Administration has established the following policy with regard to regulating security at water sector facilities:

- The Administration believes that EPA should be the lead agency for chemical security authorities for high-risk water and wastewater systems, with DHS supporting EPA’s efforts. Many of these systems are owned or operated by a single entity and face related issues regarding chemical security. Establishing a single lead agency for both will promote consistent and efficient implementation of chemical facility security requirements across the water sector.

To address chemical security in the water sector, EPA would utilize, with modifications as necessary to reflect any differences in statutory requirements, DHS’s existing risk assessment tools and performance standards for chemical facilities. To ensure consistency of tiering determinations across high-risk chemical facilities, EPA would apply DHS’s tiering methodology, with modifications as necessary to reflect any differences in statutory requirements. DHS would in turn run its Chemical Security Assessment Tool and provide both preliminary and proposed final tiering determinations for water sector facilities. A similar approach would apply further clarification in the statute concerning the type of NRC-regulated facilities exempt from CFATS.

The Department has also noted that HR 3258 would subject drinking water facilities to a civil penalty action in district court. This could harmonize with the Coast Guard to review the processes and procedures of both programs. We also support further clarification in the statute concerning the type of NRC-regulated facilities exempt from CFATS.

In the area of enforcement, we have expressed in our testimony on H.R. 2868 the Department’s support for eliminating the requirement that an order be reviewed by a civil penalty action in district court or commencing a civil action by initiating a civil penalty action in district court or commencing a civil action to obtain appropriate relief, including temporary or permanent injunction. We note, however, that the enforcement provisions this Committee has proposed in H.R. 3258 would subject drinking water facilities to a maximum penalty that might be appropriate for chemical facilities regulated under H.R. 2868 if enforcement is pursued through a civil penalty action in district court. This could result in inconsistent enforcement between facilities.

The Department notes that the Drinking Water System Security Act of 2009 would give the Administrator discretion in divulging information about the reasons for placing a facility in a given tier. This provision is similar to the provision in Title I of HR 2868 which mandates that the Department disclose specific information to tiered facilities that could include classified information.

The Department also notes that HR 3258 and HR 2868 contain provisions that require
covered facilities and government agencies to comply with all applicable state and Federal laws and exclude from protection "information that is required to be made publicly available by the Federal and State government." While the Department supports current requirements for facilities to report certain information to Federal and State agencies under emergency authority, DHS is concerned that this language as written could increase the likelihood that sensitive information could be inaccurately disclosed to the general public. The Department would like to work with the Committee to explore what other Federal statutes and information might be affected by this language to ensure that there are no inconsistencies that could undermine the important goal of protecting sensitive information from unwanted disclosure, while still protecting the public right-to-know about information that may affect public health and the environment, as embodied in these other statutes. We will also consult with our partner agencies that administer the affected Federal statutes.

CONCLUSION

The Department is collaborating extensively with the chemical sector and other interested groups, to work toward achieving our collective goals under the CFATS regulatory framework. Industry has voluntarily done a tremendous amount to ensure the security and resiliency of its facilities and systems. As we implement the chemical industry presence, I am proud to say that we will continue to work with industry, our other Federal partners, States, and localities to get the job done.

The Administration recognizes that further technical work to clarify policy positions regarding IST and water treatment facility presence is required. The policy positions discussed above represent starting points in renewed dialogue in these important areas. DHS and EPA staff are ready to engage in technical discussions with Committee staff, affected stakeholders, and others to work out the remaining technical details. We must focus our efforts on implementing a risk-and performance-based approach to regulation and, in parallel fashion, continue to pursue the voluntary programs that have already resulted in considerable success. We look forward to collaborating with the Committee to ensure that the chemical security regulatory effort achieves success both in the chemical sector. In addition to our Federal Government partners, success is dependent upon continued cooperation with our industry and State and local government partners as we move toward a more secure future.

Thank you for holding this important hearing. I would be happy to respond to any questions you may have.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now recognize a member of the committee, the gentleman from New Jersey (Mr. PASCRELL), for 2 minutes.

Mr. PASCRELL. Mr. Chairman, I rise in strong support as an original co-sponsor of the Chemical Facility Anti-Terrorism Act of 2006. We must take extraordinary measures to defend American industry and American lives.

I want to thank the chairman of Homeland Security for all of his work on the bill, as well as commending Chairman OBERSTAR and Chairman WAXMAN for coming together with one voice on this critical piece of legislation. It has to be clear to all of us that this bill is long overdue and that chemical security is one of the greatest vulnerabilities to our homeland security infrastructure. Both sides agree to that point.

This bill reauthorizes the Department of Homeland Security's authority to implement and enforce the Chemical Facility Anti-Terrorism Standards which are currently set to expire in October of 2010. In fact, the bill strengthens these standards in a number of significant ways.

Now, let's get to the meat and potatoes of what we will be debating this afternoon—and getting the amendments whenever the heck that happens. The State of New Jersey is home to the most dangerous 2 miles in America—the FBI has pointed this out many times—along the Jersey Turnpike. Because it is the most densely populated State, with a very large chemical industry presence, I am proud to say that the State has adopted some of the strongest chemical security standards in the Nation, and it's time the Federal Government caught up. That is why I am surprised and deeply disappointed that there are Members of this body who actually hope to strip the State preemption language out of this bill. We look forward to working with the State, as we do in this bill, and not force States to lower their standards.

The Acting CHAIR (Mr. SERRANO). The time of the gentleman has expired. Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the gentleman an additional minute.

Mr. PASCRELL. I am also very disappointed that the chemical industry and Members of this body continue to raise unnecessary fears about the inherently safer technology assessments. We have gone over this in testimony since 2006.

The State of New Jersey has rightfully required chemical facilities to assess for safer technology assessments, and clearly it is not only safer for it, but the sky hasn't fallen on the chemical companies in New Jersey. The truth is that this bill is not only the best thing for our homeland security, but also the best thing for the chemical industry, because as ensuring safety and greater efficiencies is a tremendous cost saver in the long run.

Mr. Chairman, this should be a bipartisan issue. We say that protecting the American people is our top priority. Now is the moment to prove it.

I urge bipartisan passage of this bill.

Mr. DENT. Mr. Chairman, I appreciate this opportunity to address this legislation, and I want to thank Ranking Member K No for rubbing it in on the Phillies. I know you're very pleased about the Yankees, but at least the Phillies beat the Mets. That's all I have to say today about that. So with that, congratulations to the Yankees.

Again, this is a very important piece of legislation, as we all know. I have very serious concerns about it for a number of reasons, but it should be remembered that in 2006, we, Congress, enacted a law that gave the Department of Homeland Security the authority to regulate chemical facilities. You're hearing a lot of talk today about inherently safer technologies, and I would like to get into that in just a moment and why I think this bill is not a good bill. As I point out as well that the State of New Jersey does require IST assessments, but not implementation of IST, which is quite different. We are going much farther than the State of New Jersey in this legislation.

It's important to note, too, that I certainly support the Department's efforts to secure chemical facilities, but unfortunately, I think this legislation is riddled with costly provisions that go beyond the underlying security purpose of the bill.

Currently, there are vulnerability assessments that the Department must do under the current regulations. There are about 6,000 vulnerability assessments that must be done. So far, 2,000 have been completed, leaving about 4,000 vulnerability assessments that remain. Adding these IST assessments will be enormously costly.

I should also point out that the Department of Homeland Security has no IST staff who is working in these inherently safer technologies, so I wanted to point that out for the record. We've had a lot of testimony, too, and I want to say something about inherently safer technologies. Testimony was referenced. There was a statement from a Scott Berger, who is a director for the Center for Chemical Process Safety. Mr. Berger is an expert in inherently safer technology and inherently safer design. And as the organization that developed the most widely used reference addressing inherently safer design, inherently safer processes, and lifecycle approach, they are the leaders. That was in his testimony. And he said, What is inherently safer technology? I am going to quote from his testimony back in June of 2006. He said, Inherently safer design is a concept related to the design and operation of chemical plants, and the philosophy is generally applicable to any technology. Inherently safer design is not a specific technology or set of tools and activities at this point in its development. It continues to evolve, and specific tools and techniques for application of inherently safer design are in the early stages of development. And he goes on. By essentially saying that inherently safer technology is a conceptual framework. It's not a technology; it's an engineering process. Unfortunately, it seems that too many in Congress are trying to act as chief engineers. We are essentially trying to tell people how to produce certain types of chemicals and what chemicals to use.

These are very technical issues. It will be very costly to implement. It will affect jobs in this country, and with unemployment rates approaching 10 percent nationally, I am very concerned about the impact on this.
I happen to represent a district, the 15th District of Pennsylvania. I have a company called Air Products and Chemicals. About 4,000 people work there. They spend their time designing and building chemical plants in this country and throughout the world. They know a bit about this. And I am extremely concerned that those types of jobs will be put at risk because these chemical plants will be built, but they will not be built here. They will be built elsewhere to produce the chemicals that we need every day in our lives. So that is something that I just feel we have to talk about.

Mr. PASCRELL. Will the gentleman yield?

Mr. DENT. I will yield briefly.

Mr. PASCRELL. My good friend from the 15th District of Pennsylvania, you're not suggesting that each State should decide for itself as to what the standard for chemical security should be, are you?

Mr. DENT. No

Mr. PASCRELL. You're not. Then what are you suggesting?

Mr. DENT. I am suggesting that we, as a country, maintain the regulations.

Mr. PASCRELL. Which regulations?

Mr. DENT. Reclaiming my time, the ones that are currently in place. The regulations that we just extended for 1 year.

About a month ago, when we passed the Homeland Security Appropriations Act, we extended the current regulations for 1 year. I think we should extend them for another 2 years. Let those regulations take effect. Let’s implement them. We have agreement. There was a great deal of opposition to this legislation by farmers, manufacturers and others who are going to be saddled with these costs. I have to point this out:

Inherently safer technology deals with workplace safety issues and how you develop the product or the process. It doesn’t deal with securing the plant—you know, hiring more guards or building fortifications to secure a plant. That deals with safety as opposed to security. I want to make that distinction because we all agree—you and I agree—that we need to make sure that these plants are secure, but inherently safer technology is really not about security, and I think we have to be clear about that.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, before I yield to the gentleman from Texas, I would like to say that this is a security bill. A good security bill makes all of us safe. What we’re looking at now is an opportunity to go into facilities that don’t, in many instances, have security assessments. If we make security assessments, then we will identify those vulnerabilities that exist and help them correct them. Bad people would love to get into facilities with vulnerabilities and do harm. What we’re trying to do is help those facilities create the capacity to be secure. That’s all we’re doing.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. AL GREEN), who is a member of the committee.

Mr. AL GREEN of Texas. I thank Chairman THOMPSON for yielding me the time.

Mr. Chairman, I rarely use the personal pronoun “I.” I don’t like using it because we cannot accomplish things by ourselves; but to thank Chairman THOMPSON, it is appropriate that I use this personal pronoun for he was the person who helped us to put a provision into CFATS which deals with the administration of facilities along ports. In Houston, Texas, we have 25 miles of ports that we have to contend with. Thank you, Mr. THOMPSON. Thank you, Mr. Chairman.

Let me say this: proactive measures can prevent reactive remediation. This is a proactive measure that we are taking to prevent having to do something that will help us after an event has occurred, and it’s important to note that this is not just about chemical facilities.

There are many people who would say, Well, I don’t have a chemical facility in my neighborhood. It really doesn’t concern me. It doesn’t impact me.

You do have drinking water in your neighborhood, however. This legislation deals with drinking water and with wastewater treatment facilities. It is important that wastewater treatment facilities in every neighborhood be properly secured, and it is of utmost importance that drinking water be secured. That’s what this piece of legislation addresses as well. I don’t want it said on my watch that we had an opportunity to take some preventative measures and that we failed to do so such that somebody’s child, somebody’s husband or wife, that somebody was harmed when we had it within our power to prevent it.

This is governance. It is a proactive approach to prevent us from having to take some sort of remediation after the fact.

The Acting CHAIR. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. AL GREEN of Texas. Finally, citizen lawsuits are appropriate because citizens created the problem. They know what’s not going on.

Why can’t we put citizens in the loop of protecting their communities? Yes, people can sue, but there are also means by which persons who sue can be provided with the docket of the courts. Anybody can sue. You can walk into any court and sue right now for anything that you want. You don’t prevail just because you file a lawsuit. Citizens can help us to help protect our communities by having this opportunity to sue.

It is a good piece of legislation, and I thank the chairman for his hard work with the other committees of jurisdiction to promulgate this legislation.

Mr. DENT. Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Mississippi has 2½ minutes remaining. The gentleman from Mississippi has 5 minutes remaining.

Mr. DENT. Mr. Chairman, I yield 2½ minutes to the ranking member of the Committee on Agriculture, the distinguished gentleman from Oklahoma (Mr. LUCAS).

(Mr. LUCAS asked and was given permission to revise and extend his remarks.)

Mr. LUCAS. Mr. Chairman, I rise in opposition to H.R. 6968, the so-called Chemical and Water Security Act of 2009.

It no longer surprises me that the Democratic leadership is, once again, racing to impose more government regulations on our farms and small businesses without considering the economic impact of their actions. From cap-and-trade to food safety and soon to health care, rushing ill-conceived, ill-timed legislation through Congress has shamefully taken the run around here.

In renaming the bill the Chemical Facility Anti-Terrorism Act to the Chemical and Water Security Act, I appreciate that the authors of the bill acknowledge that it has nothing to do with protecting counterterror from acts of terrorism but, rather, that it has everything to do with pacifying the extreme environmental lobby.

Some have said that agriculture should not be concerned about this legislation. Well, if that were true, then a coalition of agriculture groups, which includes the American Farm Bureau Federation, would not be circulating a letter to all Members of Congress urging them to vote against it.

Let me be clear: this bill will have a deep and negative impact on the agriculture industry.

Under the current regulatory framework, which I would support to authorize, farmers would have an extension appropriate to the small risks they impose. Under those regulations, chemical facilities are treated fairly and work with the Department of Homeland Security in a cooperative manner to enhance site security.

This legislation destroys that relationship. This legislation contains absolutely no authority for the Secretary of Homeland Security to grant extensions to farmers for the future. In fact, under this bill, there is no authority for the Secretary to provide for the appropriate risk-based treatment of farmers or any other disproportionately affected groups when it reissues its regulations. That’s not all.

Manufacturers and suppliers of agricultural inputs, like fertilizers and pesticides, will also be exempted from the nonsecurity-related provisions of the bill. Such provisions will jeopardize the availability of those widely used...
and lower-cost agricultural inputs that are essential for agriculture production.

In essence, this sets up a scenario where input supplies will be limited, where costs will skyrocket and where U.S. food security and the livelihoods of our farmers and rural district will be threatened. Beyond devastating the agriculture industry, this bill does not provide any additional security against acts of terrorism, which is supposed to be its purpose. National security will actually be compromised. Implementations of the bill will allow citizen lawsuits in the national and homeland security arena.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DENT. I yield the gentleman an additional 30 seconds.

Mr. LUCAS. Mr. Chairman, this is an irresponsible and carelessly crafted piece of legislation that will impose mandates on family farms, small businesses, hospitals, and universities. It expands the environmental legal framework under the guise of security; and it fails to preserve, let alone expand and protect, current security protections for our country.

I urge my colleagues to oppose the bill.

Mr. THOMPSON of Mississippi. Before I recognize the gentlewoman from California, let me say that nothing in this bill prevents the Secretary from using her discretion in continuing the exemption for farmers. I will put my credentials from agriculture up against anyone’s in this body. I represent a rural district. Nothing I would do in this body would harm agriculture, and I think if you check my voting record, you will absolutely see that.

Also for the record, to the gentleman from Oklahoma, let me say that, before any of these things are done, the Department has to see if it’s technically feasible; they have to see if it’s cost effective; and if it lowers the risk at the facility.

So all of those concerns you raise are justified, but they are addressed in the bill. So I would say that, between the time for general debate and when we start voting, if you would go back and look at that, I think some of your concerns will be resolved.

I yield 2 minutes to a member of the committee, the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chairman, I rise today to express my strong support for the Chemical and Water Security Act of 2009.

I would like to thank Chairman Thompson for his hard work in crafting this vital piece of legislation.

I support this legislation because it will enhance the security of our Nation in terms of chemicals, drinking water, and wastewater facilities. This legislation lessens the vulnerability of our most critical sectors, one of which I live in Louisiana.

More specifically, I rise today to speak to a provision that I offered which protects workers who identify and report violations affecting the safety and security of chemical facilities. When it comes to the security of our facilities, we should not leave our first preventers at the door. We depend upon them to be competent, to be vigilant, and to be proactive. We owe them these provisions that will not be penalized for doing their jobs properly. That is why I am pleased that the bill also incorporates a provision that requires the facility owners to certify in writing their knowledge of protections for whistle blowers.

So, Mr. Chairman, when we look at H.R. 2868, the answers are really clear. All you have to look back at is the poison gas leak of a Union Carbide plant in 1984 which killed 10,000 people in 72 hours, and that was an accident. Imagine the economic and strategic damage that could be done to our country.

Let’s talk about my district, the 37th. I am a proud Representative of the Joint Water Pollution Control Plant. That wastewater treatment plant switched from using chlorine gas to liquid bleach disinfection. We need to do this throughout the country, and this legislation will enable us to do that.

I urge my colleagues to oppose the bill.

Mr. DENT. Mr. Chairman, in conclusion to this discussion, I must restate my reasons for opposition to this bill.

There is not one person in the Department of Homeland Security who has any expertise in inherently safer technology. Therefore, many of the industries will not be able to deal with this mandate. I am concerned that much of this bill is, in fact, not focusing on security at all but is, rather, focusing on Federal mandates that may force our small businesses and farms to shed American jobs, further harming our vulnerable economy.

I have a letter here from 27 different organizations, including the Chamber of Commerce, the Farm Bureau and the Fertilizer Institute, which oppose the underlying legislation. They said: “We continue to oppose the bill due to the detrimental impact it will have on national security and economic stability.”

A lot has been said about chemical facilities, but this bill is not so much about chemical facilities as it is about facilities with chemicals, and those facilities include hospitals, colleges and universities, and 3,630 employers with fewer than 50 employees. These are the people who are going to be impacted, and jobs will be lost. With unemployment approaching 10 percent, I don’t think now is the time to impose this kind of a mandate, which will not have any real security benefit to the American people.

So, with that, I would like to submit this letter for the RECORD from the various organizations in opposition to this legislation. Let’s set the current regulations be implemented. Let’s extend them for that 1 year and beyond.


Hon. Nancy Pelosi, Speaker, House of Representatives, Washington, DC.

Joan BOEHRNER, Republican Leader, House of Representatives, Washington, DC.

Dear Speaker Pelosi and Republican Leader Boehner: We write to you today to express our opposition to H.R. 2868, the “Chemical Facility Anti-Terrorism Act of 2009” (CFATS). Despite the changes made to this legislation in the Energy and Commerce and the Homeland Security Committees, we continue to oppose the bill due to the detrimental impact it will have on national security and economic stability.

Specifically, we strongly object to the Inherently Safer Technology (IST) provisions of this legislation that would allow the Department of Homeland Security (DHS) to mandate that businesses specify product substitutions and processes. These provisions would be significantly detrimental to the progress of existing chemical industries around the country when they should be focused instead on making our country more secure and protecting it from terrorist threats. Decisions on chemical substitutions or changes in processes should be made by qualified professionals whose job it is to ensure safety at our facilities.

Furthermore, forced chemical substitutions could simply transfer risk to other members along the supply chain, failing to reduce risk at all. Because chemical facilities are custom-designed and constructed, such mandates would also impose significant financial hardship on facilities struggling during the current economic recession. Some of these forced changes are estimated to cost hundreds of millions of dollars per facility. Ultimately, many facilities would not be able to bear this expense.

Thank you for taking our concerns into account as the Committee continues to consider the “Chemical Facility Anti-Terrorism Act of 2009.” We stand ready to work with the Committee and Congress towards the implementation of a responsible chemical facility security program.

Sincerely,

Agricultural Retailers Association;
American Farm Bureau Federation;
American Forest & Paper Association;
American Farm Bureau Federation;
American Petroleum Institute;
American Trucking Associations;
Chemical Producers and Distributors Association;
Consumer Specialty Products Association;
The Fertilizer Institute;
Institute of Makers of Explosives;
International Association of Refrigerated Warehouses;
International Liquid Terminals Association;
International Warehouse Logistics Association;
National Agricultural Aviation Association;
National Association of Chemical Distributors;
Mr. MARKEY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the Chemical and Transportation Security and Critical Infrastructure Protection Subcommittee, to rise to support this legislation and particularly highlight for my colleagues the importance of legislation that I put in the bill in our subcommittee. One dealing with whistleblower protections that requires the DHS Secretary to establish and process and to accept information from whistleblowers. We cannot be a secure Nation if people don’t feel that they have the ability to tell the truth. I’m very pleased that language is in the bill that reduces the consequence of a terrorist attack by requiring the use of inherently safer technologies, which is crucial as we begin to look at chemical facilities and wastewater facilities. In addition, the aspect of the citizen enforcement that allows a citizen to file suit against the DHS, not against a private company, that speaks to the issue of making sure that the Department of Homeland Security is in compliance.

Then, of course, I think it is important to note, as we look at background checks, that we also are reminded of people’s right to work. Title I requires the Department of Homeland Security Secretary to issue regulations to require tiered facilities to undertake background checks for the safety of the American people.

This is a legislative initiative that is overdue. I ask my colleagues to support this legislation.

Mr. THOMPSON of Mississippi. Mr. Chair, I yield myself the balance of my time.

As you’ve heard, Mr. Chair, this legislation before us today is critical to the security of our Nation and is deserving of the full support of this House.

With that, Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BAR- TON) each are recognized for 15 minutes.
This legislation is a compromise. We engaged with all of the stakeholders and crafted language that addresses all of the concerns. And it is notable that even the Chamber of Commerce has said that it recognizes that several provisions of the bill have been modified to address concerns raised by the business community.

This legislation closes that loophole. It ensures that we are going to provide the protection for the American public from that attack, which we know somewhat in the world at al Qaeda is planning if they can only find the way to exploit a weakness in our defense.

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

Mr. BARTON of Texas. Mr. Speaker, first, let me express my heartfelt congratulations on the Yankees’ ascendance last night. I am one of many, many, many people in this country who, while I’m not a Red Sox fan, do not put me down in the Yankee Blue column. So maybe my vote on these data will come up and at least tussle with the Red Sox and the Yankees for the American League pennant.

Mr. Speaker, I rise in opposition to this House version into my prepared remarks, I think it’s educational to explain to the body what we’re actually marking up.

We had two bills that came out of the Energy and Commerce Committee, and I would assume out of the Homeland Security Committee that were marked up and subject to debate. We had a bill in the Transportation Committee that, from what I can tell, was never marked up, and we now have merged the two work products, the Homeland Security, the two work products from Energy and Commerce, and a work product from the Transportation Committee that was never publicly marked up and changed them in this bill and then it’s going to be yet changed again in the manager’s amendment in the nature of a substitute tomorrow so that the bill that we will actually be voting on is a bill that has never seen the light of day as a single bill.

Now, on the surface all of these bills, or this bill, this merged bill, should pass 435-0. The Chemical and Water Security Act sounds like something that’s a suspension calendar bill. The problem is, Mr. Chair, this means that the Department of Homeland Security is now being regulated by some of the key words used in the entire legislation to address terror prevention and security and prevention and terrorism tracking and all of the things that really make these facilities safer against terrorism. Instead, we’re debating something called IST, inherently safer technology, which I understand is a manufacturing process, so that you process the water, you process the chemicals in a fashion that is safer from an environmental standpoint or perhaps from a safety standpoint for the workers in the surrounding community.

Mr. Chair, that has nothing to do with protecting against terrorism. H.R. 2868 goes beyond the reasonable requirements that have been the core of many Homeland Security programs for several sectors. Vulnerability assessments, site security plans, emergency response plans, the really real things that should be done and are being done to protect our chemical and water facilities against terrorism, but we’re substituting in this bill for this IST and these environmental requirements that really have nothing to do with security.

We have an existing security regime in place for chemical facilities and water systems, including a chemical security program that the Congress passed 3 years ago, which is still in the process of being implemented by the Department of Homeland Security. My good friend from Massachusetts talked about how that was put into law back in 2006 and seemed to intimate that it was not thoughtfully done. I would assure my friend that it was very thoughtfully done.

The Energy and Commerce Committee has primary jurisdiction, and my concern, as chairman of the committee at that time, was that we really shouldn’t do something on an appropriations bill. We should do it through the regular process. But because it came late in the year, we did yield to the appropriators and put it in the omnibus bill. But even doing that, we spent weeks debating and working with the Homeland Security Committee and the stakeholders to come up with what I think is a better process than what is in this bill.

It is considered that the existing chemical plant security program that we already have is going to cost $18.5 billion in public and private investment. The only possible thing to do, in my opinion, is to let that program be implemented before we scrap it with a totally new concept from this Congress. We need to know what the deficiencies, if any, are in the existing program before we move to a brand new program and a brand new concept.

This legislation refuses to honor common sense when simplistic ideology seems to offer a quick return on a political investment. More to the point about this being an environmental bill is the fact that I am struck by some of the key words used in the entire legislation to address terror prevention and security and what is the substance of the amendment in the nature of a substitute—and I want to be very clear about this—defines a “chemical facility terrorist incident” as a “release of a substance of concern.” If you look up the definition of “release,” starting on page 12, line 19, that mirrors the exact language of the toxic waste cleanup law, which we call Superfund, right down to making its covered universe of “hazardous substances, pollutants, or contaminants.”

Mr. Chair, this means that the Department of Homeland Security is now going to treat an environmental accident or an environmental cleanup as a terrorist incident. Now, I don’t want to imply that an environmental accident is a serious issue but it’s not to be dealt with seriously, but it’s not a terrorist attack if you have a spill of a toxic chemical at a chemical facility. It’s an accident. It’s a problem. It needs to be dealt with. There are environmental issues, but it is not a terrorist attack. It is not a terrorist attack. But if this bill becomes law and you have that type of an accident, it is going to be a terrorist incident, and it has to be considered by the Department of Homeland Security. I think that is ridiculous. I think it’s wrong. I think it is shortsighted, and I think it is unnecessary.

I’m an industrial engineer. I understand, to some extent, plant processes and chemical processes and things like that. I think we’re very blessed in this country to have a robust chemical industry, much of which is located in the States of Texas and Louisiana on the Texas and Louisiana gulf coast. If this bill becomes law, I think that within 10 years or so, many of those facilities are going to be closed down and inoperable, and tens of thousands of jobs are going to be lost because our chemical industry is simply going to move offshore. They’re not going to stay under a legislative proposal that, on the surface of it, is almost impossible to be implemented.

I am not convinced that there is a single, true, security-enhancing thing about the specific provisions in this bill, and I know for certain that we’re already making these facilities do types of things under the EPA’s risk assessment program and OSHA’s process safety management program that this bill then doubles down on.

We have existing laws and existing processes to handle the issues these bills really do handle. The concept is an engineering process philosophy. Congress has repeatedly heard expert testimony that the provisions in section 210 of this bill are expensive, hard to define because of significant technical challenges, and very tough, if not impossible, to enforce.
Mr. MARKEY of Massachusetts. Mr. Chair. I yield 5 minutes to the chairman of the full committee, the gentleman from California (Mr. WAXMAN). Mr. WAXMAN. Mr. Chairman, I rise in strong support of H.R. 2868, the Chemical and Water Security Act of 2009. This legislation resolves some important unfinished business from 9/11. We learned on that terrible day how determined terrorists can turn our critical assets into weapons of mass destruction. Decades of wake-up calls, we’ve been slow and inconsistent in securing our Nation’s chemical facilities and water systems from terrorist attack. Passing this legislation will enhance our Homeland Security, improve the safety of our workforce, and help protect our public health. First, the bill strengthens security at America’s chemical plants by providing permanent authority for the Department of Homeland Security’s chemical facility antiterrorism stand-down program. This would ensure that potentially vulnerable chemical plants would establish a number of security enhancements, including requiring, for the very first time, that covered chemical facilities assess whether there are any safer chemical processes or technologies when necessary to reduce the likelihood that the facility will be attacked.

The bill also provides chemical facilities with an appeals process if they disagree with the DHS Secretary’s determination. We crafted this provision in close consultation with considerable input from the largest chemical industry association, the American Chemistry Council. Second, the bill establishes minimum security standards at drinking water and wastewater facilities, closing what the Bush and Obama administrations agree is a critical security gap. Under this bill, for the first time, covered water systems that use a certain amount of dangerous chemicals will have to assess whether they can switch to safer chemicals or processes to protect their employees, their neighbors, and the communities they serve.

We’ve seen numerous instances of the water sector to craft a bill that meets several important policy goals—clean and safe water and homeland security. I am pleased that the associations representing drinking water and wastewater utilities fully endorsed the bill. These endorsing associations include the Association of Metropolitan Water Agencies, the American Public Works Association, the National Association of Clean Water Agencies, and the Association of California Water Agencies. Third, this bill gives chemical facility workers much-needed protection by ensuring that chemical facilities and water systems involve their workers in developing plans to address any vulnerability to terrorist attack. Not only are workers the first line of defense against any attack, they would also be the first injured in the event of a chemical release. That’s why this legislation is strongly supported by labor organizations, including the United Steelworkers, United Auto Workers, Communications Workers of America, and the International Chemical Workers Union Council. Finally, this bill improves current law by creating a citizen enforcement tool that citizens can use to protect their communities when DHS fails to perform its nondiscretionary duties. It also allows States to take additional action to protect their communities from terrorists if they find it to be necessary.

I urge all Members to support H.R. 2868 to close these critical security gaps once and for all. I rise in strong support of H.R. 2868, “The Chemical and Water Security Act of 2009.” This legislation resolves some important unfinished business from 9/11. We learned on that terrible day how determined terrorists can turn our critical assets into weapons of mass destruction. Despite that wake-up call, we’ve been slow and inconsistent in securing our nation’s chemical facilities and water systems from terrorist attack. Passing this legislation will enhance our homeland security, improve the safety of our workforce, and help protect our public health. First, the bill strengthens security at America’s chemical plants by providing permanent authority for the Department of Homeland Security’s chemical facility antiterrorism stand-down program. This would ensure that potentially vulnerable chemical plants would establish a number of security enhancements, including requiring, for the very first time, that covered chemical facilities assess whether there are any safer chemical processes or technologies when necessary to reduce the likelihood that the facility will be attacked.

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We worked closely with the water sector to craft a bill that meets several important policy goals—clean and safe water and homeland security. I’m pleased that associations representing drinking water and wastewater utilities have endorsed this bill. These endorsing associations include: The Association of Metropolitan Water Agencies; The American Public Works Association; The National Association of Clean Water Agencies; and The Association of California Water Agencies.

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This bill is the product of careful compromise, and was drafted in close consultation with key stakeholders from government, the chemical industry, the water utilities, labor and other groups. That’s why it has been endorsed by a broad coalition of labor and environmental organizations in addition to many water industry associations. I am proud of the balance we have struck. I urge all Members to support H.R. 2668 to close these critical security gaps once and for all.

Finally, I’d like to highlight two aspects of the bill.

INFORMATION PROTECTION
Each title of H.R. 2668 contains a section related to the protection of sensitive security information that could be detrimental to facility security if disclosed. The bill requires the Secretary of Homeland Security and the EPA Administrator to develop rules for the appropriate sharing of protected information with those who have a need to know it. The bill also establishes criminal penalties for any person who fails to disclose protected information in knowing violation of the rules.

The bill defines the types of information that is considered “protected” as well as the types of information that the bill’s sponsors intended to exclude from that definition. The bill states that protected information does not include “information that is required to be made publicly available under any other provision of law.” Laws such as the Clean Air Act, the Emergency Planning and Community Right to Know Act or the Occupational Safety and Health Act require disclosure of important safety information to regulators, workers and often the public at large. An individual who discloses information in compliance with one of these other statutes should not face criminal penalties even if that information is also contained in a document such as a security vulnerability assessment that is protected under the rules established by the Secretary of Homeland Security and the EPA Administrator.

DRINKING WATER FACILITIES AND SITE SECURITY PLANS

The Committee on Energy and Commerce reported H.R. 3258 favorably on October 21, 2009. H.R. 3258, now Title II of H.R. 2868, requires each covered water system to assess the system’s vulnerability to a range of intentional threats. The vulnerability assessment must include a review of vulnerable assets within the fence line of the system, such as water treatment and pre-treatment facilities and chemical storage units, as well as the off-site water distribution system. Each covered water system also must complete a site security plan that addresses the vulnerabilities identified in the assessment. With regard to on-site vulnerabilities, the Committee intends for each covered water system to develop a site security plan that addresses vulnerabilities using layered security measures to meet risk-based performance standards developed by EPA.

With regard to any off-site vulnerabilities identified by the covered water system, the Committee expects EPA to recognize that it would be impractical for the covered water system to guarantee the physical protection of the system’s entire network of pipes, conveyances, and other use points that comprise its distribution system. For example, it would be impractical for the covered water system to control access to all fire hydrants or residential connections within its distribution system or all pipes that deliver its water. Similarly, the Committee does not expect for the covered water system to describe employees’ roles and responsibilities for securing the distribution system beyond the fence line of the system as part of its site security plan, unless the system has assigned one or more employees such responsibilities. The covered water system also must complete an assessment of its vulnerabilities identified by the covered water system, the system also must complete a site security plan to develop a site security plan that addresses the vulnerabilities identified in the assessment. With regard to on-site vulnerabilities, the Committee intends for each covered water system to develop a site security plan that addresses vulnerabilities using layered security measures to meet risk-based performance standards developed by EPA.

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Parliamentary inquiries
Mr. STEARNS. Parliamentary inquiry, Mr. Chairman.

We understand that the Transportation Committee under Mr. DENT has extra time and that could be allotted, if he’s not using it, to our side to use it. Is that possible by unanimous consent that we use his 15 minutes? We have some Members who actually are going to be affected by this bill, and they’re going to lose jobs in their districts. They’re quite passionate about this bill, and I would like to give them more time than that is available. So I am asking unanimous consent if it’s appropriate to do that.

The Acting CHAIR. The Committee on the Whole cannot change the scheme of control of debate. The gentleman from Pennsylvania (Mr. DENT) could manage the time.

Mr. STEARNS. If Mr. DENT comes down, he can manage the time.

The Acting CHAIR. A member of the appropriate committee could manage the time.

Mr. STEARNS. Well, just to be careful here, I think what I am going to do is I am going to take a minute, and hopefully Mr. DENT will show up and then we can have that extra time for us.

The Acting CHAIR. As a clarification to the gentleman from Florida, the gentleman from Pennsylvania would continue on the Transportation and Infrastructure Committee to be recognized to control the time.

Mr. STEARNS. He is coming. In fact, he might be on the floor as I speak.

The Acting CHAIR. The gentleman from Florida is recognized for such time as he may use.

Mr. STEARNS. Mr. Chairman, at a time when the U.S. Bureau of Labor Statistics cites a 16 percent decline in chemical manufacturing jobs, this Chemical Facility Anti-Terrorism Act would force people out of work by imposing needless and harmful regulations on American industries by making the production, use and storage of chemicals more expensive and burden some with little benefit to public safety or national security.

Absent Federal preemption and a uniform national standard, this legislation will create overlapping and conflicting security requirements that could cause disproportionate disruption of Federal security standards, increase government red tape, and create more economic instability. This legislation will also impose new mandates on American manufacturers as to which products and processes they can use without any regard for practicality, availability or cost. I, along with undoubtedly every Member of this body, believe that securing chemical facilities against deliberate attacks is crucial to protecting Americans, which is why, since 2006, clear and comprehensive chemical security regulations have been put in place. Removing the sunset date and making the current chemical security
regulations permanent would provide the certainty needed to both protect citizens and support our Nation’s economic recovery.

I encourage all my colleagues to join me in strong opposition to this detriment bill.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. MARKY of Massachusetts. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentleman from California (Mr. MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the Chemical Facility Anti-Terrorism Act.

Mr. Chairman, I would like to thank my friend from California, Chairman WAXMAN, my friend from Minnesota, Chairman OBERSTAR, and my friend from Mississippi, Chairman THOMPSON, for their work in bringing the Chemical Facility Anti-Terrorism Act to the House floor. They deserve great credit for crafting legislation to improve security at facilities and the communities around them.

One particular concern that this legislation can help address is the risk posed by bulk quantities of chlorine—one of the most powerful disinfectants available, but a potentially dangerous chemical when transported by rail through our neighborhoods on route to wastewater and drinking water utilities and the conventional bleach producers that often supply them.

Federal estimates are that a release of chlorine from just one of the 36,000 annual rail car shipments could result in up to 100,000 casualties. Many water utilities are shifting to bleach, which is as effective as a disinfectant but less dangerous to ship, store, and use. However, bleach made using conventional manufacturing process also relies on chlorine shipped by rail.

I am pleased to have learned that there is a safer alternative, the use of which I believe should be greatly expanded. That alternative is bleach made using only salt, water, and electricity, eliminating the need to ship chlorine across the country. This safer bleach is just as effective as conventional bleach and can be produced at costs competitive with the cost of conventional bleach.

This technology is being implemented at locations around the country, including in Florida, Ohio, Virginia, and in my congressional district in Pittsburgh, California. Also, Clorox Corporation just this week announced plans to shift all of their bleach plants to use a method that would eliminate the transport of chlorine by rail and its facilities across the country. The elimination of chlorine transport by rail is welcomed by security advocates and the railroads that bear the liability risk from transporting chlorine.

H.R. 2868 calls for identification of chemicals of concern, the use of inherently safer technology by the highest risk water utilities. Clearly, chlorine is one of these chemicals of concern—perhaps more than any other chemical used by water utilities.

However, simply changing from chlorine to bleach as a disinfectant may not solve the problem.

Chlorine railcars could continue to pass through neighborhoods to the nearby conventional bleach manufacturers, who may argue that the cost for them is too high to shift to a safer process.

For this reason, I believe that we must look at the entire supply chain and the procurement process as we work to eliminate or mitigate the consequences of a terrorist attack. In order to fully achieve Congress’ intent in passing this bill, the Environmental Protection Agency and Department of Homeland Security should work together to evaluate this problem and develop a policy that will lead to safer utilities and companies producing the hazardous transport of chlorine.

Once again, I appreciate the work of Chairmen WAXMAN, Chairman OBERSTAR and Chairman THOMPSON on this bill and I look forward to working with them and the industry as we go forward to help reduce the risks associated with the transportation of chlorine across our country.

Mr. MARKY of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I thank my colleague.

First of all, I rise in strong support of H.R. 2868. I represent the largest petrochemical complex in the country. These chemical facilities contribute much to our economy and way of life and the employ thousands of workers in high-paying, quality jobs.

These chemical facilities have invested $8 billion in security improvements since 2001 and are fully complying with DHS’ Chemical Facilities Antiterrorism Standards, or CFATS, that has not been fully implemented. The dedication of the chemical employees as well as the communities around them, deserve the best security standards possible to prevent another unthinkable act of terrorism on U.S. soil.

When this bill was originally introduced, I had some concerns about it. Working with both Chairman WAXMAN and Subcommittee Chairman EDDIE MARKEY along with industry and labor officials, we made a number of changes in the bill. I would like to summarize some of them.

We worked with the Chair to include new language to clarify that the Coast Guard will be the main entity enforcing the requirements similar to the maritime security facilities; provide an explicit consultative role for the Coast Guard if the DHS Secretary considers mandating IST on a MTSA facility; ensure MTSA facilities would not have to perform additional background security requirements under CFATS; and identify the TWIC credential as being able to satisfy the CFATS requirements in the bill.

Third, workers were not afforded a robust redress process in the case of any adverse decisions made due to the personnel security requirements in the legislation.

We worked to include a “Reconsideration Process” by which workers could petition DHS to make a determination as to whether the worker poses an actual terrorist security risk, as well as included annual reports to Congress assessing much needed background checks and redress processes.

Fourth, the civil suit provisions could have unnecessarily disclosed sensitive security information for facilities.

Revised language was included to permit affected citizens the ability to compel agency actions under CFATS and provide an avenue for citizens to report facilities in potential violation of the bill’s requirements while safeguarding sensitive information.

No private right of action is permitted against private companies.

Finally, the original bill failed to streamline the regulation of both drinking water and wastewater facilities and lacked an appeals process for water systems subjected to IST decisions.

Chemical facilities have already invested nearly $8 billion in security improvements since 2001 and are fully complying with DHS’ Chemical Facilities Antiterrorism Standards, or CFATS, which are not yet fully implemented. These dedicated chemical employees, as well as the communities that surround these facilities, deserve the best security standards possible to prevent another unthinkable act of terrorism on U.S. soil.

As introduced, I had several concerns with H.R. 2868 that were not addressed in the final bill by working with Chairman HENRY WAXMAN, Subcommittee Chairman ED MARKEY, and industry and labor representatives.

First, granting the DHS Secretary authority to mandate a facility to perform a "method to reduce a consequence of a terrorist attack"—or IST—raises questions as to whether, or how, to involve government agencies like DHS that have few, if any, process safety experts, chemical engineers and other qualified staff.

We worked to include a fair and transparent technical appeals process in H.R. 2868 that requires DHS to examine such decisions with facility representatives as well as with experts knowledgeable in the fields of process safety, engineering, and chemistry.

Second, the scope of affected facilities nationwide potentially subject to IST requirements was substantially reduced by focusing exclusively on chemical facilities in populated areas subject to a release threat, and DHS may not mandate IST if it were not feasible or if the facility would no longer be able to continue operations at its location.

Second, H.R. 2868 as introduced created unnecessary duplication with existing regulations for chemical facilities already regulated under the Maritime Transportation Security Act, or MTSA.

We worked with the Chairmen to include new language to clarify that the Coast Guard will be the main entity enforcing the requirements of this act for MTSA facilities; provide an explicit consultative role for the Coast Guard if the DHS Secretary considers mandating IST on a MTSA facility; ensure MTSA facilities would not have to perform additional background security requirements under CFATS; and identify the TWIC credential as being able to satisfy the CFATS requirements in the bill.

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Finally, the original bill failed to streamline the regulation of both drinking water and wastewater facilities and lacked an appeals process for water systems subjected to IST decisions.
Mr. MARKY of Massachusetts. I yield myself the balance of my time.

Mr. Chairman, I want to thank Michal Freedhoff from my staff; and Alison Cassidy, David Leviss, Jacqueline Cohen, Phil Barnett, Greg Doten, niektórych, Peter Ketcham-Caldwell and Melissa Cheatham from Chairman WAXMAN’s staff. I would also like to thank Chris DeBosier of Mr. MELANCON’s staff and Derrick Ramos from Mr. GREEN’s staff.

This is not an environmental bill. This is not a bill banning chemicals. This is a bill about national security, to make sure that al Qaeda cannot turn a chemical facility in our country into a weapon of mass destruction in some hometown in our country. That is what this bill is all about. I urge an “aye” vote.

The Acting CHAIR. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) will be recognized for 15 minutes and the gentleman from Pennsylvania (Mr. DENT) will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Texas. Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself as much time as I may consume.

I rise in support of H.R. 2868, the Chemical and Water Security Act of 2009.

I join my chairman, Mr. OBERSTAR, in thanking the chairman of the Committee on Homeland Security, the chairman of the Committee on Energy and Commerce for including an amended text of my bill, H.R. 2833, the Wastewater Treatment Works Security Act of 2009, as title III in H.R. 2868—Enactment of the Wastewater Treatment Works Security Act, in concert with the underlying language produced by the Committees on Homeland Security and Energy and Commerce, will preserve the historical relationship between water utility regulators and the Environmental Protection Agency in meeting both the security enhancements called for in this measure as well as the goals and purposes of the Clean Water Act.

In the wake of September 11, 2001, our Nation has learned the importance of protection of our critical infrastructure. In the weeks following 9/11, the Committee on Transportation and Infrastructure held several hearings on the overall vulnerability of infrastructure to terrorist attack, including the vulnerability of the Nation’s wastewater utilities.

Since these hearings, the position of our committee, both under Democratic and Republican majorities, has been consistent. We must strive to reduce the vulnerability of wastewater infrastructure and to minimize the potential adverse impact to human health, critical infrastructure and the environment that could occur from an intentional act.

According to EPA, there are over 16,000 publicly owned treatment works in the United States as well as 100,000 major pumping stations, 600,000 miles of sanitary sewers, and another 200,000 miles of storm sewers. Taken together, these systems represent the backbone of the Nation’s primary sewage treatment capacity, as well as an extensive network that runs near and under key buildings and roads and alongside many critical communication and transportation networks.

Significant damage to the Nation’s wastewater treatment facilities or collection systems could result in the loss of large quantities of wastewater, thereby causing catastrophic damage to rivers, lakes and wetlands, contamination of drinking water supplies, long-term public health impacts, destruction of fish and shellfish production areas, and disruption to commerce, the economy and the Nation’s way of life.

In the same light, certain wastewater treatment works throughout the United States use chemicals in their disinfectant process, such as chlorine and other chemicals that pose a threat to public health if improperly released into the environment.

Title III of this bill, the Wastewater Treatment Works Security Act, ensures that all large- and medium-sized wastewater treatment facilities that treat at least 2.5 million gallons of sewage per day—perform a nationally consistent threshold security assessment and take proactive steps to reduce their overall vulnerability.

According to EPA, one in four communities served by wastewater treatment plants is in a critical access zone in or near a transportation network that runs near or beneath key defense sites. Over 40% of all wastewater plants report that more than one attack within the past year. Significantly, a recent study of 450 wastewater plants by the American Water Works Association (AWWA) determined that 88% of the facilities surveyed serve a population of over 100,000 people.

Mr. Chairman, a majority of the Nation’s wastewater is treated by publicly owned treatment works. Discharges from these facilities, more commonly known as sewage treatment plants, are typically subject to regulation under the National Pollutant Discharge Elimination System program, established under the Clean Water Act.

Today, all but five States have received EPA approval to manage their approved State programs. The Act would require an “operational” approval of the programs.

As I mentioned, the primary objective of this bill is to ensure the safety of our Nation’s wastewater systems. This bill is not about banning chemicals. It is not about eliminating a State’s ability to run an IST system. It is about enhancing the security of our Nation’s wastewater systems.

Mr. Chairman, pursuant to the instructions of the gentleman from Florida has 1 1/2 minutes remaining.

Mr. STEARNS. With that, I yield that time to the gentleman from California.

The Acting CHAIR. The gentleman from California is recognized for 1 1/2 minutes.

Mr. RODANOVIČ. I realize that my friends in the majority like to trumpet the support of the drinking water title of the bill by the American Municipal Water Association, yet I want to provide my colleagues with the rest of the story.

The AMWA is just a sliver of the regulated universe covered by this bill. There are three other groups that are much larger in terms of the number of facilities they serve.

While the AMWA members claim to serve 125 million Americans, the American Water Works Association serves 180 million customers and 4,700 utilities. The National Association of Water Companies, or the NAWC, represents 22 million customers, and the National Rural Water Association represents 25,000 utilities. None of these associations has proclaimed their support for this entire bill.

In my own State, the town of Modesto, and the Modesto Irrigation District, an AWWA member contacted me to express its concerns about the citizen suit provisions and the weak information and penalty provisions in this bill. They were also very concerned about the expense of the mandates that would be placed on them by this legislation.

I want to remind my colleagues that drinking water treatment can be complex and is closely constrained by Safe Water Drinking Act regulations, production demands and customer affordability. Evaluating changes to water treatment must be thoughtful, must be technically transparent and fully consider all the alternatives available to the water system, as set out by the system operators and local officials, not some bureaucrat who is unsure what they are doing.

I would have hoped that a problem-solving rather than politically motivated bill would be before us to address this matter. Because there isn’t, I urge defeat of this legislation.

The Acting CHAIR. The gentleman from Massachusetts has 30 seconds remaining.
designated uses for waters and for establishing water quality criteria sufficient to protect those uses.

The permitting authority then issues Clean Water Act permits for facilities, such as sewage treatment plants, that limit the amount of pollution they may legally discharge in order to meet the established water quality criteria and the uses.

During formulation of the Chemical and Water Security Act of 2009, the Committee on Transportation and Infrastructure worked with the Committees on Homeland Security and Energy and Commerce to ensure that the security-related requirements of this bill not negatively impact the ability of wastewater treatment facilities to meet their clean water obligations.

Equally as important, this bill preserves the historic oversight of EPA and approved States in implementation of the security-related requirements of this legislation.

Mr. Chairman, I have heard that this legislation will place an unnecessary financial burden on local governments or ratepayers, or that the inherently safer technologies called for in this legislation cannot be implemented.

To address this first concern, title III authorizes $1 billion over 5 years in grants to publicly owned treatment works to carry out the requirements of the title. State and local governments would be eligible for up to 75 percent of the costs to carry out vulnerability assessments, security and emergency response plans, and to implement measures to improve the overall security of publicly owned wastewater treatment facilities.

This legislation also provides grant funding for emergency response training to first responders and firefighters who may be called upon in the event of a terrorist attack.

In response to the second concern about inherently safer technologies, I would highlight the findings of the 2006 report of the Government Accountability Office which noted that over half, 56 percent, of the largest wastewater facilities use an alternative chlorine gas in their disinfectant process. Of the remaining facilities surveyed by GAO in 2006, an additional 20 percent of the facilities that used chlorine gas have retrofit plans to switch to another form of disinfectant.

One key example is here in the Nation’s Capital, just across the Anacostia River. In 2001, the Blue Plains Wastewater Treatment Plant, which serves the Capitol complex, switched from chlorine gas to a concentrated bleach formula for disinfection of wastewater. While the changes had been planned for some time, heightened security concerns following 9/11, including the potential impact of a terrorist attack on the U.S. Capitol complex, led facility personnel to accelerate the implementation of the inherently safer technology. If the switch from chlorine gas to the other inherently safer product was important enough to protect Members of Congress, it should be equally as important to protect our families throughout the United States.

This legislation has been endorsed by the national wastewater utility organizations, including the National Association of Clean Water Agencies, the California Department of Sanitation Agencies, and the American Public Works Association.

I support the passage of this legislation.

I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I rise in opposition to this legislation. Our side of the aisle is going to focus on the impact on jobs. This legislation is devastating to jobs in this country, and we will get into that in just a moment.

Mr. Chairman, I yield 4 minutes to the gentleman from Houston, Texas (Mr. CULBERSON).

Mr. CULBERSON. I appreciate the time.

We in the fiscally conservative minority, Mr. Chairman, are focused on jobs. Every day that we are here, we are working to make sure we protect the jobs we have and help identify and correctly identified this bill as a job-killing bill. And the reason is very straightforward. Just let me walk you through it.

In Texas alone, we have 470,000 jobs either directly or indirectly related to the petrochemical refining industry. In Louisiana next door, they have got about another half million jobs.

Now, the EPA has for many years, they are looking to try to change, for example, a bleaching process in the paper industry that would cost up to $200 million. The EPA has also tried to switch a refining process in the petrochemical industry from hydrochloric acid to sulfuric acid. That can be just as dangerous in a terrorist attack, but requires 250 times more acid to achieve the same result and will cost between $45 million and $150 million per refinery to convert to the sulfuric acid process, with an increase in operating costs between 200 and 400 percent.

I apologize for my voice, but I was participating in the rally outside the Capitol of people who came here today concerned about the job-killing effect of that health care bill that I share concern and their opposition over, and wore my voice out.

But we in Texas understand the importance of protecting these facilities from terrorist attacks, and that is not our concern. We are concerned about the bureaucracy this bill creates.

But let me very quickly just read from the bill, Mr. Chairman. Let’s look at the definitions. If you look at the definition of chemical facility, that is any facility that contains a substance of concern.

When you look at the definition of the environment, you will see right away that means the waters, navigable water or saltwater, contiguous to the United States. And one of our biggest concerns in this legislation, you will find it buried on page 95.

“The Environmental Protection Agency Administrator” I am quoting directly from the bill, “may designate any chemical substance as a substance of concern and shall establish a threshold quantity for the release of the substance, and if that substance has any serious adverse effect on the environment, the EPA administrator can shut down the process.”

This is not a safety provision for protecting us against terrorist attacks. This is a straightforward environmentalist piece of legislation designed to give the EPA authority that they do not currently have.

This chart shows the Houston ship channel, which my friend Gene Green represents. There are tens of thousands of jobs that are reliant on the petrochemical refining industry along the Houston ship channel.

This map shows southwest Louisiana and southeast Texas between Baton Rouge and Corpus Christi, Texas. Almost half of the Nation’s petrochemical refining capacity is concentrated in southwest Louisiana and southeast Texas. They are doing a far better job today in protecting the environment and in protecting against terrorist attacks. We have already got legislation on the books that Mr. Barton mentioned that is costing about $2 billion to implement to protect against terrorist attacks.

I would ask the majority, it makes no sense for this Congress to pass legislation today that would so clearly kill jobs. According to the National Association of Manufacturing, this bill will kill tens of thousands of jobs in the petrochemical refining industry across this Nation. When we have already got legislation on the books to protect against terrorist attacks, why would this Congress pass a bill which so clearly will kill jobs, which so clearly, here it is on page 95 in clear English, is directed at giving the administrator of the EPA the ability to designate any chemical they want as a threat to the environment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENT. I yield the gentleman an additional 20 seconds.

Mr. CULBERSON. This is an extremely dangerous piece of legislation which will kill jobs in the petrochemical refining industry across the United States, and I urge my colleagues to defeat it. In a time of recession, we have got to protect jobs and build jobs, not pass more regulations that will kill jobs.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Chairman, I rise today as a proud supporter of H.R. 2868, the Chemical and Water Security Act of 2009. I would like to thank Chairman Thompson, Chairman Oberstar, and

This legislation has been endorsed by the California Department of Sanitation, the Association of Clean Water Agencies, and the American Public Works Association.
Chairman WAXMAN for their leadership in this crucial piece of legislation. I know firsthand the challenges and risks that large urban areas face. The district I represent is densely populated and home to critical transportation, as well as those chemical plants. In fact, the district is considered to have the most dangerous 2-mile stretch in the Nation.

On the morning of September 11, I witnessed the destructive capabilities of terrorism. We must also do everything in our power to address the known threats so we can reduce our risk and prevent future catastrophes. I know H.R. 2868 will bring us several steps closer to securing the facilities across the country that we rely on each day. The safety of our communities depends on the security measures taken at these facilities.

Mr. Chairman, increased security measures should not be viewed as a burden, but as an opportunity to reduce terrorism by promoting best practices. This legislation is skillfully designed to increase our security without jeopardizing facility services, and I urge my colleagues to vote in favor of H.R. 2868.

I also would like to add, we heard concerns today about the potential impact of this bill on the economy and jobs. I want to take this opportunity to share with you the views of those who have the most at stake in this argument, the workers themselves.

The United Steelworkers, the International Chemical Workers Union Council, the International Brotherhood of Teamsters, the Service Employees International Union, the Communications Workers of America, and the United Auto Workers Union Legislative Alliance sent a letter to Congress on October 30 expressing their strong support for this bill. The workers are on the front lines in defending chemical plants, and they have come to me expressing their support for H.R. 2868.

Mr. DENT. Mr. Chairman, I would like to yield 4 minutes to the distinguished gentleman from New Orleans, Mr. SCALISE.

Mr. SCALISE. I want to thank the gentleman for yielding. I rise in opposition to this bill because it has nothing to do with security of our chemical facilities. The chemicals facilities spend millions and millions of dollars to secure their facilities. The workers themselves suggest that those facilities are more secure than most Federal buildings because there is so much at stake, and nobody has challenged or suggested anything other than that they do protect their facilities.

What this is about is radical environmentalists coming in and trying to impose new policies. They call it “inherently safer technologies.” And what is that? Well, clearly it is not anything that is going to make the plant more efficient, because those companies spend millions of dollars continuously to upgrade and make the most modern facilities that they have so they can continue manufacturing in this country. What it means is there is some people in the Federal Government who want to go in and tell manufacturing companies which products to use in their manufacturing facilities.

As New, I believe that the problems we have got right now in our economy is that the government is trying to run every business that there is out there. The government is trying to run car companies, and look at how well that has turned out. The government is running banks, and look what that has turned out. The government has czars trying to run all of these different aspects of our economy, and it is not working.

In fact, unemployment is now at 9.8 percent, approaching 10 percent, when they said their stimulus bill would cap unemployment at 8 percent. So clearly their approach to fixing this economy is not working and it has led to more job losses.

In fact, if you look at the results of the elections on Tuesday night in Virginia and New Jersey, people turned out in droves and said it is jobs. It is the economy. We want government to stop running jobs out of this country.

So what will we do? They bring us another bill today that runs more jobs out of this country. Because if you look at what is going to happen to these facilities, petrochemical facilities that refine oil, there is talk about, oh, we want to reduce our dependence on foreign oil.

Sure we want to reduce our dependence on foreign oil. You don’t do it by running every refinery out of this country to China or India or the Middle East. That is what this bill will do. It will increase our dependence on foreign oil and on companies in the Middle East that refine oil.

It will run millions of jobs out of this country, and these are high-paying jobs. The average cost at some of these chemical facilities is over $70,000 per year per employee. And their bill that they are bringing forward will run thousands, in south Louisiana thousands, of those jobs out of this country.

You wonder why businesses are running around right now feeling like they have a bull’s eye on their back by the Federal Government. It is because of policies just like this. Cap-and-trade is still out there. You have the card check bill that has businesses scared to death to hire anybody in America because of what Congress is going to do to them.

That is not the role of government. That is not the role of Congress. We should be trying to spend time here helping create jobs. Instead, we have got a bill on the floor, yet another of a long laundry list of legislation that will run more jobs out of the economy, out of this country.

Nobody has disputed that. All of the businesses that have looked at this have said this will run jobs out of this country, and it won’t do anything to increase security at our facilities, because they are already doing the things they need to do to keep us safe, and nobody has suggested otherwise. We need to defeat this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. I am taking a little bit different tack here. I don’t object to what we are trying to do, but as I have thought about this over the last few hours, I have a concern, and this concern has to do with I think there has been very little discussion with those that produce our food and fiber in this country, which I have been involved in most of my life, as well as many others here. I am told that there has not been too much coordination.

So I am not saying don’t do this. I am wondering if we could just pause for a minute and take some time to discuss the impact on another area of security, if you will, homeland security and the production of food.

Our farmers in this country, dairy farmers by the multitudes, are going under. Pork producers are down about $22 per head over the last 24 months. Beef producers can’t meet the cost of inputs. Corn producers in my State are not meeting the cost of input. And I think maybe it would be time well spent if we could just pause and think about the impact of these things on what we are trying to do.

So yes, we need to protect our water. Nobody is arguing about that. We in agriculture think that very strongly.

But probably who I need to be talking to is not here listening on the floor today to be able to cause this pause to take place. Mr. Chairman, I think this is the preserving of some careful consideration because one thing that we haven’t done in this country compared to some places around the world, we haven’t been hungry. If that should happen, we would certainly, surely have a very, very serious security situation.

I think the intent is good, but I think we need a little pause to talk for a day or two about the possibility, about the impact that this has on food and fiber production in this great country of ours.

Mr. DENT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN. Mr. Chairman, thank you very much. I appreciate the chance to be on the House floor today to speak in opposition to this bill, and I am particularly delighted to speak after the gentleman from Iowa (Mr. BOSWELL) has just spoken because my regard to my colleagues on the Agriculture Committee and others from rural America, whether Republicans or Democrats, is this is...
a bad bill for rural America and for our agriculture producers and the small businesses that support agriculture in rural America.

While it is a noble effort and something that I think everyone on the House floor agree on, we do need to move in the direction of greater security in regard to chemicals. Aspects of this bill, as indicated by the gentleman from Texas (Mr. Barton), really do not relate to what we are about, employee safety, workforce safety, the environment in which we work. It is about environmental rules and regulations. And in some fashion in our legislative process here, the Department of Homeland Security issues have been overcome, the positives that may be there from increasing our security, are overcome by the detrimental costs associated with environmental and labor issues.

So this bill, particularly because of the IST provisions, is a bill that is detrimental. As Mr. Boswell indicated, increasing input costs—fertilizers, chemicals, pesticides—those things matter quite a bit to agriculture today, especially today when the economic circumstances in which our farmers find themselves is so narrow, so difficult, anything that increases the cost is very damaging.

Finally, the businesses that support them, they make up a huge component of rural communities across my State, across rural America and across our country, and putting those folks out of business has a significant consequence to the future of the people that I represent.

So I urge my colleagues from all across rural America to oppose this legislation for the dramatic and damaging effect it will have upon the people who produce food and fiber in this country and the businesses that support that effort.

Ms. EDDIE BERNICE JOHNSON of Texas, I would like to include for the Record correspondence from the National Association of Clean Water Agencies and the California Association of Sanitation Agencies. October 29, 2009.

HON. NANCY PELOSI, Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: The National Association of Clean Water Agencies and the California Association of Sanitation Agencies support incorporating wastewater facility security legislation into the Chemical Facility Anti-Terrorism Act (H.R. 2868) once chemical facility legislation is sent to the House floor. In furtherance of this objective, we support including the Wastewater Treatment Works Security Act (H.R. 2868) as a separate title in comprehensive chemical facility legislation. We have reviewed the manager’s amendment to H.R. 2863, and believe this language addresses our primary concern: the prospect of separate regulatory regimes for drinking water and wastewater treatment facilities. Numerous local agencies provide both water and wastewater treatment services. The dual regulatory system is counterproductive and entirely without any security benefits.

Our organizations have appreciated the opportunity to work with the Homeland Security, Transportation and Infrastructure, and Energy and Commerce Committees on reaching a resolution to this issue. We look forward to supporting your efforts to bring this legislation to the House floor across floor debate and passage. If you have any questions or wish to discuss this matter further, please contact Patricia Sinicropi, NACWA Legislative Director.

Sincerely,

KEN KIRK, Executive Director, National Association of Clean Water Agencies (NACWA).

CATHERINA SMITH, Executive Director, California Association of Sanitation Agencies (CASA).

AMERICAN PUBLIC WORKS ASSOCIATION, Kansas City, MO, October 29, 2009.

HON. NANCY PELOSI, Speaker of the House, Cannon House Office Building, Washington, DC.

DEAR MADAM SPEAKER: I am writing to urge you to move the Chemical Facility Anti-Terrorism Act (HR 2868), which now includes language addressing security at drinking water and wastewater facilities, to the floor for a vote as soon as possible. The committees with an interest in chemical security at facilities across the nation have worked diligently to craft a comprehensive package that provides an appropriate and sensible approach to closing the existing regulatory gap in the current regulatory framework by leaving EPA as the lead regulatory authority over the sector.

Establishing a single lead agency for security over a wide range of chemicals from intentional incidents or natural disasters at drinking water and wastewater facilities will promote consistent and efficient implementation of chemical security across the water sector while simultaneously ensuring continued protection of public health and the environment. Moreover, the Environmental Protection Agency (EPA) has a long-established and active water security program that promotes security and resiliency within the water sector. EPA, in close cooperation with the Department of Homeland Security, has the authority only to regulate security at wastewater and drinking water facilities

Mr. Chair, I rise in strong support of H.R. 2868, the “Chemical and Water Security Act of 2009”.

At the outset, let me also thank the gentleman from Mississippi (Mr. Thompson), Chairman of the Committee on Homeland Security, and the gentleman from California (Mr. Waxman), Chairman of the Committee on Energy and Commerce, for their efforts on this legislation and their willingness to include the text of the “Wastewater Treatment Works Security Act of 2009” as title III of the bill under consideration.

In June of 2009, I joined with the Chairwoman of the Subcommittee on Water Resources and Environment, Eddie Bernice Johnson, in introducing the “Wastewater Treatment Works Security Act of 2009,” to address the security needs of wastewater treatment facilities under the auspices of the Clean Water Act. That legislation, as amended, is incorporated as title III of H.R. 2868.

Enactment of the “Wastewater Treatment Works Security Act,” in concert with the underlying language produced by the Committees on Homeland Security and Energy and Commerce, will preserve the historical relationship between wastewater utility operators and the Environmental Protection Agency (EPA) in meeting both the security measures called for in this legislation, as well as the goals and purposes of the Clean Water Act.
Mr. Chair, following the terrorist attacks of September 11, 2001, the identification and protection of critical infrastructure, including the Nation’s system of wastewater infrastructure, has become a national priority. EPA has worked with state and local governments to enhance national security since 2001, and the majority of wastewater treatment works have conducted vulnerability assessments and implemented emergency response planning procedures.

However, wastewater treatment works have undertaken these activities, with guidance from EPA, on a voluntary basis, as nothing in current law requires wastewater treatment works to carry out specific security measures. H.R. 2868 closes this significant security gap and enacts mandatory security standards applicable to treatment works. EPA will establish security regulations and oversee their implementation to appropriately balance water quality and security goals.

Our Nation’s wastewater treatment capacity consists of approximately 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers and another 200,000 miles of storm sewers, with a total value of more than $2 trillion. Taken together, the sanitary and storm transportation networks. Publicly owned treatment works also serve more than 200 million people, or about 70 percent of the Nation’s total population, as well as approximately 27,000 commercial or industrial facilities, that rely on the treatment works to treat their wastewater. Significant damage to the Nation’s wastewater facilities or collection systems could result in loss of life, catastrophic environmental damage to rivers, lakes, and wetlands, contamination of drinking water supplies, long-term public health impacts, destruction of fish and shellfish production, and disruption to commerce, the economy, and our Nation’s normal way of life.

In the same light, certain wastewater treatment works throughout the United States utilize chemicals in their disinfectant processes, such commercial or industrial facilities, that may pose a threat to public health or the environment if improperly released into the surrounding environment. While proper storage and security for such chemicals on-site may reduce the potential risk of improper release, similar security-related issues in the shipment and use of potentially harmful chemicals must also be considered in relation to the overall security of the wastewater treatment works.

The “Wastewater Treatment Security Works Act” regulates and medium-sized wastewater treatment facilities—those that treat at least 2.5 million gallons of sewage per day—perform a nationally-consistent, threshold security assessment, and take proactive steps to reduce their overall vulnerability. For those facilities that possess sufficient quantities of potentially-dangerous chemicals, this legislation requires an assessment of whether “inherently safer technologies” can be implemented to reduce the overall risk posed by the facility; while enabling the facility to continue meeting its water quality obligations under the Clean Water Act.

Finally, this legislation authorizes $1 billion over 5 years in grants to publicly owned treatment works to carry out vulnerability assessments, site security and emergency response plans, and to implement measures to improve the overall security of the wastewater treatment facilities, as well as provide emergency response training to first responders and fire-fighters who may be called upon in the event of a terrorist attack at a wastewater treatment works.

This legislation has been endorsed by the Nation’s leading wastewater utility organizations, including the National Association of Clean Water Agencies, the California Association of Sanitation Agencies, and the American Public Works Association.

Mr. Chair, I would like to discuss certain sections of title III of the bill.

SECTION 301. SHORT TITLE

This section designates this title as the “Wastewater Treatment Works Security Act of 2009”.

SEC. 302. WASTEWATER TREATMENT WORKS SECURITY

This section amends the Federal Water Pollution Control Act of 1972 to add a new section 222 to address the security of wastewater treatment works (hereinafter “treatment works”) under the authority of the Administrator of EPA.

SECTION 222(a). ASSESSMENT OF TREATMENT WORKS VULNERABILITY AND SITE SECURITY AND EMERGENCY RESPONSE PLANS

Section 222(a) defines the new security-related obligations for treatment works required under this subsection, as well as the terms “vulnerability assessment”, and “site security plan”. Under section 222(a)(1), any treatment works with a treatment capacity of at least 2.5 million gallons per day (estimated by EPA to be a treatment works that serves a population of 25,000 or greater), or in the discretion of the Administrator, presents a security risk, is required to: (1) conduct a vulnerability assessment; (2) develop and implement a site security plan; and (3) develop an emergency response plan for the treatment works.

SECTION 222(b). RULEMAKING AND GUIDANCE DOCUMENTS

Section 222(b) directs the Administrator to conduct a rulemaking no later than December 31, 2010, to: (1) establish risk-based performance standards for the security of a treatment works covered by this section; and (2) establish requirements and deadlines for each owner and operator of a treatment works to conduct (and periodically update) a vulnerability assessment, to develop (and periodically update) and implement a site security plan, to develop (and periodically revise) an emergency response plan, and to provide annual training for employees of the treatment works.

Section 222(b)(2) directs the Administrator, in carrying out the rulemaking under section 222(b), to provide for four risk-based tiers for treatment works (with tier one representing the highest degree of security risk), and to establish “risk-based performance standards for site security plans and emergency response plans” required under section 222(a). Under subsection (b)(2)(B), the Administrator is directed to assign (and reassign, when appropriate) treatment works into one of the four designated risk-based tiers, based on consideration of the size of the treatment works, the treatment works’ potential to affect large population centers, the adverse impacts of an intentional act on the operations of the treatment works, critical infrastructure, public health, safety or the environment, and any other factor determined appropriate by the Administrator. Section 222(b)(2)(B)(iii) provides the Administrator authority to request information from the owner or operator of a treatment works necessary to determine the appropriate risk-based tier, and section 222(b)(2)(B)(iv) directs the Administrator to perform treatment works with the reasons for the tier assignment.

Section 222(b)(2)(C) requires the Administrator to ensure that risk-based performance standards are consistent with the level of risk associated with the risk-based assessment for the treatment works, and provides that the risk-based performance standards outlined in the Chemical Facility Anti-Terrorism Standards (CFATS) of the DHS, contained in section 72.230 of title 6, Code of Federal Regulations. Section 222(b)(3) directs the Administrator, in carrying out the rulemaking under section 222(b), to require any treatment works that “possesses or plans to possess” a designated amount of a substance of concern (as determined by the Administrator under section 222(c)) to include within its site security plan an assessment of “methods to reduce the consequences of a chemical release from an intentional act” at the treatment works. Section 222(b)(3)(A) defines such an assessment as one that reduces or eliminates the potential consequences of a release of a substance of concern from an intentional act, including: (1) the elimination or reduction of such substances through the use of alternate substances, formulations, or processes; (2) the modification of operations at the treatment works; and (3) the reduction or elimination of onsite handling of such substances through improvement of inventory control or chemical use efficiency.

Section 222(b)(3)(B) requires each treatment works that possesses or plans to possess a designated amount of a substance of concern to consider, in carrying out such an assessment, the potential impact of any method to reduce the consequences of a chemical release from an intentional act on the responsibilities of the treatment works to meet its effluent discharge requirements under the Clean Water Act, and to include relevant information on any proposed method, such as how implementation of the method could reduce the risks to human health or the environment, whether the method is feasible (as such term is defined by the Administrator), and the potential costs (both expenditures and savings) from implementation of the method.

Section 222(b)(3)(C) provides for mandatory implementation of a method to reduce the consequences of a chemical release from an intentional act for a treatment works that is assigned to one of the two highest risk-based tiers, and possesses or plans to possess a designated amount of a substance of concern. Section 222(b)(3)(C)(i) authorizes the Administrator, on a State’s proposal, to enter into an agreement with an approved program under section 402 of the Clean Water Act, to require the owner or operator of the treatment works to implement such a method, and includes a series of factors for the Administrator or State to consider in making such a determination. Section 222(b)(3)(D) provides a method for a owner or operator of a treatment works to appeal the decision of the Administrator or a State that requires the implementation of such a method.
Section 222(b)(3)(E) authorizes the Administrator to address incomplete or late assessments of methods to reduce the consequences of a chemical release from an intentional act at the treatment works by an owner or operator of a treatment works.

Section 222(b)(4) and (5) directs the Administrator to take action, in a State with an approved program under section 402 of the Clean Water Act, to determine whether a treatment works should be required to implement or improve the consequence of a chemical release from an intentional act, and to compel the treatment works to implement such methods through an enforcement action, in the absence of State action.

Section 222(b)(5) authorizes the Administrator to consult with the States (with approved programs), the Secretary of Homeland Security and, as appropriate, other persons, in developing regulations under this subsection.

Section 222(b)(6) requires the Administrator to ensure that regulations developed under this subsection are consistent with the goals and requirements of the Clean Water Act.

SECTION 222(C). SUBSTANCES OF CONCERN

Section 222(c) authorizes the Administrator, in consultation with the Secretary of Homeland Security, or with any other executive branch agencies, to identify any chemical substance as a substance of concern, and to establish, by rulemaking, a threshold quantity of such substance that, as a result of a release, is known to cause death, injury, or serious adverse impacts to human health or the environment. In carrying out this authority, the Administrator is required to take into account the list of “Chemicals of Interest,” developed by the DHS, and published in appendix A to part 27 of title 6, Code of Federal Regulations.

SECTION 222(D). REVIEW OF VULNERABILITY ASSESSMENT AND SITE SECURITY PLAN

Section 222(d) requires an owner or operator of a treatment works covered by this section to submit a vulnerability assessment and site security plan to the Administrator for review in accordance with guidelines established by the Administrator. Section 222(d)(2) and (3) direct the Administrator to review such assessments and plans, and to either approve or disapprove such assessments and plans. Section 222(d)(3) and (4) establish criteria for the disapproval of a vulnerability assessment or site security plan, and requires the Administrator to provide the owner or operator of a treatment works with a written notification of any deficiency in the vulnerability assessment or site security plan, including guidance for correcting such deficiency and a timeline for resubmission of the assessment or plan.

SECTION 222(E). EMERGENCY RESPONSE PLAN

Section 222(e) establishes the requirements for an owner or operator of a treatment works to develop and, as appropriate, revise an emergency response plan that incorporates the results of the current vulnerability assessment and site security plan for the treatment works. Section 222(e)(2) requires the owner or operator to certify to the Administrator that an emergency response plan meeting the requirements of this section has been completed, and is appropriately updated. Section 222(e)(4) requires the owner or operator of a treatment works to provide appropriate information to any local emergency planning committee, local law enforcement, and local emergency responders.

SECTION 222(F). ROLE OF EMPLOYEES

Section 222(f)(1) requires that a site security plan and emergency response plan identify the appropriate roles or responsibilities for employees and contractor employees of treatment works in carrying out the plans. Section 222(f)(2) requires the owner or operator of a treatment works to provide sufficient training, as determined by the Administrator, to employees and contractor employees in carrying out site security plans and emergency response plans.

SECTION 222(G). MAINTENANCE OF RECORDS

Section 222(g) requires that an owner or operator of a treatment works maintain an updated copy of its vulnerability assessment, site security plan, and emergency response plan on the premises of the treatment works.

SECTION 222(H). AUDIT; INSPECTION

Section 222(h) directs the Administrator to audit and inspect treatment works, as necessary, to determine compliance with this section, and authorizes access by the Administrator to the owners, operators, employees, contract employees, and, as applicable, employee representatives, to carry out this subsection.

SECTION 222(I). PROTECTION OF INFORMATION

Section 222(i) establishes requirements for the protection of public disclosure of protected information. Section 222(i) authorizes the Administrator to prescribe, by regulation or issue orders, as necessary, to prohibit the unauthorized disclosure of such information. Section 222(i)(2)(B) provides authority to the Administrator to prescribe, by regulation or issue orders, as necessary, to prohibit the unauthorized disclosure of such information. Section 222(i)(2)(B) provides authority to the Administrator to prescribe, by regulation or issue orders, as necessary, to prohibit the unauthorized disclosure of such information.

SECTION 222(J). VIOLATIONS

Section 222(j) provides criminal, civil, and administrative penalties for the violation of any requirement of this section, including any regulation promulgated pursuant to this section, consistent with the criminal, civil, and administrative penalties contained in section 309 of the Clean Water Act.

SECTION 222(K). REPORT TO CONGRESS

Section 222(k) directs the Administrator to report to Congress within three years of the date of enactment of the Wastewater Treatment Works Security Act of 2009, and every three years thereafter, on progress in achieving compliance with this section. Section 222(k)(3) provides that such reports be made publicly available.

SECTION 222(L). GRANTS FOR VULNERABILITY ASSESSMENTS, SECURITY ENHANCEMENTS, AND WORKER TRAINING

Section 222(l) authorizes Federal grants for the conduct of vulnerability assessments and the implementation of security enhancements and worker training for security related training of employees or contractor employees of a treatment works and training of first responders and emergency response providers. Section 222(l)(2)(C) provides that grants made available under this Act not be used for personnel cost or operations or maintenance of facilities, equipment, or systems. Section 222(l)(2)(D) provides for a maximum 75 percent Federal share for grants made available under this Act.

SECTION 222(M). PREEMPTION

Section 222(m) provides that nothing in this section precludes or denies the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to a treatment works that is more stringent than a regulation, requirement, or standard of performance under this section.

SECTION 222(N). AUTHORIZATION OF APPROPRIATIONS

Section 222(n) authorizes to be appropriated to the Administrator $200 million for each of fiscal years 2010 through 2014 for making grants under section 222.

SECTION 222(O). RELATION TO CHEMICAL FACILITY SECURITY REQUIREMENTS

Section 222(o) provides that the requirements of Title XXI of the Homeland Security Act of 2002, section 550 of the Department of Homeland Security Appropriations Act, 2007, and the Chemical and Water Security Act of 2009, and any regulations promulgated thereunder, do not apply to a treatment works, as such term is defined in section 212 of the Clean Water Act.

LEGISLATIVE HISTORY

In the 107th Congress, on October 10, 2001, the Subcommittee on Water Resources and Environment held a hearing on the security of infrastructure within the Subcommittee’s jurisdiction, including issues related to the nation’s network of wastewater infrastructure. On July 22, 2002, then-Chairman DON YOUNG introduced H.R. 5169, the “Wastewater Treatment Works Security Act of 2002”. On July 24, 2002, the Committee on Transportation and Infrastructure met in open session and ordered the bill reported favorably to the House by voice vote. On October 7, 2002, the House passed H.R. 5169 by voice vote. No further action was taken on this legislation.

In the 108th Congress, on February 13, 2003, then-Chairman DON YOUNG introduced H.R. 866, the “Wastewater Treatment Works Security Act of 2003”. On February 26, 2003, the Committee on Transportation and Infrastructure met in open session and ordered the bill reported favorably to the House by voice vote. H. Rept. 108-33. On May 7, 2003, the House passed H.R. 866 by a vote of 413-2. No further action was taken on this legislation.

In the 111th Congress, on June 16, 2009, Water Resources and Environment Subcommittee Chairwoman EDDIE BERNICE JOHN-\nSON introduced H.R. 2863, the “Wastewater Treatment Works Security Act of 2009”.

Mr. DENT. Mr. Chairman, first, there has been considerable debate here today whether farmers and small agricultural retailers currently exempt from the existing CFATS regulations. Nowhere in this bill does the Secretary have any authority to exempt certain individuals or classes from those regulations. Nowhere.

If the majority disagrees and would care to point to a particular provision that authorizes the Secretary to grant exemptions from the provisions, including the costly IST assessment and
Mr. SHIMKUS. Mr. Chairman, it is all about jobs today. This bill affects jobs and the economy. We are close to 9.8 percent unemployment in the manufacturing sector, and here we are going to put more, additional burdens on those who create jobs. If you don’t have employers, you don’t have employees.

I appreciate my agriculture members coming down here because it is not about the end users, it is about the producers of the chemicals. It is about the producers of the anhydrous. Those are the folks whose costs are going to go up.

Now I like to come down here and talk about the hypocrisy of this whole debate, especially on the Safe Drinking Water Act, because if it really was about security, and I talked about this in the Rules Committee, and no one has answered this question, on the health care bill, page 1785, we say this: “The financial and technical capability of an Indian Tribe, or Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.”

Your health care bill says if the Indian Tribe cannot safely run a plant, we are going to build you one anyway. We are not worried about safety and security.

Page 1785, a financial and technical capability of an Indian Tribe, shall be exempt even if they can’t operate safely a water treatment plant. So what you are doing in the health care bill, exempting Indian tribes who don’t know how to manage a refinery, you are giving them protections in this health care bill. But in this bill, municipal water plants pay more; private water plants pay more; refineries pay more. Indian tribes under your health care bill—

The Acting CHAIR. The time of the gentleman has expired.

Mr. DENT. I yield the gentleman an additional 30 seconds.

Mr. SHIMKUS. I would just say why would we exempt Indian tribes from the ability to prove that they can actually operate a water purification plant? Why would we do that? If safety and security is important, the whole premise of this bill, why would we exempt Indian tribes? Page 1785 of your bill in the health care reform. Three hundred pages on Indian health, not one page through the committee process. It is an abstraction of the process.

Mr. DENT. Mr. Chairman, I think you just heard some very powerful arguments in opposition to this legislation. This issue is all about jobs. I want to say one thing. It is a darn good thing that the House of Representatives just a couple of hours ago passed an extension of unemployment benefits. Because of this legislation, people are going to need them. That said, people across the country are very scared of Washington right now. They are scared of the agenda, and they are scared of the national energy tax called cap-and-trade. They are afraid of the card check bill and the health care bill of that will cost thousands of dollars. So is it any wonder that unemployment rates are going the way they are going.

But one thing about these IST assessments, and I feel we have to talk about this from a jobs standpoint, but contesting these IST assessments will be costly, too costly for most small businesses to afford.

Experts estimate that a simple, one ingredient substitution would take persons 2 weeks and cost between $10,000 and $40,000, and that is on the low end. A pharmaceutical pilot plant with about 12 products would take three to six persons up to 10 weeks to conduct an assessment at a cost of $100,000 to $500,000.

Larger facilities with particularly hazardous chemicals, already regulated by OSHA, would require 8 to 10 people 6 months or more to complete at a cost of over $1 million dollars for the assessment. Fifty-nine percent of the facilities regulated under the current CFATS regulations that would be required to conduct these costly assessments employ 50 or fewer people. Mandating IST will be devastating to small businesses across America.

According to a California fertilizer manufacturer, eliminating the use of anhydrous ammonia and substituting it with urea can cost a 1,000 acre farm up to $15,000 per application. This would be a recurring cost passed on to the consumer.

On Friday, the Department of Labor is expected to revise the unemploy- ment figures. I want to ask this Chamber expect those numbers to go down? We hope they do, but I am afraid we know what the answer may be.

Ms. RICHARDSON. Mr. Chair, I rise today to express my strong support for the Chemical and Water Security Act of 2009. I would also like to thank Chairman OBERSTAR, Chairman WAXMAN, and my distinguished colleague on the Homeland Security Committee, Chairman THOMPSON, for their hard work in crafting this vital legislation.

I support this legislation because it will enhance the security of our nation’s chemical, drinking water, and wastewater facilities and it lessens the vulnerability of our most critical sectors to a terrorist attack. Specifically, this legislation Protects our nation by making critical infra- structure more secure;

Helps my district by enhancing the security of its chemical, drinking water, and wastewater facilities; and

Helps our economy by providing greater protection to the nation’s major job creating sectors and by providing incentives to spur production and technological innovation.

I also support H.R. 2868 because it contains a provision I offered that protects workers who identify and report violations affecting the safety and security of chemical facilities to management or regulatory authorities from retaliation and reprisal. When it comes to the security of our chemical, drinking water, and wastewater facilities, the work in them are the “First Preventers.” We depend on them to be competent, vigilant, and proactive. We owe them the assurance that they will not be penalized for doing their jobs properly. That is why I am pleased the bill also includes a provision allowing facility owners to certify in writing their knowledge of the protections provided whistleblowers and the Secretary’s power to protect them.

Mr. Chair, eight years ago this September 11 terrorists attacked our country and inflicted incalculable damage to our people, economy, and national psyche. We responded to the horror and trauma of that day by resolving to honor the victims and heroes of 9–11 by doing all we can to protect our homeland and our people from any future attack.

There is a simple answer for those who question the timing or need for a comprehen- sive legislation to safeguard these facilities.

The poison gas leak at Union Carbide’s Bhopal plant in 1984 that killed 10,000 people within 72 hours, and more than 25,000 people are suffering from an acute illness! Imagine the carnage that could result from an intentional act of terrorism or sabotage.

Mr. Chair, the chemical industry alone employs nearly a million Americans and it accounts for nearly $600 billion of the GDP. Beyond the 70,000 industries, and defense-related products—from plastics to fiber optics—are produced by the nation’s chemical facilities.

The economic and strategic value of the chemical industry makes it an attractive target to terrorists because many chemicals, either in their base form or when combined with others, can cause significant harm to both humans and the environment if misused.

My congressional district alone abuts one of the nation’s largest ports and is home to several refineries and petrochemical facilities. It is, as they say in the military, a “target rich environment.”

So I am not willing to wait. The time has come for us to approve legislation that puts in place the necessary protections and authorizes the necessary resources to keep our chemical, wastewater, and drinking water facilities secure. This bill does that.

Chemical facilities determined by the Secretary to be at risk are required to conduct a Security Vulnerability Assessment (“SSV”). After this, then development and implement a Site Security Plan (“SSP”), which is subject to review, approval, and inspection by the DHS Office of Chemical Facility Security.

The legislation also authorizes the DHS Secretary to require, where appropriate, that chemical facilities in the highest risk tiers implement “methods to reduce the consequences of a terrorist attack” by utilizing “inherently safer technologies” (“IST”). And if it authorizes the Secretary to award $225 million in grants to provide technical assistance and funding to ensure that the capital costs incurred in transitioning to inherently safer technologies.

I am also pleased to note that facilities around the country have already begun taking
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. R. 3276, by the yeas and nays; H. R. 1849, by the yeas and nays; H. Res. 878, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WORLD WAR I MEMORIAL AND CENTENNIAL ACT OF 2009

The SPEAKER pro tempore. The unfinshed business is the vote on the motion to suspend the rules and pass the bill, H. R. 1849, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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. 1849, as amended.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 14, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
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<tr>
<td>418</td>
<td>1</td>
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<td>NAYS</td>
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Paul NOT VOTING—14

A motion to reconsider was laid on the table.

AMERICAN MEDICAL ISOTOPES PRODUCTION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H. R. 3276, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. Markley) that the House suspend the rules and pass the bill, H. R. 3276, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 17, not voting 16, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>NOT VOTING</th>
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<td>400</td>
<td>17</td>
<td>16</td>
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MOMENT OF SILENCE FOR THE VICTIMS OF VIOLENCE AT FORT HOOD

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen, I rise with the extraordinarily sad and wrenching news that 12 of our people at Fort Hood have been killed today by a gun-wielding individual, and 31 others were wounded.

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Mr. HOYER. I rise with the extraordinary...
amendments on the chemical protection bill that we are now considering tomorrow. We will consider perhaps some other suspensions as well.

My expectation is that on Saturday we will convene at 9 o’clock in the morning and expect to have five 1-minute speeches on each side, as we usually do on Friday and the end of the week. We will then go to the rule on the health care bill, and then it is my expectation we will have consideration of the health care bill and the Republican substitute.

It is my expectation that if we proceed apace and come to a vote and disposition on that piece of legislation, that we would then adjourn Saturday at whatever hour we complete our work and that the adjournment would be to the 16th of November, the Monday of the following week. We will convene on the 16th at 6:30 p.m. and meet through Friday of that week. It is my expectation, as I have indicated, that we would be off the following week, which is Thanksgiving week.

That’s my present plan, which oft go awry, as all of us know, but that is my present plan for the balance of the month.

Mr. CANTOR. I thank the gentleman. I would just like to ask the gentleman for a point of clarification, our Members can count on a vote on a final passage on the health care bill on Saturday and, upon having done that, can anticipate being able to leave sometime Saturday night or Sunday? I yield.

Mr. HOYER. I thank the gentleman for yielding.

That would be my expectation. Again, I want to clarify and make sure that everybody understands it is our intent to finish the health care bill, but assuming that we finish the health care bill sometime Saturday, Saturday night, or early Sunday morning, it would seem that there would be no further business until the 16th.

Mr. CANTOR. I thank the gentleman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LARSEN of Washington). Without objection, 5-minute voting will continue. There was no objection.

NATIONAL FAMILY LITERACY DAY

The SPEAKER pro tempore. The unfinishing business is the question on suspending the rules and agreeing to the resolution, H. Res. 876.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 876.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. MCCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yes 409, no 15, not voting 24, as follows:[

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[Members listed by roll call numbers]
to a hospital in El Monte with flu symptoms, including flu, fever, congestion, and cough. She was sent away with cough syrup. Days later, Monica was admitted into intensive care, but it was too late, and Monica passed away on October 25 due to complications from the H1N1 virus.

Monica was a pregnant woman with flu-like symptoms that should have set off alarm bells. Despite multiple visits to the hospital, she was denied treatment that could have saved her life. The Centers for Disease Control issued guidelines for health care providers that said, “Pregnant women are at higher risk for severe complications and death from influenza, including both 2009 H1N1 influenza and seasonal influenza.” If the El Monte hospital had followed these guidelines, her tragic death could have been avoided. Her husband, Jorge Gonzalez, wants others to know about his wife’s death so that they can receive proper care.

In memory of Monica Rodriguez, I will introduce a resolution alerting people so no other person will needlessly die in this manner.

TRIBUTE TO THE 2009 EDINA GIRLS TENNIS TEAM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, I rise to pay tribute to the Edina High School girls tennis team who won the Minnesota 2A State Championship just last week. Their final victory, a 6–1 triumph over a strong Elk River team, continued a string of dominance by the Edina program that has clearly become one of the most successful high school athletic programs in the entire State of Minnesota.

The Hornets’ victory marked the 13th consecutive State tennis championship, a streak in which Edina has impressively won 248 of their past 249 dual matches. Led by coach Steve Paulsen, the Hornets finished the 2009 season with a record of 24–0 in dual matches. To all of the student athletes, to the coaches and the parents, I offer my congratulations on a great accomplishment and for an impressive run of championships that is truly a tribute to everyone involved. The streak is still alive, and I am proud to represent a school and athletics program with such a longstanding commitment to success.

BRANDON’S LAW

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Madam Speaker, I rise today to honor the life of Brandon Ballard of Taylor Ridge, Illinois, and to support testicular cancer education. He was a champion, a star in high school basketball playing with a champion’s heart. Although Brandon had been active in sports and had annual physical exams, his cancer went undetected for 2 years. During his illness, Brandon dedicated himself to raising awareness about the warning signs of testicular cancer. One year ago this month, Brandon lost a hard-fought battle with testicular cancer at the young age of 19.

Madam Speaker, I stand here today not only to share with you Brandon’s story but to recognize the efforts of Jim and Kristen Ballard to carry on Brandon’s work. With the support of Senator Mike Jacobs, the Ballards lobbied the State assembly to require health classes to teach the signs and symptoms of testicular cancer and encourage screenings of male athletes. I am proud to say that their hard work paid off in August when Governor Pat Quinn signed Brandon’s Law.

Madam Speaker, I commend the Ballard family for turning the tragic loss of their son into an opportunity to save the lives of young men.

AMERICANS OPPOSE SANCTUARY CITIES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, a recent Rasmussen Report shows that 66 percent of U.S. voters oppose the creation of sanctuary cities that give safe haven to illegal immigrants. And by a 5–2 margin, voters say sanctuary policies that protect illegal immigrants lead to an increase in crime. Not only are sanctuary cities unpopular, they are illegal. They are specifically prohibited in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. But the Obama administration has not held any jurisdictions that fail to maintain sanctuary policies responsible.

It’s no wonder that a recent CNN/Opinion Research poll found that 58 percent of respondents disapproved of the President’s handling of illegal immigration while only 36 percent approved. And his poll numbers aren’t going to be helped if taxpayers subsidize illegal immigrants in the health care bill that we are considering this week.

Rather than flout the will of the American people, the White House should heed their advice and enforce our Nation’s immigration laws.

HEALTH CARE REFORM IS GOOD FOR AMERICA

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, this weekend this House will be the scene of a debate on the most important bill that has faced this Congress and this country since 1965, and that is health care, putting out country on a path where it should have been in the 20th century but catching up. The AARP has recently endorsed the bill because they know that it helps senior citizens. It will guarantee that the rates don’t go up and the doughnut hole will be closed.

My local alternative paper, the Memphis Flyer, had a feature story, Young People and Health Insurance. Most young people don’t have health insurance. They think they’re invincible, they don’t necessarily have jobs, and they can’t stay on their parents’ policy. When this bill passes, Madam Speaker, young people will be able to stay on their parents’ health insurance policies until they’re 27, filling a great void. Most parents don’t like the idea of their children not having health insurance.

This will help the young and the old. It will help all of America. It is, indeed, America’s bill. I will proudly vote for it.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker’s announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, there are brand new ways to tax people in this Federal health care bill. According to the Americans for Tax Reform, these new health care taxes will affect everyone. There are at least $700 billion in taxes in this takeover. It taxes small businesses; it taxes individuals.

For the first time in history, Congress is going to require individuals to buy something. If this health care bill passes, citizens will be required to buy government-approved health insurance. If they don’t buy that government-approved health insurance, they are going to have to pay a criminal fine. That violates the Fifth Amendment of the United States Constitution, the due process clause.

If someone owns a small business, they will be required to pay about three-quarters of the cost of health insurance for their employees, whether they can afford it or not. Employees would be required to pay the rest of the
government-approved health insurance, whether they can afford it or not.

The government decides what a person can and cannot afford. Employers and employees who don’t buy the government-approved insurance then have to pay this fine. This is a criminal penalty by the government.

There is also a new tax hike on flexible spending accounts and health savings accounts. Right now people can put as much pretax money as they want into one of these accounts to pay for insurance. These accounts will get a $1.3 billion new tax. The new government-run health care bill won’t let anyone buy over-the-counter drugs out of these accounts. All of the medicines that have been made easier to buy without a prescription are now going to be taxed. Now why, Madam Speaker, would the government discourage people from taking care of themselves and having these health savings accounts?

The new health care bill also makes other tax reductions now illegal. This new tax is called the economic substance doctrine. Under this new health care bill, the IRS would be able to decide what a person was thinking when they bought something and they deducted it to their income tax as a business expense.

What that means is my friend Sammy Mahan in Baytown, Texas, buys a new wrecker truck for his tow truck business, and he writes it off on his income tax as a business expense. The IRS would be able to decide what he was really thinking when he bought that wrecker truck. If the IRS decides he bought that new wrecker just to go fishing in it, they won’t allow the tax write-off. And the IRS decides what he was thinking, not what he says. In fact, the IRS is presumed to know what he was thinking when he lawfully wrote off that truck as a business expense. These thought police may not approve this law, but it will happen. This new rule not only penalizes Sammy for his thoughts, it penalizes him for what the government thinks his thoughts were; what Sammy was really thinking when he bought that wrecker truck anyway and claimed that lawful tax.

Having tax thought police is strange enough, but what this is doing in a health care bill in the first place makes no sense. This ought to be in a separate piece of legislation to begin with. But the taxocrats really think people will go fishing and have a illegal valve replacement just to write it off their income tax.

But there’s also more. There is a new tax on medical devices, a 2.5 percent tax on things like pacemakers and wheelchair tax on replacement devices and new heart valves, lawful tax deductions for medical expenses that will be outlawed under this bill. So the tax thought police could not only deny a tax deduction for that heart valve replacement, but they could turn around and tax that new heart valve as well.

Madam Speaker, people are hurting out there in their pocketbooks and we can’t afford a government-run health insurance policy at this time because it costs too much. The people can’t afford all these new taxes and seniors can’t afford to have a half trillion dollars cut out of their Medicare.

This government takeover of health care is just in time for Thanksgiving. Hopefully the American people won’t be the turkey served up on the plate of government-run health care reform.

And that’s just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the last 8 years have been a very hard lesson. There is no military solution to Afghanistan. Escalating the war by sending in tens of thousands more troops will not defeat violent extremism in that country.

That’s why I have urged President Obama to change the mission in Afghanistan. We must abandon the military-only strategy that has failed us and that we must begin to emphasize humanitarian aid, economic development, reconstruction, better health care and education. These are the tools that the Afghan people need to improve their lives and to reject extremism.

Nicholas Kristof of the New York Times wrote a column last week entitled, “Staying Out of Afghanistan.” His article makes the case for changing our mission very well. In his column, Kristof writes that investments in education, health and agriculture “have a better record at stabilizing societies than military solutions, which have a pretty dismal record.”

Education is especially important, he says. He argues that “schools are not a quick fix, but we have abundant evidence that they can, over time, transform countries.”

He gave Pakistan and Bangladesh as examples of that. The United States has spent $15 billion in Pakistan, Madam Speaker, since 9/11, mostly on military support. Yet Pakistan is more unstable than ever and al Qaeda has found a home there.

Meanwhile, Bangladesh, once a part of Pakistan, has made major investments in education, especially for girls. This has spurred economic growth, which has helped keep al Qaeda out of that country.

Kristof also writes that “when I traveled in Pakistan, I see evidence that one group, the extremists, believes in the transformative power of education. They provide free schooling and often free meals for students. They offer scholarships for the best pupils. What I don’t see is similar numbers of American-backed schools. It breaks my heart that we don’t invest in schools as much as medieval, misogynist extremists do.

He then goes on to say that “for roughly the same cost as stationing 40,000 troops in Afghanistan for 1 year, we could educate the great majority of the 75 million children worldwide who are not getting even a primary education. Such a vast global education campaign would reduce poverty, cut birth rates, improve America’s image in the world, promote stability and chip away at extremism.”

Madam Speaker, I hope that President Obama will keep this in mind as he reviews his options on Afghanistan and makes his decisions in the coming weeks. America simply cannot afford to rely on our military power alone, believing that strategy will fall into the hands of the extremists. Our heavy military footprint is feeding the insurgency in Afghanistan, not weakening it.

By changing the mission to emphasize education and the other tools that can give the Afghan people a real stake in peace, we can stop violent extremism in its tracks. And we can keep our troops safer and build a more peaceful world for our children and our grandchildren.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN. Madam Speaker, the Democrat health care bill is not about lowering costs or making health care more affordable, it’s about government control and higher spending. It’s about a government takeover of our health care system. It follows that it’s about the Federal Government deciding how, where and when you get your health care.

At its most basic, the bill creates a government-run health insurance system that will end private health insurance options and, in doing so, will force Americans to purchase coverage only from a government-controlled program. The Federal Government would therefore decide which health care plans are acceptable. A Federal commissioner would decide which health care benefits are offered and how much everyone would be charged for those benefits. The proposed Medicare cuts would eliminate options for seniors and place recipients under a Medicare without

LET’S HELP THE AFGHAN PEOPLE TO REJECT VIOLENT EXTREMISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS. Madam Speaker, the Democrat health care bill is not about lowering costs or making health care more affordable, it’s about government control and higher spending. It’s about a government takeover of our health care system. It follows that it’s about the Federal Government deciding how, where and when you get your health care.

At its most basic, the bill creates a government-run health insurance system that will end private health insurance options and, in doing so, will force Americans to purchase coverage only from a government-controlled program. The Federal Government would therefore decide which health care plans are acceptable. A Federal commissioner would decide which health care benefits are offered and how much everyone would be charged for those benefits. The proposed Medicare cuts would eliminate options for seniors and place recipients under a Medicare without
choices, choices like the current Medicare Advantage program.

In page after page of this massive bill, Federal health programs are expanded while private health care is restricted. In section after section, personal choices are diminished and Federal control over decisions that should be made by you and your doctor increase.

One of the most striking examples, Madam Speaker, begins on page 481. The Democratic bill arbitrarily bars doctors from opening new doctor-owned hospitals, including the 124 hospitals that are currently under construction, and it severely restricts the existing 235 doctor-owned hospitals like the Wenatchee Valley Medical Center in my district from expanding their services.

The Wenatchee Valley Medical Center is a top-rated hospital that serves a rural underserved area. It was founded in 1940 by three doctors and today it is owned by 150 doctors, each with an equal share. The medical center employs 1,500 people; serves a population of a quarter of a million people in an area the size of the State of Maryland; and treats 150,000 patients a year, half of whom are Medicare and Medicaid recipients.

Democrats, though, have decided that doctors cannot own hospitals regardless of the quality of care or degree of need. Under the Democratic bill, doctor-owned hospitals would have to face excruciating reporting requirements, punishing new restrictions and strict limitations on their ability to expand. In fact, with the exception of a small handful of facilities selected by Democrat leaders, hospitals that are owned by doctors are barred from growing, barred from adding even a single hospital bed ever.

Madam Speaker, something is very, very wrong when this Congress is blocking high-quality health care by closing new hospitals and blocking the growth of top-quality facilities because they are simply doctor owned. But now the position of Democrats in charge of writing health policy in this House is very, very clear: They want to outlaw all doctor-owned hospitals, period.

Madam Speaker, we are headed down a very dangerous road when the Federal Government is getting in the business of deciding who can and who cannot own a hospital. But I am convinced that this is only the start. A Democrat Ways and Means subcommittee chairman was quoted this week as saying, “Get your toe in, get your knee in, get your shoulder in, and pretty soon you’re in the room.” This is a blant admission that if Democrats succeed with this government takeover, those in Washington, D.C. will already have bigger plans to seize even more control of every American’s health care.

Madam Speaker, I don’t think that’s where America wants to go. There is a better solution, and it doesn’t involve penalizing hospitals, raising taxes or cutting Medicare. The plan I support focuses on lowering costs by expanding health care choices and tools to help families save, making it easier for small businesses to afford and offer health care; ending lawsuit abuse; and, Madam Speaker, more importantly, protecting the doctor-patient relationship from government intrusion.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDermott) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, we have been waiting for 10 months for the Republican health care plan. All we hear is the Party of No—no, no, no; go slow; don’t do anything. That’s all we’ve heard. But, finally, they came out with a plan, and I thought we ought to take it seriously and read it, so I did.

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Sadly, the proposal from my Republican colleagues was not worth the wait, and CBO agrees.

The Congressional Budget Office indicated that the Republican bill will not only decrease the ranks of the uninsured. Instead, under the Republican proposal, the ranks of the uninsured will decrease by only 3 million people, leaving 52 million people without coverage.

Contrast that with the Democratic proposal, which covers 96 percent of all Americans.

The Republican proposal would not address the ability of insurance companies to exclude individuals based upon preexisting conditions. According to the Republican leadership, they purposely failed to address this issue because it supposedly cost too much.

The Democratic proposal would prohibit insurers from excluding individuals from purchasing health insurance based on preexisting conditions by 2013.

The Republican proposal would allow insurance companies to sell insurance across State lines. Sounds like a good idea. But most experts agree that that would create a “race to the bottom,” where insurers will set up shops in States with the fewest consumer protections.

Contrast that with the Democratic proposal, which will allow insurance companies to sell insurance across State lines so long as the States involved have set up interstate compacts.

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Contrast that with the Democratic proposal, which will allow insurance companies to sell insurance across State lines so long as the States involved have set up interstate compacts.

Under these interstate compacts, participating States would ensure consumer protections would be followed and monitored at all times.

Now, the Republicans got this one pretty close to right. They will allow dependents to remain on their parents’ insurance until they are age 26.

Contrast that with the Democratic proposal, which keeps them on until age 27. So they copied us at least on that point.

The Republican proposal will cut the deficit by $68 billion over the next 10 years. Sounds great, right?

Contrast this with the Democratic proposal, which will cut the deficit by $104 billion over the next 10 years. For the Republicans who sound off about fiscal responsibility all the time, the Democratic proposal is clearly the more responsible for deficit reduction.

The Republican plan purports to end “junk lawsuits.” However, the focus is solely on capping certain damages for pain and suffering. This is an old approach, and it will help insurance companies flaunt State consumer protection laws.

The Democratic proposal, on the other hand, would ensure providers are accountable for providing quality care by developing policies that have quality as a central tenet of reimbursement. The Democratic proposal seeks to recognize the autonomy of States.

The CBO found that the Republican proposal would have virtually no effect on reducing premiums in the large group market in which most Americans are involved, where most people purchase their health insurance.

Contrast this with the Democratic proposal that seeks to increase transparency with regard to insurance premium increases and decrease the amount insurers can dedicate to profits.

The Democratic proposal ends the antitrust exemption for insurers, which has caused a significant lack of competition in the insurance marketplace whereby one or two insurers provide virtually all of the coverage for enroll-ees in some markets. The Health Insurance reform rather than business as usual, which the Republicans seek to promote.

The Republican plan was introduced to the world on November 4, 2009, after being slapped together because they realized that something was going to happen out here and they had no alternative to saying no. It has all the failures I have described relative to the Democratic proposal.

Contrast this with what has been a deliberative, thoughtful process that has created a bill that has been reported out of three committees and is at the precipice of enacting the most far-reaching, consequential health reform in a century.

The American people have been waiting for 100 years. They got the Republican proposal a day or so ago, and it is totally inadequate. Despite claims of the Republican colleagues to the contrary, in all aspects, the Democratic proposal is simply better. It will provide universal coverage, and I hope that the Republicans can see the wisdom of voting for it this Saturday.

It provides nearly universal coverage, deficit reduction, and reforms designed to effectuate cost control over the next decade.

My Republican colleagues have tunnel vision and are focused on what they believe to be the one positive about their bill: it costs less than the Democratic proposal. It still costs $8 billion, and insures virtually no one according to multiple media outlets as well as the CBO.
The Republican plan ensures that insurance companies maintain the status quo in the insurance market, and provides no consumer protections. Sometimes, you get what you pay for.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO DANNY ROY PRICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. ROE) is recognized for 5 minutes.

Mr. ROE of Tennessee. Madam Speaker, I rise today to pay tribute to Danny Roy Price, who passed away in October at the age of 69. Danny was my most dedicated volunteer, a trusted staff member, and most importantly, he was my friend. He dedicated his life to his Lord and to the service of others.

There are literally countless stories of Danny’s sense of duty and commitment to service. He served our country in the U.S. Army; and because of that, he had a strong connection to every man and woman who served our country.

His wife, Carol, spoke of the day he helped a veteran and his wife receive benefits, and when they were entitled but had never received. When Danny informed them their benefits had been approved, they began to tear up and weep. Carol said that when Danny returned home that evening, he told her the story and he too began to weep. I am incredibly proud to have had a person like him serving east Tennessee.

In 2007, Danny was named Tennessee’s Statesman of the Year by the Tennessee House of Representatives. It was a fitting tribute to Danny, whose incredible attitude and passion I saw on display time and time again during my campaign during 2008 and as we traveled throughout the district this past year. Everywhere Danny went, he was a statesman, greeted and loved by everyone whose life he touched. He never wanted the credit. He only wanted a sense of satisfaction from knowing the job that he had done had been done right.

On the last day I shared with Danny, we had a full day of meetings in Bull’s Gap, Galtlinburg, Morristown, Knoxville, and Greeneville, Tennessee, with a variety of doctors and local businessmen and businesswomen.

But it wasn’t out of the ordinary for Danny and me. We finished up, and Danny told me, Phil, we had a great day. And it was a good day, To Danny, a good day wasn’t getting the personal accolades. A good day was traveling up and down the district, getting to know the people, and learning about how he could help them.

At his eulogy, Danny’s pastor of Hope Community Church in Rogersville, Tennessee, Rip Noble, talked of Danny’s service to his Lord, Jesus Christ. Danny wanted others to experience the relationship he had with his Lord, so he constantly invited those he met to come worship with him. And then he would make sure that those people were welcomed into the service, first by himself, and then by the pastor.

When regular members hadn’t attended in a while, Danny would call them and make sure that everything was all right and invite them back. Indeed, in large part due to Danny’s efforts, the church has over 500 members, after starting just 5 years ago.

Danny is survived by his wife, Carol; his children, Jennifer and Brent Price; his granddaughter, Neyla Price; his brothers, Admiral Price and Keith Price; and his sister, Judy.

I extend our deepest condolences to the family for their loss, and hope they can find comfort in the knowledge that Danny was an extraordinary individual.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROS AND CONS OF HEALTH CARE REFORM PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Madam Speaker, I rise in opposition to the health care reform bill offered by Speaker PELOSI and the Democratic leadership, which we anticipate will be voted on possibly before the end of this week, and in support of the commonsense, practical alternative offered by Congressman JOHN BOEHRER, the Republican leader in the House.

Madam Speaker, this legislation offered by Speaker PELOSI is over 2,000 pages long and contains about 400,000 words. To give you an idea of the magnitude of this government takeover of the health care system in the United States, this legislation uses the word “shall” 3,425 times. When you see the word “shall” in legislation, you should read a mandate, a requirement, that the government is requiring somebody to do something to comply with what people here in Washington know best, not in terms of what people know is best for themselves. This legislation contains that word 3,425 times. It is truly a remarkable, complex government takeover.

In the original bill offered earlier this year, which was 1,000 pages long, there was the creation of 53 new Federal Government agencies and programs. In the new improved revised version, there are now 111 Federal Government agencies and programs contained in this legislation, which will cost the American taxpayers and our senior citizens more than $1.1 trillion. That is the official government estimate. There are many experts who say that the implementation of this legislation will cost far, far more.

As an example, many have pointed to the projected cost of Medicare was when it was enacted in 1965. It was projected that it would cost $10 billion to $12 billion 25 years later; but by the end of the 1980s, Medicare was actually costing the American taxpayers more than $100 billion. In fact, today it costs more than $400 billion per year; and the Speaker’s proposal says, well, let’s take out of that $400 billion per year. Let’s take about $10 billion a year, or 10 percent of that, and divert it to our social programs.

Well, Madam Speaker, the problem with that is that the Medicare program today is faced with enormous challenges. The projected unfunded liabilities of Medicare alone of the average American today is more than $17 trillion, here at a time when starting next year senior citizens will increase in their numbers dramatically because the baby boomers, those born in the years after World War II, will continue to be coming of age and will eventually retire until the early 1960s, will be retiring, will be reaching eligibility age for Medicare, and year after year after year the number of Medicare-eligible senior citizens will increase dramatically.

At the same time that will be occurring, this Congress is suggesting that it will be okay to take $400 billion out of the Medicare program to spend on an entirely new health care program that is projected to cost $1 trillion over 10 years, and I suggest will cost far more than that. So Medicare is going to be jeopardized by this legislation, and senior citizens across this country are aware of that.

They certainly were aware of it in Virginia this year, my home State, when they turned out on Tuesday in very large numbers to send a message to Washington that this health care proposal and other dramatic government takeovers of sectors of our economy is unacceptable and it resulted in a sweep across the elections in Virginia. And in the only two States in the country where there were Governor’s races up this year, New Jersey and Virginia, Democratic Governors were replaced by Republican Governors. People are looking to Washington.

There is a story in today’s New York Times entitled “Democrats to Use Election to Push Agenda in Congress.” Well, good luck with that, because I can tell you that the people who turned out at the polls in Virginia were not asking for this agenda to be pushed forward as a result of what they have been seeing going on in Washington, D.C. Instead, they want commonsense, bipartisan reforms of health care.
Health care is in need of reform. It costs too much, and not enough Americans receive it. The Republican alternative provides for that. The Democratic alternative does not.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFAZIO) is recognized for 3 minutes.

(Mr. DeFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REASONS TO LEAVE AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, this morning I was honored to go with five other Members, three Democrats and three Republicans, to have breakfast at the Pentagon with Secretary of Defense Robert Gates. The Secretary is a kind man and this was a very nice thing for him to do. I have great respect for Secretary Gates.

The purpose of the breakfast was to discuss the situation in Afghanistan. When I got this invitation, I wondered if I should go, since I have been very much opposed to our war there. However, I decided that the only right and fair thing to do was to go listen to what he had to say.

Unfortunately, I still believe that what we are doing in Afghanistan is a horrendous waste that we cannot afford. I also believe that Afghanistan is no realistic threat to us, unless our war there continues to anger so many people around the world.

George C. Wilson, military columnist for Congress Daily, wrote recently: "The U.S. military's mission to pacify the 40,000 tiny villages in Afghanistan will look like mission impossible, especially if our bombings keep killing Afghan civilians and infuriating the ones who survive."

General Petraeus said this summer we should not forget that Afghanistan has been known as the "graveyard of empires."

Congressional Quarterly reported on September 17 that members of both parties were fretting openly about a lack of progress in the conflict.

As much as Americans love our troops, we need to realize that the Defense Department is not just a military organization. It is also the world's largest bureaucracy. Every gigantic bureaucracy always wants to expand its mission and frequently exaggerates its challenges so it can get more money and personnel.

The Taliban guerrillas have almost no money, and a top U.N. antiterrorism official said recently that al Qaeda is having difficulty in maintaining credibility.

National defense is the most legitimate function of our Federal Government. However, that does not mean Congress should automatically or blindly approve the Pentagon's every request or never criticize its waste.

Much of what we are doing in Afghanistan is of a civic, charitable or governmental nature, not building schools and teaching agribusiness. But the Defense Department should not be the "Department of Foreign Aid," or much of our military primarily a very large version of the Peace Corps.

In March, the President promised a "dramatic increase in our effort in Afghanistan, including "agricultural specialists and educators, engineers and lawyers." Why, when we are $12 trillion in debt, are we spending mega-billions in Afghanistan doing practically everything for them? We are spending money we do not have on a very unnecessary war and jeopardizing our own future in the process.

Many people think that all conservatives support this war. Well, I believe that there are many conservative members of Congress who distrust and want us to bring our troops home, the sooner the better. In fact, this war goes very much against traditional conservatism.

When I was in high school, I worked as a bag boy in a grocery store making $1.10 an hour. I sent my first paycheck, $19 and some cents, as a contribution to the Barry Goldwater campaign. I am still one of the most conservative Members of Congress.

But this war has required huge deficit spending. It costs a trillion in war and war-related costs for Afghanistan. Fiscal conservatives should be the people most upset about this. This war has spent mega-billions in foreign aid, because probably at half of what we have done and are doing there is of a civic or charitable nature. Traditional conservatives have been the strongest opponents of massive foreign aid.

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We went into the wars in Iraq and Afghanistan under U.N. resolutions, yet conservatives have traditionally been the biggest critics of the U.N. Conservatives have traditionally been the biggest opponents of world government because it is too elitist and arrogant and too far removed from control by the people. We should not support something that is essentially world government just because it is being run by our military.

I am a veteran and I am very pro military, but I am for national defense, not international defense. I know that the leaders of Afghanistan want us to keep spending millions and billions, but we cannot afford it. We cannot afford it economically, and as far as I am concerned, it is not worth one more American life.

I know that when leaders of the Defense Department and the State Department and the National Security Council all get together in their meetings, that all of the pressures are on getting involved or staying involved in just about every military, political or ethnic dispute all around the world. I know that they want to be considered as great world statesmen, but 8 years in Afghanistan is not only enough, it is far too long. It is time, Madam Speaker, to come home, to start putting our own people and our own country first once again.

FIGHTING FOR DEMOCRACY AND HUMAN RIGHTS IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I had the privilege a few days ago to speak by telephone with one of the great heroes that fight for democracy and human rights in Cuba, Jorge Daniel Garcia Perez, "Antunez." He is in the city of Placetas in Cuba. His house is surrounded by thugs of the dictatorship. He is continuously harassed, often detained, has spent 17 years in political prison, and was recently released. Yet he continues his fight, peacefully, nonviolently, against the totalitarian system in Cuba, in that island that has been forgotten by the world, and yet its people continue to suffer under the yoke of a brutal, totalitarian, nightmarish regime led by a dictator who is in firm now, he is sick. By virtue of that, he has turned over some titles, titles of power to his brother, but yet he retains, Fidel Castro, retains absolute personal power, total power in that totalitarian fiefdom.

His brother receives visitors, heads of state and has some titles of power, but be not mistaken, the totalitarian power remains in the hands of Fidel Castro, who, for example, is the one that orders that heroes like Antunez be detained or released, that heroes such as Oscar Elias Biscet or Rolando Arroyo or Pedro Arguelles Moran or Norman Hernandez Maglier Amaya or Librado Linares or Horacio Pina or Ricardo Gonzalez Alfonso or Hector Macea or Felix Navarro or Rafael Ibarra and countless others be retained in the gulag being tortured simply because those heroes support the ability for the Cuban people to have the rights, for example, that the American people, or free people throughout the world have.

George Luis Garrote told me, when I spoke to him on the phone about the fact that his wife's brother, his wife is Iris Perez Aguiler, and she is also a fantastic, formidable freedom fighter. Her brother, Mario Perez Aguiler, is in the gulag being tortured, and is being denied access, visits by his family. In other words, Iris cannot visit her brother who is in horrible physical condition. We don't know how gravely ill, but we know he is very ill, and he is being denied access. His family cannot visit them.

So I told Antunez that I would come to this floor and use the great privilege
given to me by my constituents to tell the world about the brutality that Mario Perez Aguilera, that political prisoner, and the many others, that they are facing day in and day out, and the added inhumanity of not being able to be seen by their family members that the world ignores. And what is most tragic is that it is 90 miles from our shores and for over 50 years, it has been in the grasp of a de-mented despot who orders such actions as the ones I have discussed this evening.

So I will continue to denounce the brutality, the inhumanity, and I will also continue to remind the world that despite that brutality, Cuba will soon be free.

To be continued.

NO FEDERAL FUNDS FOR ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentle- woman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, there was a wonderful gathering in Washing- ton of thousands of people from all over the country. Many of those people held up signs that said Abortion is Not Health Care. The American public is more intelligent than those in charge in this House.

Pro-life Members in the House are continuing to stand up and speak out for the unborn, and we will, until we defeat this bill or stop Federal funds from being used for abortions through this bill. Pro-life Members have offered amendments to the major- ity’s original health care plan, H.R. 3200, to permanently exclude Federal funding of abortion. All of these amendments were rejected by the ma- jority. Minority whip CANTOR’s amend- ment to stop health care from funding abortion was rejected in the Ways and Means Committee on July 16, 2009. Rep- resentative SOWDER’s amendment to stop abortion funding was rejected by the majority in the Education and Labor Committee on July 17, 2009.

Democrat Representative BAAK STU- PAK and Republican Representative JOE PITTS offered another amendment to stop abortion funding in Energy and Commerce, and the majority rejected it on July 30, 2009. The reasons given by the majority for rejecting these amendments was that they were not needed as there was no abortion fund- ing in the bill.

Now the contrast to that is the Re- publican substitute which will be of- fered-las a permanent, government-wide Hyde amendment, meaning unequivocally, no Federal funds can be used for abortion anywhere in any bill that passes. Yet despite claims from the majority that abortion funding was not in the bill, the Energy and Com- merce Committee voted on July 31, 2009, to include the Capps amendment to explicitly include abortion funding in the health care bill.

Recently, Speaker PELOSI unveiled H.R. 3962, her 2,000 page $1.3 trillion government takeover of health care. This bill also includes the Capps amendment, which will increase the number of elective abortions and gut the well-established government policy that prevents Federal funds from being used to pay for elective abortion known as the Hyde amendment.

Before the Hyde amendment was passed in 1976, Medicaid funded almost 300,000 abortions. Last year, the Re- publican substitute again has a perma- nent government-wide Hyde amend- ment, meaning unequivocally, no Fed- eral funds for abortion anywhere.

Section 222 of H.R. 3962 permits Fed- eral funds to be used for abortion in the government insurance plan. Section 4(a) refers to elective abortion procedures that are otherwise pro- hibited from receiving Federal funds in that something it could be due to cur- rent Hyde amendment policies, but cannot be prohibited in the govern- ment-run public insurance plan.

Supporters of the bill assert that only private funds used to fund abortion in the government-run public insurance plan. This is not true. The bill places individual premium pay- ments for the government-run public insurance plan into a Federal treasury account that may be used to pay for abortions. The bill also federally sub- sidizes private insurance plans that cover abortion in the government-run exchange.

Let there be no doubt that Pelosi’s plan explicitly authorizes the govern- ment-run public insurance plan to pay for elective abortions and subsidizes private plans on the government-run exchange that cover elective abortion. Despite assurance from the majority that something would be done to cor- rect this, the manager’s amendment for H.R. 3962 does not contain any lan- guage regarding abortion funding.

The proposal outlined by Representa- tive BRAD ELLSWORTH of Indiana yester- day fails to address these issues. In his plan, the government-run public insurance plan would still cover abortion, but would have to contract with private contractors to carry out the administrative functions related to paying for elective abortion. Rather than reducing the number of abortions, the majority seems content with over- seeing legislation to create the largest expansion of abortion since Roe v. Wade. This is just.

Pro-life Members on both sides of the aisle want the opportunity to vote on the Stupak-Pitts amendment to apply the Hyde amendment and exclude the abortion funding in Pelosi’s plan. The American people want to understand this. We should not be using our Federal fund- ing to kill innocent life.

HEALTH CARE RALLY

The SPEAKER pro tempore. Under a previous order of the House, the gen- tleman from Texas (Mr. GOHMEYER) is recognized for 5 minutes.

Mr. GOHMEYER. Madam Speaker, an extraordinary thing happened here today, right out here down the hill. There were tens of thousands of people that came out on very short notice. They came out, and these were not the super wealthy. These weren’t the Wall Street folks that you give four to one to Democrats over Repub- licans. These people didn’t care about party at all. They were concerned about the America that they knew, an America where people were given a chance to succeed and a chance to fail. Because as people far more wise than I am have noted over the years, any gov- ernment that can take away your chance to fail has taken away your chance to succeed.

So people came out on very short no- tice. These were working people. You could see these were not people of lei- sure. These were people who had jobs, but they felt like this was something so critical they had to come, make their voices heard. You see them around offices all over the Capitol Hill area.

It was immensely moving. And the way the people all said the pledge to the flag at the start and honored the prayer as it was said to start the pro- cedings. And I don’t know that I have ever heard a group sing the National Anthem with such fervor as a group. And I don’t know that I have ever heard a group sing the National Anthem with such fervor as a group. It was immensely touching because the people were up here to let their voices be heard and to let people know that the government does not need to take over 18 percent of this country’s econ- omy. Haven’t we messed up the car companies enough? Haven’t we messed up the banks and the lenders and the hous- ing market enough that we’re not satisfied yet until we take over 18 per- cent of the world’s economy and muck it up as well? Do we really have to meddle and take over that kind of thing?

The role of the government should be as a referee, not as a player. We shouldn’t be out there taking over businesses. You want to speed up the demise of a country, then let the gov- ernment start becoming the player. Now, the Soviet Union was brutal and totalitarian enough. They were able to make a socialist form of government last for 70 years, as a record. Extraordinary. But they were brutal and totalitarian enough, they could force it that far. We won’t last that long, not when we’ve moved the government in charge of everything.

Under the bill—I haven’t gotten through the full bill, but I have seen some things that are staggering. I do remember hearing a number of our Na- tion’s leaders saying that there was no way Federal dollars would be paying for abortion, so let me just read an excerpt from page 10, subsection B, title IV, abortions for which public funding is allowed. And I’m reading the quote from page 110: The services described in this subparagraph are
abortion for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted.

Then it goes on and says, Based on the laws in effect of the date that is 6 months before the beginning of the plan year involved—yeah, right—no money there will be used for abortions, and then there it is in black and white.

We were told that if you liked your plan, you’re going to get to keep it. And yet you could go over here—actually, that’s an easy section to find. You’re not going to be keeping it because it says here—and this is on page 91. This says, Protecting the Choice to Keep Current Coverage. The number one limitation on keeping your insurance, the individual health insurance issuer offering such coverage does not enroll any individual in such coverage. The second limitation is the issuer does not change any of its terms or conditions. Good grief. You’re going to add millions of new people to every policy, you’re going to change terms and conditions. It turns out that wasn’t true either.

It is time to be true and faithful in this job to the American people and the job for which they sent us here. It is time to honor the Constitution.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

(Mr. McHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

(Mr. SESTAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. CHU) is recognized for 5 minutes.

(Ms. CHU addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

(Mr. DEAL of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. REHBERG) is recognized for 5 minutes.

(Mr. REHBERG addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of New Jersey. Madam Speaker, even though reputable polls consistently show that public funding of abortion is opposed by a super-majority of Americans, some 67 percent, the multibillion-dollar abortion industry and its political megaphones in the media and in Congress are today demanding that the two massive new government programs created by the Democratic leadership’s so-called “health care reform” bill force Americans to facilitate and fund the killing of unborn children by abortion.

Anyone who tells you otherwise—and I appreciate the gentleman from Texas pointing out the text. It clearly states it. Anyone who tells you otherwise that public funding for abortion on demand is not in the pending legislation is either seriously misinformed or simply not telling the truth.

Americans do want to know up front what’s in this bill. No games. No brinkmanship. Americans want and deserve total transparency and truth in legislating.

Madam Speaker, despite the fact that in 2009 we know more and understand more about the magnificent world of unborn children than ever before—the fact that these babies move inside the womb and stretch and do somersaults and kick; they wake and sleep, believe it or not—and it is true, they have a waking and sleeping cycle. The fact that beneficial prenatal health care interventions, including microsurgery, can be performed in utero, inside the womb, blood transfusions inside the womb, the fact that these children can feel excruciating physical pain before birth, including the pain deliberately inflicted by abortionists—I would note, parenthetically, that I authored the Unborn Child Pain Awareness Act, which got 250 votes in a bipartisan vote a couple of years ago. And we know for a fact that at least 20 weeks gestation, unborn children feel excruciating pain up to that point, and everyone else after birth feels because the pain receptors are very close to the skin. And we do believe that these children feel pain even earlier than the 20th week. Despite all of this, President Obama and the Democratic leadership are on a fast track to compel, force, mandate, and coerce public funding for abortions.

Madam Speaker, pro-life Americans want no role or complicity in this assault on the weakest and the most vulnerable. Frankly, Madam Speaker, it is time to face an inconvenient truth—abortion is violence against children, and it exploits and harms women.

This has been stated by a study that shows that women who procure abortion experience immediate relief followed by very serious psychological and deleterious consequences to them. And the younger they are, it appears, based on the empirical data, the more egregious the pain and suffering and the agony endured by these young women.

New Zealand did a study in 2006, a very comprehensive study, and found that 78.6 percent of two-year-old girls who had abortions displayed symptoms of major depression compared to 31 percent of their peers. Twenty-seven percent of the 21- to 25-year-old women who had abortions had suicidal ideation compared to 17 percent of those who did not have abortions. Abortion hurts women.

I would remind my colleagues that organizations like the Silent No More Campaign, run so admirably and courageously by people like Dr. Alveda King, the niece of Dr. Martin Luther King, a woman who had two abortions and had profound, profound psychological problems from that but now knows reconciliation and hope again. Silent No More is made up exclusively of women who have had abortions. Dr. King has said that her uncle’s dream, how does it survive if we murder the children? And then she went on to say the other victim is and always will be the woman.

Time magazine, and others, has finally reported on another little known fact—abortion adversely affects subsequent children born to women who abort. Recent studies have indicated that the risks of preterm birth goes up 36 percent after one abortion, and a staggering 93 percent after two or more abortions. Similarly, the risk of subsequent children being born with low birth weight increases by 36 percent after one abortion and 72 percent after two or more.

The health consequences to subsequent children born to women who abort is deeply troubling and largely unrecognized and underreported upon. Thus, abortion not only kills babies and wounds women, it directly injures subsequent children. And as we all know, premature mortality is one of the leading causes of disabilities in children.

As you know better than I, Madam Speaker, Congress will vote as early as Saturday on the health care restructuring bill, H.R. 3962, and it includes highly deceptive policy language that will massively increase the number of
children killed and mothers wounded by abortion. Let’s be clear and unambiguously, both the public option and the program establishing affordability credits authorize public funding and facilitation of abortion on demand, which will lead to the murder of children who will be forced to suffer unspeakable agony of abortion methods including dismemberment, decapitation, starvation—people say, How does RU46 work? First it starves the baby's brain, and then the other chemical in RU46 just simply causes that dead baby to be expelled from the uterus. Then there are also chemicals that are providing for or forcing early expulsion from the womb and other types of chemical poisoning. All of this will skyrocket.

The empirical evidence that public funding of abortions means more abortions is both logical and compelling. Even the Goodmacher Institute, formerly the research arm of Planned Parenthood, that prohibits federal funds under the Hyde Amendment prevents abortions that otherwise would have been procured by a stunning 25 percent. That means that since enactment of the funding ban in the late 1970s and early 1980s, millions of children who would have otherwise been brutally killed by abortionists if public funding had facilitated their demise today, live and go to school, play sports, perhaps watched the World Series last night. Some of those spared are today raising their own kids, perhaps even serving as staff or Members of Congress. So whether we publicly fund abortion or not literally means life or death for countless individuals, going forward.

The Democratic health bill, Madam Speaker, discriminates against the most vulnerable minority in America today, unborn babies, and is the quintessential example of the politics of exclusion—it is because of the child’s age, condition of dependency, and vulnerability.

There is nothing whatsoever benign, compassionate, or nurturing about abortion. Abortion is a serious lethal violation of human rights. And now we are on the verge of being compelled to massively subsidize this violence against children.

Madam Speaker, no one is really fooled by the multiple attempts to craft funds abortion. Some uses surface appeal text to suggest otherwise. I’m afraid the rule will likely contain self-enacting text that further misleads and obscures. Thus, the only policy language that honestly and transparently precludes public funding for abortion is the Stupak-Pitts amendment. The Capps amendment that is already in the bill, as I said, explicitly authorizes Federal funding for abortion in the public option. And again, I urge Members to just read it. With language under the public option, we will see more abortions. It also allows the government subsidies, the other program, to pay for insurance plans that cover abortion. As a matter of fact, every region will have to have a plan that provides for abortion.

One of the great successes of the Right to Life movement is increasingly calling out to those so-called providers, abortionists, who claim to want to leave that grizzly business. And most of the hospitals in the country and most of the counties in the country no longer have abortionists. This legislation provides economic incentives and the force of law to ensure that every one of these localities has abortionists and abortions provided in a plan.

Madam Speaker, I urge Members to vote for the Bart Stupak-Joe Pitts amendment if it is given an opportunity to be voted on. And if not, this whole bill—because you know what Hippocrates said, “Do no harm.” What did the great leaders and nurturers and health care leaders say in the past? Never do harm to an innocent. This is not health care. Abortion is not health care. It is the deliberate and willful killing of an unborn child, the winding of their mothers, and the hurting, the serious destruction in terms of disabilities and the like to subsequent children.

I would like to yield Congresswoman SCHMIDT such time as she might consume. And I want to thank her for her leadership on behalf of the unborn through these many years in service to Congress and before that.

Mrs. SCHMIDT. Thank you so much, my good friend from New Jersey. I’m having a display brought up.

I would like to talk a minute about something that happened to me over the weekend, and I would like to go back 35 years ago because, well, in the exact same environment, a similar situation occurred.

I’m Catholic and I go to mass. Every weekend, I go to mass. In fact, I go everyday, but 35 years ago when I went to mass, it was right before election, and I remember my Catholic priest, Francis Buttlemyer, said something that really shocked me.

He said, when we went to the polls that Tuesday, we had a choice to make for a Member of Congress—and yeah, we had a Catholic running and we had a non-Catholic running, but the Catholic was pro-choice and that the non-Catholic was pro-life. He said that you have to vote for the person who will protect the unborn. I remember coming home and saying to my mother how surprised I was that this priest had been so bold. Well, last Saturday night, I didn’t go to my Catholic church. I went to a different one in my community. During our litany of prayers, they mentioned the fact that Congress would be voting on a bill, the health care bill, and that, in the bill, there were some issues that they said were evil with the abortion—abortion, our elderly and the conscience clause for our health care professionals—and that we must pray that they resolve these before we vote on this legislation. I was blown away by that, but what came next stunned me more.

The priest stood up and said, Look, I’ve got to talk about this for a minute. He did. Then he said, There will be an amendment with the bill. That was the insertion: “Health care reform is about saving lives, not destroying them.” The second part of it is a letter from the Catholic conference of bishops: “Tell Congress: Remove abortion language and mandates from needed health care reform.”

So they’re in favor of health care reform but not of this health care reform. In fact, I want to put these two things into the public record, I was stunned because I hadn’t in 35 years heard from the pulpit this strong of a message.

So, when I got in the car, I started to make some phone calls to some of my relatives around the city. What had that priest said? The same thing. The priest had said something, and yes, it was in the bulletin. In my own home parish, yep, our priest said something, and yep, it was in the bulletin. It made me think that, if this moved the Catholic to stand up after 35 years and act to speak again publicly about abortion, this is something that is truly serious because, Madam Speaker, it is a game changer.

So, today, when I read the Roll Call, Madam Speaker, I read: Activists gear up for fight. I thought, Ooh, what’s this about? I’d like to read it.

It reads: Lately, Donna Crane hasn’t been making it home early. The policy director of NARAL Pro-Choice America has been lobbying nonstop to ensure that the House does not slip anti-abortion language into its health care legislation, which the Chamber is expected to vote on this weekend.

I’m working a lot of late nights. Crane said.

Then it goes on to talk about how various lobbyists are trying to have input into this, but it ends by saying that NARAL and the other pro-choice groups are comfortable with the Capps language and are comfortable with the Ellsworth language. The reason they are is that it really doesn’t prohibit the funding of abortion. It’s a ruse—it’s a game—because what it says is that at least one plan has to have it, but we’re going to have this little magical thing over here that’s going to allow it to be funded in a different way before it comes through the public fund system.

Madam Speaker, the language in this bill, either the Capps amendment or the Ellsworth amendment will not only allow the public funding of abortion for the first time with Federal dollars since the Hyde amendment in 1976, but it will also expand it, and that’s the dirty, little secret in this bill.

I want to put this bill at right about the same time that I was in church last Saturday night, at right about this same time that the
priest stood up and said, ‘Tell your Member of Congress.
Let me tell you, Madam Speaker, that it made me a little nervous because they kind of were looking at me, and I wanted to put up a sign and say, ‘Get it right, go to the floor, do not contort.’ At right about this same time, we’re going to be making a decision, not just on the health care for Americans and on the game changer that is, but on a point that for the last 35 years has been a point that is not allowing the public funding of abortion.
Madam Speaker, we cannot allow the public funding of abortion to occur in any way in this bill. It is truly a game changer, and until it is corrected, no one should be able to implant anything but a ‘no’ on this bill.

United States Conference of Catholic Bishops Nationwide Bulletin
Tell Congress: Remove abortion funding and mandates from needed health care reform.
Congress is preparing to debate health care reform legislation on the House and Senate floors. Genuine health care reform should protect the life, liberty and property of all people from the moment of conception until natural death. The U.S. bishops’ conference has concluded that all committee-approved bills are seriously deficient in the issues of abortion and conscience, and do not provide adequate access to health care for immigrants and the poor. The bills will have to change or the bishops have pledged to oppose them.

Our nation is at a crossroads. Policies adopted in health care reform will have an impact for years to come. None of the bills retains longstanding current policies against abortion funding or abortion coverage mandates, and none fully protects conscience rights in health care.
As the U.S. bishops’ letter of October 8 states: ‘No one should be required to pay for or participate in abortion. It is essential that the legislation clearly apply to this new program longstanding and widely supported federal restrictions on abortion funding and mandates, and protections for rights of conscience. No current bill meets this test. If acceptable language in these areas cannot be found, we will have to oppose the health care bill vigorously.

For the full text of this letter and more information on proposed legislation and the bishops’ advocacy for authentic health care reform, visit: www.usccb.org/healthcare.
Congressional leaders are attempting to put together final bills for floor consideration. Please contact your Representative and Senators today and urge them to fix these and other pro-life amendments noted below. Otherwise much needed health care reform will have to be opposed. Health care reform should be about saving lives, not destroying them.

Action: Contact Members through e-mail, phone calls or FAX letters. To send a pre-written, instant e-mail to Congress go to www.usccb.org/action. Call the U.S. Capitol switchboard at: 202-224-3121, or call your Members’ local offices. Full contact info can be found on Members’ web sites at www.house.gov and www.senate.gov.
Message to Senate: “During floor debate on the health care reform bill, please support an amendment to incorporate longstanding policies against abortion funding and in favor of conscience rights. If these serious concerns are not addressed, the final bill should be opposed.”
Message to House: “Please support the Stupak Amendment that addresses essential pro-life concerns on abortion funding and conscience rights in the health care reform bill. Help ensure that the Rule for the bill allows a vote on this amendment. If these serious concerns are not addressed, the final bill should be opposed.”

When: Both House and Senate are preparing for floor votes now. Act today! Thank you!

Health Care Reform is About Saving Lives, Not Destroying Them
Abortion is not health care because killing is not healing. For over 30 years, the Hyde Amendment and other longstanding and widely supported laws have prevented federal funding of elective abortions.
Yet health care reform bills advancing in Congress violate this policy. Americans would be forced to subsidize abortions through their taxes and health insurance premiums.
We need genuine health care reform—reform that helps save lives, not destroy them.
Tell Congress: “Remove Abortion Funding and Mandates from Needed Health Care Reform!” Visit www.usccb.org/action to send your e-mails today.
For more information on the U.S. bishops’ advocacy for authentic Health Care Reform, visit www.usccb.org/action.

Mr. SMITH of New Jersey, Madam Speaker, I yield to Mr. CAO, the distinguished gentleman from Louisiana.
I thank him for his leadership, the first Vietnamese American Member of Congress and a staunch fighter for human rights all his life in the refugee battles, especially for the boat people, and in so many other human rights’ issues.
So I yield to my friend, Mr. CAO. Thank you, my friend from New Jersey, Christopher Smith, for yielding me time.
I just want to say that you have been my mentor, and you have been my friend, and I have been very honored to be part of your life and to have known you all of these years. So thank you very much.

Madam Speaker, abortion is a destructive perversion of our society. It is a distorted emphasis on rights to the detriment of individual responsibilities.
Our country was founded on fundamental human rights, and rightly so. “We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator, with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.” These rights were reinforced and more succinctly elaborated in the first 10 amendments to the U.S. Constitution. These 10 amendments, more commonly known as the Bill of Rights, have served as the heart and soul of our legal tradition and as the foundation upon which we have built the most powerful democracy in the history of the world.
But life is “short and brutish,” said Sir Thomas Hobbes, and if left to our devices, the right will lead to anarchy and chaos. Rousseau, Hobbes, and other thinkers of The Enlightenment saw the dangers of absolute rights, and proposed a social contract upon which to build a civil society where mutual obligations are imposed on all parties to the agreement.
The balance between rights and responsibilities has served as a basis for a functional context, but society has disrupted this delicate balance between rights and responsibilities by accentuating rights, and it has contrived an anthropology detached from the moral and conscience and has called it “social progress.” The result is a skewed social political void from moral coherency.
In his encyclical “Caritas in Veritate,” Pope Benedict XVI loudly proclaimed, “Individual rights detached from a framework of duties can run wild.” This is what we have seen in our society today.
We provide rights to convicted murderers, but at the same time, sanction the slaughter of the innocent. We protest in rage at the slaughtering of dogs, but barely blink an eye at the murder of millions of innocent children. Traditional principles of social ethics, like transparency, honesty and responsibility, have been honored or attenuated. As a result, our moral tenor does not respect the right to life and the dignity of a natural death.
To protect individual rights, we have distorted the continuity of human development to portray the human fetus as something less than human and, therefore, as something that can be disposed of. What happened to personal responsibility—the responsibility to respect and nurture a human life who happens to be one’s own child?
Our children cry out for life, for justice, and until the U.S. Supreme Court can garner enough courage to overturn Roe v. Wade, it is up to the voices of the Christopher Smiths, of the Bart Stupaks, of the Jean Schmidts, of the Marsha Blackburns, and of others like me, to fight for those who cannot fight for themselves.
Yes, health care reform is important, and I support responsible reform; but, Madam Speaker, as my friend Christopher Smith so eloquently articulated, abortion reform and can never support a reform bill that seeks to fund abortion with the tax dollars of hardworking Americans.
Thank you, Mr. SMITH of New Jersey. I want to thank my friend and colleague for his eloquent and very passionate statement. Knowing of his work on behalf of human rights and of his standing as a human rights advocate to globally, thank you so very much. And, for that very powerful statement.
I would like to yield to my good friend and colleague from Texas (Mr. GOHMERT), and want to, again, thank him for his leadership for so many years in the defense of life.
Mr. GOHMERT. I so much appreciate my friend, Mr. SMITH from New Jersey. Earlier, he was talking about RU-486, and I couldn’t help but reflect.
You know, we see people who are so concerned, properly, about our environment, about this wonderful garden
with which we've been blessed, and they fight against the use of chemicals that may affect this wonderful garden. They go to organic food stores so they can buy food that has never had chemicals used. They exercise. They go to health clubs, you know, to stay in good shape for those 7 or 8 hours of living clean, wholesome lives. Then they would think about taking a poison into their bodies, and they knew at the time they take the poison that it's not good for them, for sure. They knew that the very reason for taking it is to kill a life within.

How could we get to this point that such a caring society—one that cares about the environment, that cares so much about the world around us and about the people around us, one that will walk up and just chew out anybody who is smoking because of what it does to their bodies and because of what the secondhand smoke does to them, and one that will protect any other person from someone's smoking—would take a poison into their own bodies for the very purpose of killing? I mean how does that make sense? How did we get to this point?

Then you realize, well, the reason you do that—take a poison to kill a child, a life within—is you're wanting to avoid the consequences of your conduct. That's the bottom line.

Then you come to realize, if you live in a society that goes on, say, 35 or 36 years where it becomes completely legal and acceptable to even poison or to kill or to decapitate for the sole purpose of avoiding the consequences of what we do, then you get to a point where people would want to avoid any tough decisions, any consequences. So you would get to the point where we are today where, perhaps, 40 percent or so would be willing to say, You know what? I'm willing to give up my freedoms just so I don't have to worry about consequences anymore. I'm going to misuse my liberties, give up my freedoms so that my government will take care of all of my health care decisions from now on.

Isn't that wonderful. The government will make our health care decisions. They'll decide which things will be funded and which things will not, and I won't have to think about it anymore. I won't have to worry about it anymore. Just like when I got involved when I shouldn't have and the consequence was a life within me. I didn't have to worry about them because I could just kill that life with no consequence.

There is a woman named Abby Johnson—who's self-described as “extremely pro-choice,” who said she knew it was time to quit in September when she watched an unborn child “crumble” as the baby was vacuumed, dismembered, and destroyed. I appreciate my friend Chris Smith's bringing this to my attention. Abby Johnson is from Texas. She said, “The clinic was pushing employees to strive for abortion quotas to boost profits.” In former clinic director Abby Johnson’s words, “There are definitely client goals. We'd have a goal for every month for abortion clients.” The article continued, “The Bryan Texas Planned Parenthood reported expanded access to abortion to increase earnings.” They reported that Johnson said, “One of the ways they were able to up the number of patients they saw was they started doing the RU-486 chemical abortions all throughout the week.”

Yes, that’s the ticket. Just give people poison and let them not only kill a life, but poison their own systems. People that wouldn’t dream of smoking, it’s okay, take this poison, can kill a life, and hurt yourself.

Well, World Net Daily did an article and they explained that “RU-486 chemical abortions kill the lining of the uterus, cutting off oxygen and nutrients, resulting in the death of an unborn baby.”

Just like Chris Smith was talking about, you’re starving a child.

Johnson said the chemical abortion costs the same as an early first-trimester abortion between $595 and $695 for each procedure. And Johnson’s words were “Abortion is the most lucrative part of Planned Parenthood’s operations...they really wanted to increase the number of abortions so they could increase their income.”

Folks, it’s wrong. And if you didn’t believe abortion was going to get funds under this bill, then you ought to believe it when you read the bill. You go to the trouble to read the bill. And when the subtitle is, and this is Page 110, “Abortions for which Public Funding is Allowed” and then read through there, gee, public funding must be allowed for abortion because it’s in the bill if people will bother to read it.

But we could do it like this: We’re living in a time when we have got to come back to educating our children that conduct has consequences. And when you make them believe for 35 years that their conduct has no consequences, then you get to the point where we are today. You have a Republican administration running up the deficit and then you have a Democratic administration raising it exponentially because there are no consequences to our actions as a Nation, but we won’t go broke. We can, in the face of terrible economic conditions, run up the deficit even more and have no consequences because we know, going back to Roe versus Wade, we have learned in this country you don’t have to have consequences to conduct. We have got to come back to sanity while we have still got a country because we are in this country not because of what we did, what we deserve, but because people who came before us sacrificed, knew there were consequences to conduct. And we’ve got all we have today because of them. And the only way we will ever show we deserve what we have is if we can pass on a country with freedom and liberty, where, yes, there are consequences to conduct to those who come after us. And if we don’t turn this thing around, they’re not going to get the gift we were given.

I thank my friend from New Jersey for taking this hour and concentrating his time on such a critical issue.

Mr. SMITH of New Jersey. I thank Mr. Goehmert for his eloquent statement and for his logic, which is so important and sometimes lacking in this august body.

Let me also point out that we have a man who is going to speak next, Mark Souder. Truth in legislating is not a forgotten art, and when people say, as you pointed out, Mr. Goehmert, that the abortion funding in both the public option and in the program that establishes affordability credits couldn’t be legal or acceptable to even poison or kill or to decapitate for the sole purpose of avoiding the consequences of what we do, then you get to the point where people would want to avoid any tough decisions, any consequences. You get to a point where you’re willing to give up your freedoms just so you don’t have to worry about consequences anymore. You’re going to misuse your liberties, give up your freedoms so that your government will take care of all of your health care decisions from now on.

Mr. SOUDER. I thank my friend from New Jersey for yielding.

Before I get into a couple of specifics with that, this isn’t the bill. This is the bill. Originally we had a bill with about $1.200. It was like this. Now it’s gone to 1,900. And I want to make it clear that I definitely oppose this abortion funding in this bill, but this is an unconstitutional attack on capitalism, our free doms, our health care. And even if they fix the abortion, this bill is an atrocity.

But in addition to being a generally bad bill, it’s a specifically bad bill in the protection of human life. I’ve worked with this issue for much of my life. Actually even before the Supreme Court decision on abortion, I was concerned about what California, and New York had done. When I was a grad student at the University of Notre Dame, they did the original decision on Roe v. Wade, and we formed within 48 hours the student coalition to support a constitutional amendment. And I’ve spent much of my life doing that.

We now have our first grandchildren. And when you have grandchildren and your own children, you cannot possibly not want to defend that life. That’s what every man and woman who has a grandchild and colleague from New Jersey. We did a hearing in my subcommittee when I was Chair on RU-486, the only hearing that was ever held here.

Just kill a baby. Just kill that baby in the womb, and it’s a death threat to the baby, but it’s a death threat to the mother. And they deliberately covered up these stats. We held a hearing.
showing that RU-486 was supposed to be the safe thing, the way to do it behind doors; then you’re not cutting up the baby and having to take the pieces out. You’re not burning the skin off the baby. You’re not exploding the baby into pieces supposed to be more humane. It kills the baby. It destroys it at its early stages.

But this they don’t report. They don’t separate out the facts. We had over a hundred that even years ago were near-death experiences, a number of deaths. We pull drugs off the market if they’re risky. We document this. And all of a sudden, they’re on the non-scientist side. They don’t want to see the science on RU-486. On top of that it appears they’re prescribing it even outside of FDA guidelines. And by the time that the mothers learn they’re pregnant, by the time they go into Planned Parenthood, even RU-486 says it’s unsafe to the mother after a certain time. Why are they getting away with this at Planned Parenthood?

Some say there’s no abortion in the bill. Let me ask you, from personal experience, then why did Planned Parenthood fund ads against me after I offered an amendment? They funded ads in my district in August, along with ACORN and the government unions, to try to “make an example,” was their words, for my offering two amendments in Energy and Labor Committee to make it clear that it didn’t fund abortion. Why were those amendments defeated?

Well, part of the frustration of the general public with a bill like this, and you’re trying to part the double-talk. There’s a section on abortion services. I love the section before: “Nothing in this act shall be construed as preventing the public health insurance option from providing for or prohibiting coverage of services described in (4)(A).”

Well, what’s (4)(A)? (4)(A) says, “The services described in this subparagraph are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is not permitted.”

Excuse me? It says that it’s prohibited, but the thing before says nothing in the next section applies. What kind of double-talk is this? I just do not understand. Do they think that with all the information systems today, with the posting of this, with all of us out there that somebody isn’t going to read this? This is in the public domain. Nothing in this act shall be construed as preventing the public health insurance option from providing for or prohibiting coverage of services described in (4)(A).”

(4)(A) says, right off the bat, “The services described in this subparagraph are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is not permitted.” A, reverse A, and you think you’re going to buy that?

Furthermore, the Capps amendment, which is what this is basically trying to do, is trying to bypass the Hyde that doesn’t cover elective abortion. They say this bill will put a Planned Parenthood clinic in every county in the United States, that it mandates multiple types of things in the public health option.

Congresswoman ANDREWS very eloquently responded to my amendment and said if there’s a public option, there has to, better than aborting. So I thank you for your leadership, sir.

I would like to point out what is becoming increasingly clear, Mrs. Soudan, that the health care plan under consideration would authorize Federal funding for elective abortion, even though the majority of Americans do not want their government funding that procedure.

Potential amendments, as has been discussed, introduced in the committees of jurisdiction to make sure abortion funding was explicitly excluded from the bill all failed. Now it is reported that there is a so-called abortion funding compromise that I fear is put in place to try to bypass the Hyde that the health care plan under consideration would authorize Federal funding for elective abortion. This new compromise language is a hoax.

So, Madam Speaker, I don’t believe my colleagues should be misled. I also believe that we should have the opportunity to hear from the Department of Health and Human Services, and consideration of potential amendments that could actually strengthen the opportunity for good health care reform.
in this country. I would personally like to offer an amendment that broadens a long-held American tradition that we call freedom of conscience. I would like to simply read a part of the amendment that would potentially offer. It says, the Federal Government or any State or local government or health care entity that receives Federal health assistance shall not subject a health care entity to discrimination on the basis that the entity does not perform, or cover specific surgical or medical procedures or services or prescribe specific pharmaceuticals in violation of the moral or ethical or religious beliefs of such entities.

This amendment goes on and actually protects the freedom of conscience of those who are actually in the health insurance coverage business by saying that the Federal Government, any State or local government that receives Federal health assistance shall not prevent the development, marketing, or offering of health insurance coverage or a health benefit plan which does not cover specific surgical or medical procedures or services or specific pharmaceuticals to which the issuer of the coverage or sponsor of the plan has an objection of conscience that is clearly articulated in its corporate or organizational policy.

So, Madam Speaker, here is the issue. We should be allowed to amend this bill. We should be trying to work together to strengthen health care for all Americans by improving health care outcomes, reducing costs, and protecting our most vulnerable. The most vulnerable include people who find themselves in very difficult circumstances, those who call upon us—maybe not verbally because they’re inside the womb, but those who are the least among us that need our protection and help.

So, with that, I yield back to my colleague Chris Smith.

Mr. SMITH of New Jersey, I would like to yield to my good friend and colleague Dr. Roe, an OB/GYN who knows so much about this and has been a leader in this Congress on all life-related issues as well as other things.

Mr. ROE of Tennessee. Madam Speaker, I thank the gentleman from New Jersey. I am going to go back many years ago in my life to a time when I was a young physician trying to decide what I was going to be in life. I decided to be an internist, which is a noble thing to do. But I realized one day when I was in the hospital that what I really had a passion for was for babies and children and delivering babies, and it was fun. And of the almost of the 25,000 babies that I delivered over the years, I had a wonderful time doing it, bringing life onto this planet. The group I belong to in a small town in Tennessee, Johnson City, Tennessee, has delivered almost 25,000 babies since I joined the group. We’re a pro-life group.

I think back to the children I have delivered during the past 30 years, and these young people have become musicians and attorneys and physicians and teachers and carpenters and pastors. I was at my college homecoming last week, and one of them was a 6-foot 7-inch, 300-pound football player. They become all kinds of things. To me, the true meaning of life is life, and there is nothing more heartwrenching and heartbreaking because you’ve snuffed out a life that could have otherwise been a Congressman, a teacher, anything.

This bill that we’re discussing should be a health care bill, distressingly, in my opinion, elective abortion is not health care. We should be doing, as the previous speaker said, everything we can to protect the unborn. Let me explain a little bit about that.

When I first began practice, of the babies born before 32 weeks, half of them died. And we have used extraordinary means and technology. Now a child born at 32 weeks is a term baby, and I recall a child that we delivered at 24 weeks and a week even, then would have almost been considered a miscarriage. This child got down to 14 ounces, that’s how big, and that was over 20 years ago. That child is a fully grown adult today. If we had used the laws back then on an abortion or a miscarriage, that child would not be there with a mother and a father who are loving it and a family and a chance to have a family.

We shouldn’t disgust health care as abortion. Madam Speaker, I think this is one of the most egregious things in this particular bill. There are a lot of things in this health care bill that are not related to health care, but this is one that should be done away with, and whether you are pro-life or you are pro-choice, the majority of people in this country don’t want their tax dollars used for abortion. To me, it’s a very emotional issue, a very personal issue, and I will continue to be a pro-life doctor until I’m not on this Earth.

I yield back my time.

Mr. SMITH of New Jersey. I thank the gentleman from Tennessee (Mr. Roe) very much.

I now yield to my good friend and colleague Mr. JORDAN from Ohio.

Mr. JORDAN of Ohio. Madam Speaker, let me thank Representative Smith for his many years of leading the Pro-Life Caucus and fighting to protect the sanctity of human life. And do you ever truly have real liberty, true freedom if government doesn’t protect your most fundamental right, the right to live? That’s what’s at stake here.

We are on the verge of crossing a very dangerous line if we allow this health care bill with all its other problems, but the central focus in this bill of allowing taxpayer dollars, Federal dollars, government money to be used to end the life of an unborn child. That is just wrong. It is important that we tell the American people we do not want to go past this. The American people understand this. They do not want their tax dollars used in this way. I think it is clear what that was just said is just right.

So again, I want to be brief tonight. I know we have a few more speakers in just the few minutes we have left, but it is so critical that we understand how sacred life is.

There was a precedent here today in the Nation’s Capital where thousands of people came. One of the things that concerned them—not just the price of this bill, not just other elements, not just a lack of empowerment for families, small businesses, taxpayers in this bill, but the fact that their tax dollars could, in fact, be used to end life, and they spoke out loud and clear.

And one of the things that was said at that conference, we went back to the document that started it all—and I will finish with this. The document that started it all. I tell people, next to Scripture, the best words ever put on paper in the Declaration of Independence where the founders of this great country, this great experiment in freedom and liberty, they wrote these words: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

We’ve all heard this before, but it’s so interesting to go back to these fundamentals, to go back to these basic principles that started this grand place we call America. It’s interesting the order the Founders placed the rights they chose to mention. Life, liberty, pursuit of happiness.

Just ask yourself a question, Madam Speaker. Can you pursue happiness? Can you go after your goals, your dreams? Can you go after those things, pursue those things that have meaning and significance to you if you first don’t have liberty, if you first don’t have life? And do you ever truly have real liberty, true freedom if government doesn’t protect your most fundamental right, the right to live?

That’s what’s at stake here.

We are on the verge of crossing a very dangerous line if we allow this health care bill with all its other problems, but the central focus in this bill of allowing taxpayer dollars, Federal dollars, government money to be used to end the life of an unborn child. It’s so critical that we stop this bill in general, but certainly to stop this provision that would cross a line in this country that respects the sanctity and sacredness of human life.
So again, I want to commend the Chair of the Pro-Life Caucus for his many years in doing just that and fighting this good fight. God bless you.

With that, I will yield back the balance of my time.

Mr. KING of New Jersey. Thank you for your kind words, but more importantly, for your leadership on the behalf of innocent unborn children and the wounded mothers. I know you work very hard with pregnancy care centers and believe passionately that we need to love and affirm both. It's not about one or the other. It's both. So I thank the gentleman from Ohio for his leadership and consistency.

I would like to yield to my good friend and colleague Mr. King from Iowa.

Mr. KING of Iowa. I thank the gentleman from New Jersey for heading up this Special Order tonight and for taking the lead on life in this Congress for years and years. Maybe we could start to count that in decades, it's been such a persistent and relentless effort that has been made.

As I listen to the dialogue here tonight and I see the pro-life leaders that are here, Congress, the majority of the pro-life people that are on my side of the aisle and the help we have of some of the pro-life people that are on the other side of the aisle come to a head here in this Congress this week with the Hyde Amendment, with the Mexico City policy, that it is immoral to impose the costs of abortion on the people who strongly believe in this—it is a majority of the American people that strongly believe that innocent, unborn human life are human beings too.

I simply ask two questions, and I will raise these questions in a high school auditorium or anywhere across this land. Madam Speaker, I especially make this point to the young people in America. You will have a profound moral question to answer, and it will be very soon that you need to come to this conclusion. And when you make moral decisions, they need to be very well grounded. They need to be grounded in the fundamental principles.

The first question that young people need to ask is, is human life sacred in all of its forms? Do you believe in the sanctity of human life? I ask them to look at the person who sits next to them. Is the person on your right, is their life sacred? The person on your left, is their life sacred? They will say yes. Is your life sacred? And, Madam Speaker, they will say yes. It's almost universal in America that we believe our lives are sacred, each one.

And the law in America doesn’t differentiate between someone who is 101 or someone that's 1, whether they have a century of life behind them or a century of life behind them. All human life has the same value under the law in the United States of America with equal protection under the law. That’s the principle. That’s the belief. I hope that this is the case. As I listen to the dialogue here tonight, I think in the Congress, with the Hyde Amendment, with the Mexico City policy, it is immoral to impose the costs of abortion on the people who strongly believe in this—it is a majority of the American people that strongly believe that innocent, unborn human life are human beings too.

I would like to yield to Mr. Burton of Indiana.

Mr. BURTON of Indiana. Mr. Smith of New Jersey. Thank you very much for your leadership, longstanding, over these many decades. Thank you for being such a great defender of life.

I would like to yield to Dr. Broun.

Mr. BROUN of Georgia. Thank you, Mr. Smith. I greatly appreciate your leadership on this.

Madam Speaker, when I was a medical doctor, I practiced medicine in Georgia for almost four decades. The very first bill I introduced in Congress, the first bill I will ever introduce in every Congress, as long as the Lord continues to send me up here, is one called the Sanctity of Human Life Act. It defines life beginning at fertilization.

As a medical doctor, I know that's when my life and all of our lives begin. Madam Speaker, God cannot continue to bless America while we are killing 4,000 babies every day through abortion. He just cannot and will not because He is a holy, righteous God.

He tells us in Jeremiah that He knows us before we are ever knit together in our mother's womb. We have to cause seniors to lose Medicare Advantage. It's going to cause rationing; it's going to cost $1.3 or $1.4 trillion and maybe more than that. It's going to cost billions per word and the bill is over 2,000 pages long. It's going to cost $2.25 million per word and the bill is over 2,000 pages long. It's going to cost $1.3 or $1.4 trillion and maybe more than that. It's an absolute disaster waiting to happen. It's going to cause rationing; it's going to cause Medicare Advantage; it's going to cost $500 billion out of Medicare and Medicare Advantage. This is a disaster.
Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, my name is KEITH ELLISON. I am here to speak for the Progressive Caucus, to talk about the Progressive Message.

Tonight, before I begin, I just want to say that my heart is sick and broken for the horrible tragedy that occurred at Fort Hood, and I ask all Americans to keep the families in their prayers and to mourn their losses.

I now will proceed with the hour.

Tonight is the Progressive Message, we are here to talk about a progressive message for America, a message that says the human and civil rights of all people must be respected; a message that says dignity of people, regardless of their race, class or religion must be respected; a message that says that if 39 other countries in the world can provide universal health care coverage for their citizens, how come the richest country in the world, not only the richest country in the world but the richest country in the history of the world, can’t do it.

Why do we have 50 million people who are not covered? Why do we have a doubling of premiums for the people who do have health care coverage? Why do we have people being excluded for a preexisting condition? Why do we have these things?

Well, the time for those things to end is now. We are within grasp of major health care reform and no scare tactics, no fear-mongering, nostretches of the facts are going to change that.

My colleagues on the other side of the aisle are quite upset about the present bill and act because they know that Americans want health care reform. They want health care reform, and I believe they’re going to get it.

I want to say that I have spent these last several weeks talking about the problem. I have also spent many days discussing the Democratic bill, and I will do so tonight.

But I want to spend a little time talking about what our friends on the other side of the aisle are proposing in their bill because there is a much much detail from the Republican side of the aisle. We haven’t heard much at all, but they recently put forth an outline of a plan, an outline of a plan, not a plan, but just sort of like an outline of one, and it’s not good.

It was always convenient to just bang, bang, bang on what the Democrats were proposing, but now that Americans know the real facts, okay, you guys don’t like what the Democrats are calling for, what have you got? And their answer was less than satisfactory.

Under the GOP health plan—I don’t believe it’s been introduced as a bill yet; it’s just an outline—people with preexisting conditions would pay up to 50 percent more than average for insurance coverage under the GOP plan. States would have to cover the rest of the tab with a stable funding source. This is Roll Call, November 4, 2009.

Check it out. Under the Republican plan, most States already have such plans but typically are much more expensive than regular insurance and have not made much of a dent in the ranks of the uninsured. Also from Roll Call.

A key piece of earlier Republican drafts, tax credits that would help people afford insurance, was rejected by the House minority leader as too expensive. Also Roll Call, November 4, 2009.

The Republican measure has no limits on annual out-of-pocket costs, which means bankruptcy for some. But let me quote from the Roll Call article: The Republican measure has no limits on annual out-of-pocket costs, nor does it provide assurance for uninsured people to buy insurance.

So how are we going to deal with the uninsured problem, which you and I pay for anyway?

The Congressional Budget Office, the CBO, has said on Wednesday that an alternative health care plan put forward by House Republicans would have, quote, little impact in extending health care benefits to roughly 30 million uninsured Americans. This is from the New York Times.

Do you mean to tell me after all this attacking of the Democrats’ proposal, the Democratic plan, that the Republicans have just bashed us, week after week, day after day, hour after hour, minute after minute—oh, it’s bad, bad, bad, and that’s all you ever hear is “no”—they finally come up with their plan?

Let me go to another important quote: Late Wednesday, last night, a bill that Republicans expect to offer as an alternative to the Democratic package received its assessment from the congressional budget analysts who concluded that the proposal wouldn’t do anything to help reduce the ranks of the uninsured. The CBO said some people would see higher premiums, including older and sicker people.

This is the Republican plan? Here is one. The CBO, the Congressional Budget Office, begins with the baseline estimate that 17 percent of legal nonelderly residents won’t have health care in 2010. That’s a lot of people. Several sources of one, again. According to residents won’t have health care insurance in 2010. That’s an indictment of the status quo, which the Republicans support.

Well, in 2019, after 10 years of the Republican plan, the CBO estimates that it will still be stuck at 17 percent of the legal nonelderly residents not having insurance.
That is from the Washington Post today.

My goodness, how in the world can our friends from the other side of the aisle claim that they are offering an improvement on the status quo when they are not changing the proportion of the uninsured even 10 years from now?

This is a scathing indictment, and I don’t expect to hear them talk much about their plan. And, if they do, they are not going to tell you about this because this is embarrassing to them. They don’t want this out. They don’t want you to know about this. They want you to just keep on listening to the nonsense about death panels and school sex clinics, and they want to talk about the polarizing political issue of abortion. And I want to get to this issue of abortion in a little while.

But I want to say that they want to use polarizing language, polarizing issues that divide Americans. They want to throw up scare tactics, all of it ultimately accruing to the benefit of the status quo now, which is an industry that reaps enormous magnitudes of profit at the expense of citizens who see their premiums escalate and see themselves denied coverage and see recisions and see all these things that have cost the American economy dearly and the American middle class.

This is a Washington Post quote: “The Republican alternative will have helped 36 million more people secure coverage, which is barely keeping up with the population growth. Compare that to the Democratic bill, which covers 36 million more people and cuts the uninsured population down to 4 percent.”

How can the Republicans have a straight face and offer this bill? How can they look you in the eye, after months and months of all of these disruptive meetings, where people were disrupting meetings and causing so much trouble, so much fear, and this is what they have to show for it?

Madam Speaker, I can’t believe that they honestly are offering this as a proposal.

According to the Congressional Budget Office, the Grand Old Party, the Republican Party’s alternative, will shave or cut $86 billion off the deficit in 10 years. But get this: the Democrats, according to the CBO, will cut $104 billion off this! The Democrat bill is fiscally superior to the Republican alternative.

According to the Washington Post today, you can read it, according to the CBO, the Republican alternative only cuts $36 billion off the deficit in the next 10 years. The Democratic bill cuts $104 billion off the deficit. That is just about $40 million more.

Wait a minute. Aren’t these the guys who always complain about the deficit and spending, and all this? Maybe that claim rings hollow.

The Democratic bill, however, in other words, covers 12 times as many people and saves $36 billion more than the Republican plan. Let me just say this again for people listening out there. I know you have been scared. They want to tell you that the Democrats want to take away Medicare. Not true. They are trying to change the scenario as it relates to this very polarizing issue among Americans, abortion. It basically keeps things as they are today. They are trying to talk about death panels and school sex clinics, and they are trying to say that health care reform is only about the uninsured.

None of these things are true, and it is important to come to the House floor and refute these false allegations. It is not the case, it is not right, it isn’t true.

I just want to say I am so proud to be joined by one of the finest Members of this great State of California, DIANE WATSON. She is going to get her papers together; but when she is ready to start talking, I am going to yield to her right away.

I just want to say the Democratic bill that has been released covers 12 times as many people and saves $36 billion more than the Republican plan. It covers 12 times as many people and saves $36 billion more than the Republican plan. Yes, I am going to keep saying this on the House floor. It needs to be said.

The fact is, today we had a lot of visitors in Washington, and I want to thank the wonderful folks who came. And I am glad they showed up, because my office is good, and it is good to have people here.

Now, I will say that many of the people who came down to support my colleague from Minnesota, my friend, Congresswoman BACHMANN, invited people down, and folks came. And I am glad they showed up, because my office is good, and it is good to have people here.

But here is the thing that broke my heart. As they were explaining to me what their concerns were, they were saying, I have been dropped because of a preexisting condition. They were saying, I have been unemployed and I have no insurance. My family doesn’t have any money. I lost my job. My husband lost his job. What are we going to do? And I said, you know what? You got on the wrong bus coming here, my friend. This Democratic bill covers the one you need to be looking at.

The fact is that good people have been scared away from policy that is going to help them. Good people, made afraid that policies that are going to help them are not for them. And that is a shame.

So we had to come down here to the House floor today to explain that the fact is that middle class, working-class people struggling to make ends meet are going to benefit from the Democrats’ proposal.

I just want to say that after years of the Republicans being in power, years where they have had the House, the Senate, doing nothing at all to help Americans, Democrats are taking care of business right now. I am so glad we had a lot of people and I was able to talk to constituents and others about this important issue of health care reform. One of us started out the White House, the Senate, doing nothing at all to help Americans, Democrats are taking care of business right now.

I yield to the gentlelady from California.

Ms. WATSON. Madam Speaker, it is a pleasure and an honor for me to come down and join my colleague, KEITH ELLISON. He has been a driving force to bring reality to the public.

Congressman ELLISON, I want to thank you for your diligence. What really gets to me is the misstatements, the fear that has been put out to the public. And think about this: Why are people ranting about health coverage and not reasoning about this?

They have made fun of our President, Barack Obama. They have disrespected him on this floor when a Member hollered out for the first time in the history of this House, ‘You lie.’ I hope the world saw that and questioned what that was all about.

When they talk about NANCY PELOSI, the first woman to be Speaker, and talk about PelosiCare, that it is going to take benefits away from seniors, those are lies.

I tell people when they come up to me, remember, we started out trying to cover Americans that had no insurance, somewhere around 38 million. Private insurance companies make profits off your health care. They make profits off the condition you are in. Why should health, good health, be profit-making? We should address the health needs of Americans.

Now, you are going to hear the opposers say, You are putting our kids and our grandkids in debt. Well, they never said that when we fought an unnecessary war in Iraq, costing us $15 billion a month. If we were to send additional troops to Afghanistan, it is going to cost another $5 billion. How much do the tax cut for the rich bring as a result of that? Do you think we are going to be able to stabilize these nations thousands of miles away at the expense of our people and our country?

Just today, there was a horrible massacre of one of our greatest and largest bases, Fort Hood in Texas. Think about all the medical personnel that would have to be there to care for those 31 that were injured. Twelve people lost their lives. And one of the suspects is a mental health professional, a major who is a licensed psychiatrist. What does that tell you?

So what are we trying to do? If we want to be the strongest Nation on
Earth, we have to be sure Americans are strong. We have to provide for those less able than many of us.

You are going to hear people say you don’t want government running your health care. They don’t do anything successfully. Then you are already condemning yourself that some people are expecting in Iraq and Afghanistan and so on. If government doesn’t do anything successfully, then we all ought to go home. We are a fraud.

But ask this question: What is Medicare? What is Medicaid? What is Social Security? These are government-run programs as part of that safety net.

In the richest country on Earth, why should anyone go hungry or go without health care? If we had a government-sponsored option, and let me just define for the people who don’t understand the meaning of “option,” “option” says you make the decisions. It is a misstatement to say that government will get in between you and your doctor. It is untrue, and the people who are saying that know it.

Mr. ELLISON. If the gentlelady will yield, is it not the case today that some insurance company bureaucrat can get between a patient and her doctor?

Ms. WATSON. I chaired the Health and Human Services Committee in the California State Senate in Sacramento, California, for 17 years; and we put in place a program. We were always coming up against HMOs, health maintenance organizations. If a doctor prescribed a particular drug for his patient, they would have to call in to some other office, maybe it is the secretary or whatever; and say, Can the doctor prescribe this medicine for the patient? If it wasn’t on the formulary, it won’t happen.

So I know the experiences because being there 17 years and having people come and testify in front of us because an HMO said I want 150,000 patients in my pool, and they are all-out in south central Los Angeles, our hospital closed out there, they were assigned to a hospital maybe 30 or 40 miles away, a mother with her three children would have to spend 3 hours trying to get health care. It is not accessible.

I know of what I speak. I lived through it. We designed policies so we could address the human needs of all of our people. And we can’t have a successful democracy if we discriminate. What I mean by discrimination, we fought the battles in the 1960s discriminating against people of color. Now we are fighting the battle of poor people, fight for them who cannot afford this expensive insurance.

In my State of California, if we didn’t have this plan, your insurance would go up by $1,800 for the year for a family of three. So I am doing everything I can. You know I live in that is the first State in the Union to be a majority of minorities. What most people don’t know, don’t want to know, is most of our immigrants don’t come from across the southern border, they come from across the Pacific Ocean. Vietnam—you have heard of some of these places—Korea, Japan, China, and they come with their own needs. We try to accommodate human beings in our largest State in the Union, and we are suffering like many other States, but we are suffering to provide the necessary needs of our citizens.

We say for all Americans, we can quibble over whether they are here legally or whatever, but what we are trying to do is provide quality health care for Americans.

So I don’t understand those people who are ranting and are outraged. They believe the lies they have been told.

Mr. ELLISON. I talked to some of the people walking around today. I was impressed with how good and decent many of them didn’t have the facts straight. Many were suffering with real problems with health care. I think we need to take the time to talk to people. The fact is everyone knows there are certain TV people and radio personalities, and I am not even going to mention their names, but these people, because of entertainment and ratings, they try to play on tear and whip up anxiety among Americans who are just trying to put food on the table. So they get scared.

People want to express themselves politically, but the leaders in front of them are not giving them good alternatives, they are just giving them fear. They are saying, Be afraid of those immigrants. Be afraid of those people over there who are not the same religion as you. Be afraid of these people over here. Just be afraid. As people are afraid, they are easier to manipulate. We ask people to overcome their fear and get the truth. That is how are they going to do this, we are asking them to reason. Let’s think this through to the end. I taught school for many years, I have a little bad for them.

If I may just offer a few more critiques of the Republican bill. Here is what The Washington Post said: Amazingly, the Democratic bill has already been through three committees and a merger process. It is already being shown to interest group and advocacy organizations and industry stakeholders. It has already made compromises and been through the legislative sausage grinder. And yet, it covers more people for less money than the blanket-slate alternative proposed by House Republicans.

Now I just want to ask the gentlelady from California, we have been working on health care for a long, long time. I have had to deal with angry folks at angry community meetings. People are worried. They are concerned. We have walked through that fiery furnace and done those tough town meetings. We have withstood all of that. You would think that our bill has been watered down to the point where it couldn’t help anybody, but that isn’t the case. The Democratic bills covers 12 times as many people and saves $36 billion more than the Republican plan. How can that be? The Republican plan, which was just recently introduced to the American people, actually doesn’t save as much money and doesn’t cover as many people as the Democratic plan when they are just getting started.

Mr. ELLISON. And if it kinds of introduce a bill, it is just going to get sandpapered. People are going to wear it away. People show up and say, I don’t like this part, and I don’t like that part. After a while, your bill used to be bad. But this is the case. It doesn’t meet as much of your vision, but that is okay, that is democracy. We have to come in here and we have to give and take and try and consider everybody’s interests.

But this Democratic bill, having gone through a very rigorous process of democracy, the writer here calls it a sausage grinder, still saves way more money and covers way more people than the Republican bill. I want to ask the gentlelady: is it possibly here? Where are these great ideas we have been hearing about?

You remember during President Obama’s speech in this very room, they’re holding up pieces of paper, here are these great ideas. What is the hole that people are falling through? You don’t have any plans, you haven’t come up with a plan that is more expensive and doesn’t cover as many people as the Democratic plan. There is a reason why the American people voted overwhelmingly to send Democrats to Congress last November because this is the best they could come up with. It is absolutely quite embarrassing. I feel a little bad for them.

I yield back to the gentlelady.

Ms. WATSON. I always say be a seeker of truth. I taught school for many years. I told my youngsters, you need to reason. Let’s think this through together. I can tell you anything. Seek the truth. Check it out. When it is said that we are going to take benefits away from seniors, that is untrue.

When it is said that government, who fails at everything it does, you know, how are they going to do this, we are not running the program. What we do is allow citizens to come to the marketplace and choose a plan. A, that they can afford; B, that is accessible; C, that will allow them to get into the coverage even if they have asthma, even if they had breast cancer, even if they have diabetes, they can come in and choose that plan.

You can say to seniors under our plan, when you hit that doughnut hole, you won’t go through the hole and hit rock bottom because we are going to close that hole.

Mr. ELLISON. Which party was in power when the doughnut hole, the doughnut hole that people are falling into that needs to be fixed and is going to be fixed by the Democrats, what party was in power when the doughnut hole was there?

Ms. WATSON. The Republicans were in the White House, they had the Senate and this House. I was in here. We were in here until 6 in the morning, I
watched them browbeat one of the Members. She had voted, and they brought her back and huddled around her, and she was in tears until she changed her vote.

That was the worst thing we could do for seniors. When you go to the hole that after they have spent $2,700, they fall into that hole and they cannot afford to buy food or to pay their rent if they are going to buy their prescriptions that keep them living day by day.

Why should an American, and particularly our seniors, have to make that kind of choice? We are not playing with this. You know, I have heard people say they have done it in secret in some dark, smoky room. It has been up on their e-mails, it has been up on their computers for weeks. There is a process that you go through and you do not violate the process in Congress. Every bill that comes out of a committee has to be heard, and most Members speak on that bill and most Members vote on the bill with an audience out there.

And if the bill gets a number of votes, then it leaves that committee. It might go to another, but everyone knows that.

Now they are saying well, you’ve taken three bills and you are blending them together and we don’t know what is in those bills. I have even heard Members come up with these thick stacks of paper and say look, this is the bill. Well, when you write law that you expect to impact on Americans, you better put everything in there you mean, and that is where you use the word “shall.” I heard the minority leader say, Do you know how many times they used the word “shall”? Well, if you want it to be law, you need to say “shall.” If you don’t mean for it to become law, then you can make it permissive and say “may.” Let’s explain the process to our people. Let’s not keep the people ignorant. Let’s educate them. As an educator, that is what I want to do.

To finish, I want to let our seniors know that the majority of people in this Congress know that our health care system in this country is broken and we want to strengthen what is working. Medicare has provided health care for Americans age 65 and older for the last 44 years, and it is working. When people talk about what they want like ours, we are covered under Medicare. And it will be strengthened under the House’s reform legislation. The reform will mean better benefits at lower cost and will preserve Medicare solvency for years to come. And without reform, seniors, health care costs will keep rising and could jeopardize Medicare’s ability to keep covering the costs.

Rising costs hit seniors, their wallets, too. And unlike the average part D plus part B premium consuming an estimated 12 percent of the average Social Security benefit in 2010, and it will be 16 percent by 2025, so we know that the debate on reform has been intense, but it is a good thing. Let’s get this all out in the open and then let’s correct the misstatements. Let’s be sure that we educate the people with the truth, and just know that nothing has been done behind closed doors that you have not heard.

We can debate it on this floor, and we are going to do that. So I want to end by saying we can have a better America. We can keep our people healthy. We can have peace, but it starts here. And you can bet that as a Democrat, Republicans, Independents, fighting each other. We can express our positions, and we can do it with civility. We can do it with collegiality. We can do it by listening to someone else’s position.

I am going to truly close, but when I held my last community forum, I said: All of you have the right to be heard, but you don’t have the right to disrupt this forum. So if you do that, then you will be escorted toward the door. If you have a question, write it down. Be proud of your question and put your name on it. If you don’t put your name on your question, it goes to the bottom of the list. So we will listen to you and respond to you, but you cannot block the communication.

So what we are doing is trying to communicate with Americans out there in the field. We are going to express the true care. Thank you so much for having tonight’s Special Order. We really appreciate your commitment and your dedication.

Mr. ELLISON. I thank the gentlelady and appreciate the gentlelady’s remarks about collegiality, and also the gentlelady reassuring our seniors about what is really in the bill. This whole fear thing about scaring seniors about taking away their Medicare, I really don’t appreciate. My dad was born in 1929 and my mom was born in 1939. Both of them are folks who would be classified as seniors, both very active, vibrant people, and both of them definitely active at the polling places and voting.

And they’ve actually asked me, Is this really true? And I have to explain, Mom, no, it isn’t true. But the reality is this is a campaign tactic to try to scare seniors and try to scare all kinds of Americans. I’m of the mind that, let’s not use fear tactics, let’s use logic and truth.

Here’s a few facts:

The House Republican bill will cover just about 3 million more Americans over the course of 10 years. Today, 83 percent of the nonelderly Americans are insured. Under the GOP plan, 83 percent of nonelderly Americans would still be the proportion of the uninsured in 2019. No change in this unfair practice.

The Affordable Health Care for America Act put forward by the Democrats creates a health insurance exchange with a public plan as one of the choices that have that provides competition and offers large group rates to employees of small businesses, entrepreneurs, and Americans looking for jobs. Under the Democratic plan, affordable options and affordability credits make all the difference, something the Republican plan—even though they’ve had all this time to think of something good, haven’t been able to think of anything good at all.

Preexisting conditions. The Republican bill fails to require insurance companies to end the practice of discriminating against Americans with preexisting medical conditions. Let me just say this one more time, Mr. Speaker. The Republican bill fails to require insurance companies to end the practice of discriminating against Americans with preexisting conditions.

There’s no wonder that they have and will spend their time this evening talking about the divisive, polarizing issue of abortion, this very important issue which has Americans of goodwill arguing both relatively strongly held positions, trying to get us fighting over that when we’re talking about health care reform. They say, Don’t worry about the difference, the Republican plan—even though they’ve had all this time to think of something good, haven’t been able to think of anything good at all.

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Mr. ELLISON. Well, let me just thank the gentlelady for that, because the reality is that Republicans are saying, oh, we have a plan on tort reform and we want to give tax cuts and tax breaks—they've been talking about fragments of their plan for a long time, but when the reality of their plan came out, it was pretty dismal. I mean, here's what Ezra Klein says, of the Washington Post: Republicans are learning an unpleasant lesson this morning. The only thing worse than having no reform plan is releasing a bad one, getting thrashed by the CBO, and making the House Democrats look good.

We want to thank you for that.

The Democratic bill covers 12 times as many people and saves $36 billion more than the Republican plan. The New York Times, the Budget Monitor says: GOP leaves many uninsured.

The American people can see the history of the reform process. They can see the attempts by the White House for a few months and only a few people who understand the bill. And they can see the history of the Republican plan. And they can see the history of the Democratic plan.

The first thing they will see is a plan that includes a public option. The second thing they will see is a plan that includes a public option. The third thing they will see is a plan that includes a public option.

The reality is that Republicans are saying that we need health care reform, because they've been beating up on the Democratic plan from the very beginning, yet it has gone through three committees. It has had a merger process. It has been beaten and smashed and attacked, and yet, still, still, the Democratic bill is far and away superior to the Republican plan, maintenance.

The fact is I think the American people are really going to start seeing who is looking out for their health.

Let me turn now to a few health care studies if I may.

A week ago, Amy, Amy says, I'm a graduate student working part-time at a restaurant. I applied for individual health insurance through Medica, hoping to pay their nice low rate, $99 a month for a pretty good plan and a fairly high deductible; however, Medica denied my individual application because I marked on my application that I have anxiety and take medication for it. It is a little ironic; not having insurance gives me more anxiety.

"I was recently approved for group health insurance through a company that owns the restaurant I work for. However, to stay on the group plan, I have to maintain a workload of 24 hours a week on average over a year, which can be hard to do as a graduate student. This group insurance is through Medica, and I will be paying $95 each month, which is affordable for me. However, I got a letter from Medica saying that my anxiety is considered a preexisting condition, so any treatment or medication for it will not be covered for a year. After 1 year, I can appeal for coverage. In the meantime, I will continue to pay for my medication out of pocket and not go to therapy because it will be too expensive.

"Please pass Federal health care reform that includes a public health insurance option that is affordable to middle-income families in Minnesota."
to cancel health insurance, but I might have to in order to survive. It's scary to think about not being able to provide health insurance for employees or going under as a business. Knowing that I would always have access to reliable, affordable health care would relieve a lot of the anxiety that I experience as a small business owner.

"I would like to tell those who oppose health care reform that this is a moral issue. We should be taking care of each other. It's an embarrassment to our country to be one of the wealthiest countries on earth and not have health care coverage for all. Please pass Federal health care reform that includes a public insurance option."

We've been joined by Jared Polis, who is an excellent advocate for the people's rights. He has been very vocal and has been a strong advocate of health care reform. I want to turn it over to my friend from Colorado (Mr. Polis).

Mr. POLIS. I would like to thank Mr. ELLISON, certainly, for the kind introduction and for sharing very powerful stories.

I have had the opportunity to share a number of stories on the floor of the House ofRepresentatives, and these are real people who are impacted. I think that, perhaps, my colleagues in the House and those watching us can see in themselves some of the experiences that American families go through.

We're not just talking about the uninsured out there, some mysterious group that you're not a part of because you might have insurance. We're talking about American families, American families who are worrying because one of the parents lost a job; we're talking about soccer moms; we're talking about people with preexisting conditions.

I want to briefly talk about immigration in the context of immigration and health care reform. I received some false information from an anti-immigrant group. The name of this group is the Federation for American Immigration Reform. They're actually a group that fights against immigration reform, but their name says that they're for immigration reform.

They believe—and I believe that similar comments have been echoed on the floor of the House of Representatives—that there is in the health care bill before us something that allows illegal aliens to game the system and to access taxpayer-subsidized health care benefits.

What they're seeking to do—and it would significantly raise the cost of the bill should they succeed—is to prevent our undocumented population, some 12 to 15 million people who reside in our country and who contribute in so many ways, from buying insurance through the exchanges.

Now, remember, the "exchange" is something that doesn't exist today. It's set up under law. It is not subsidized health care. It is where small businesses or individuals will go. They, of course, will pay the full market rate. There will be many private companies that will participate in the exchange and that will design products for the exchange. It is not about profit. It is simply to provide insurance. We've never before barred anyone from being able to purchase a product like health insurance at full price because of one's citizenship or immigration status, nor is it a good policy.

I think that many of us on both sides of the aisle would agree that we shouldn't have as large an undocumented population as we do. I dare say we shouldn't have an undocumented population at all. There might be different solutions to that. Mine would simply be to normalize the status of those who are here, who work hard and who contribute so much to our country.

My colleagues on the other side of the aisle, who also agree we shouldn't have a large undocumented population, might, in fact, have a different solution to that.

Insofar as they are here, we should, all of us, regardless of where we stand ideologically, want them to buy insurance with their own money if they are willing to. They certainly all won't; but to the extent that they do, they are less of a burden on the rest of us. Anybody who would seek to prevent them from accessing the exchange, which will remain "the place!" for individuals to buy insurance—effectively is saying that taxpayers should subsidize illegal immigrants.

Frankly, I think that there are many across the country who have a problem with that. To prevent undocumented immigrants from being able to buy insurance from the exchange is saying that taxpayers should pay for their health care. They're going to go to the emergency rooms. They won't have insurance. The costs will be shifted to the rest of us and to taxpayers. We should encourage our undocumented population to buy insurance with their own money. Again, I don't think all of them will, but some of them will.

That's a very good thing, and I'm very hopeful that many undocumented immigrants will participate in this exchange.

The exchange makes health care affordable for individuals. Right now, we have people who don't have the buying power of big companies. If you have a preexisting condition, which is that scarlet letter that so many residents of our country wear, forget about it. Whether you're a citizen or a noncitizen, if you're an individual, the exchange will allow you to pool your risk. The exchange has the buying power that previously has only been enjoyed by large corporations. It allows one to negotiate the very best rates with insurers. Once again, the exchange is not a benefit. It is not a product.

Mr. ELLISON. I just want to say thank you, Madam Speaker, for allowing us the time for the Progressive message. I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Mikulski, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the Senate, for the following title:

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2847) "An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Ms. Mikulski, Mr. Inouye, Mr. Leahy, Mr. Kohl, Mr. Dorgan, Mrs. Feinstein, Mr. Reed, Mr. Lautenberg, Mr. Nelson (NE), Mr. Bayh, Mr. Dole, Mr. Smith, Mr. Graham, Mr. McConnell, Mrs. Hutchison, Mr. Alexander, Mr. Voinovich, Ms. Murkowski, and Mr. Cochran, to be the conferees on the part of the Senate.

HEALTH CARE REFORM

The SPEAKER pro tempore (Ms. Pingree of Maine). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. Gingrey) is recognized for 60 minutes.
over 2,000 pages that they are going to have on the floor of this great body on Friday, tomorrow, to debate and on Saturday morning to vote on, the outcome of which, of course, remains to be seen.

Madam Speaker, I wanted to take a little time, though, at the outset to talk about the thousands and thousands of great Americans who came to Washington today to bring a message to this Congress—a message to their Members of Congress and in the aisle especially on the Democratic majority’s side of the aisle—to tell them how strongly they are in opposition to the Federal Government’s taking over our health care system lock, stock and barrel.

Madam Speaker, I had an opportunity with many, many of my colleagues, led by Mr. ELLISON of Minnesota, the gentleman who just spoke; his colleague from the great State of Minnesota, Representative MICHIELE BACCIROTTI, and others. These were many who worked very hard in putting that together and in encouraging people to come to Washington—to take time away from your jobs, away from your families. There were many physicians in the group. They did it. They did it. We had an opportunity to speak to them.

When I took my minute or so, Madam Speaker, I said to them, You know, you’re bringing a second opinion. You are physicians and in a common sense. You are practitioners who love freedom and liberty. You’ve looked at this bill. You’ve probably read it. You’ve probably read more of it than have most Members of Congress, and you have made a diagnosis. You have taken the medical history, and you have done the physical examination. You have checked the pulse of the American people, and you have found it strong. You have checked the blood pressure of American people, and you have found it, Madam Speaker, rising. You have taken a stethoscope, and have listened to the heart of the American people, and you have heard it pounding, pounding for freedom and liberty; and you have made a diagnosis, and you have written a prescription.

Madam Speaker, these tens of thousands of people who were here today brought that prescription to Capitol Hill, and here is what it said:

Dispense no money to fund abortions. Dispense no taxpayer money to provide government subsidies to illegal immigrants, despite what my colleagues on the majority side of the aisle have said. Finally, that prescription said: dispense not one dime of my hard-earned money to allow the Federal Government to take over our health care system and one-sixth of our economy, and come between me and my doctor. That’s the prescription that these great Americans came to Washington to bring today.

I hope, Madam Speaker, I hope that the Members of Congress on both sides of the aisle but especially within the majority party—because, after all, it is your bill that’s going to be voted on, not our bill. We have a bill. It will be a motion to recommit—a substitute, if you will—of 261 pages, which brings down the cost of health insurance across the board on an average of 10 percent. They can say, Madam Speaker, that you can say, that the majority party can say, that your bill does that. This bill, according to the Congressional Budget Office, saves $100 billion over 10 years.

Now, Madam Speaker, I heard my colleagues say just a minute ago that their bill, which is the Pelosi bill, saves $100 billion over 10 years, but the Congressional Budget Office, again, that bipartisan group of expert economists who works for the Congress, the Director of whom is hired by Speaker PELOSI, said it’s going to cost to create this legislation $1.55 trillion over 10 years.

So, my colleagues, if you save $100 billion but you’ve spent $1 trillion, do the arithmetic. This is not calculus. It’s certainly not brain surgery. You have spent a whole lot of money saving $100 billion. In fact, my math tells me that you’re kind of in the red there about $900 billion. It’s absolutely ludicrous.

I say again, Madam Speaker, to those folks who came up—to those great Americans who came today on buses and in cars and on planes, many of whom traveled 16 hours—and I met some great Georgians from my State. They’re folks I had talked to last weekend when I was home, and I encouraged them to come. They did. They came. A contingent of the disabled came. I was so proud to see them.

This was not a mob, Madam Speaker. These were not thugs. I’m not suggesting that you or any Member of this body has referred to them in that way, but certainly the media has; the press has insulted this group. This group has this group insulted this group back in August when all of these seniors showed up for these town hall meetings. Every Member was describing town hall meetings that had 10 times as many people as they had ever seen before. It’s true for me in my district, and I’m in my fourth term. It’s true for others. We’ll hear from Congressman JOHN BOOZMAN from Arkansas, and we’ll hear from Congressman PAUL Broun from the great State of Georgia, from Athens; and they’ll tell you the same thing.

These were nice people. These were senior citizens. These were Medicare recipients, and they were scared to death, and they are scared to death today. I know that, of those who couldn’t come, many of them maybe are shut-ins and who for health reasons were not able to come but would have loved to have been here. You were well represented, and you will be well represented in this Chamber come Saturday, but it’s too late to vote.

My colleagues on the other side of the aisle referenced back to the days in 2003 when we added a prescription drug benefit to Medicare, which is something that our seniors have been wanting for so many years, long before I even thought about running for Congress. The problem, of course, was that in 1965 when Medicare was enacted, the emphasis was on surgical procedures and hip replacements. They didn’t have all the wonder drugs back then, 40-something years ago, that we have today.

So why was a prescription drug benefit so important? Why did the Republican majority at the time spend so much political capital giving that to the American people and our 40 million of them who are on Medicare?

It’s because they couldn’t afford it. The price of those prescriptions had gone up, these wonder drugs, research and development, very expensive. And people were halving the dose and in many cases not taking their medication if it ran out before the month was over and they had to wait 2 more weeks to get another prescription. And the people with high blood pressure were having strokes. The people with high cholesterol were having heart attacks. The people with diabetes, which was out of control because they couldn’t buy their insulin, were having their limbs amputated. People with kidney disease were ending up on dialysis machines in a long cue maybe for a renal transplant.

We, in a very compassionate way, Madam Speaker, passed Medicare Part D so that these seniors could afford to have those prescriptions filled and to take them in a timely way. And I stand here today very proud that I voted “yes” on that bill on this House floor in the wee hours of that morning, yes. A very close vote because all the Democrats were voting “no.” All the Democrats were voting “no.”

But what this bill has done has given them affordable prescription drug coverage. And it will keep these seniors, more importantly than the cost, out of the emergency room. It will keep them off the operating table. It will keep them out of a long-term skilled nursing home where they might be for life having had a massive stroke because prior to 2003 they couldn’t afford the blood pressure medication to lower that blood pressure to a safe range. So, yes, I voted for that. I voted for it.

Our Democratic counterparts, Madam Speaker, then in the minority, they fought it every step of the way. And they absolutely insisted, until the final moment when they knew that they couldn’t accomplish it, they wanted the government to step in and control prices. They wanted government price control then and they want it now. It wasn’t necessary then, Madam Speaker and my colleagues, and it’s not necessary now.

The free market works in this country. It always has and it always will. The monthly price of those prescription drug plans, on average, was $24
when the Democratic minority said that it would be $40. In fact, the Democratic minority wanted us, the Republican majority at the time, to agree to set the price at $40 a month. We wouldn’t do it because we knew, Madam Speaker, that the free market would work, and we wanted to see that competition without the heavy hand of the government in there being a competitor and a rule maker and a referee, just exactly what your party and its leadership, Ms. PELOSI, the Speaker; Mr. RANGEL, the majority leader; and, President Obama—they want the heavy hand of the government in this bill.

And what they really want, and I imagine if any amendment is made in order, it will be the one that will be proffered by our friend from New York (Mr. WEINER) from my Energy and Commerce Committee and part of the majority party, an amendment that would have a single-payer national health insurance program. Socialized medicine.

If we see any amendment, Madam Speaker, I am going to predict that that will be the one that will be here because, in fact, they want to make that statement one last time. They won’t have quite enough votes to pass it, but there will be a significant number. And I think my colleagues certainly on our side of the aisle, we understand that. We understand what the plan is. And the American people understand that. But the majority party and this President and this administration and all the folks that are advising him, many of whom I guess advised President Clinton and his wife, Hillary, 15 years ago, they don’t seem to get it. Maybe they’re not going to get it until that first week in November of 2010.

We’ve got a lot of things to talk about tonight, Madam Speaker, and I am pleased and honored to have my colleagues join me. The hour is getting late. The folks at the hotel in the evening are ready to go home and get a little rest, do a little reading before they go to bed and face a long, hard, tough day tomorrow. But they’re here. They’re here tonight. That old saying “miles and miles and miles to go before I sleep.” I’m not sure which of our poets wrote that. Maybe it was Robert Frost. But my colleagues are with me tonight because they know how important this is. They’re the sentinels. And we’re going to fight this thing, and we’re going to do everything in our power to stop it because we know it’s wrong. It’s the wrong prescription for America.

Let me put this point, Madam Speaker, yield to my good friend and fellow doctor from the great State of Arkansas, Dr. BOOZMAN. He is a part of the GOP Doctors Caucus. We have been meeting on a very regular basis during this entire 111th Congress. We’re 11 months into what was supposed to be a 2-year plan, and you’re having fun. But this group has, I think, brought a lot of knowledge to our side of the aisle on this issue. We have tried desperately to have an opportunity to meet with the President. We’ve sent letters. He said the door was open, but if the door was open, unfortunately the several gates getting to the door were closed.

But I’m going to stay at this point to yield to my good friend from Arkansas, Dr. JOHN BOOZMAN.

Mr. BOOZMAN. I appreciate the gentleman from Georgia yielding to me.

I also want to thank you for your leadership on the Doctors Caucus as one of the co-Chairs. You’ve done an outstanding job.

I think one of the reasons that’s so important, I think the reason that we had so many thousands of people up here today—and I would just echo your sentiments about the importance of that. As I looked around, I saw all of these predominantly middle-aged and seniors who had made a trip, made a tough trip in many cases from all over the country, I think it’s due to the fact that we’re very, very hard as a conference. And under your leadership as one of the co-Chairs, I think the Doctors Caucus has done a good job of trying to get accurate information as to what this bill actually does.

We did a town hall teleconference 2 days ago. And as you said, there are many people all over the country that would have loved to have been up here today, but they couldn’t get up here. And we did a poll during the course of that town hall. We had 75 percent for, 75 percent against, 13 percent undecided. And I think if we had done that a few months ago, the numbers wouldn’t have been that great. The more the American people learn about this bill, the unintended consequences that are going to occur, the more they don’t like it.

The gentleman talked earlier about somebody working in a place and was a part-time employed person. The reality is that this bill, as you start taxing small business the way that it does for full- and part-time employees where you don’t offer good enough insurance by government standards, many of those jobs are going to disappear, and this truly is a job killer.

I'm going to go ahead and yield back because I really want us to talk about our alternative versus what's being presented. I want us to talk about the fact that we're not cutting Medicare, I have 15 percent in my district. Our bill does not cut them in any way. That program goes ahead and continues on. Then I also want to talk about the effect on small business, our bill cutting the insurance rates versus taxing small business in the other plan.

Mr. Gingrey. Reclaiming my time. I thank the gentleman and I hope the gentleman will stay with us so we can continue—

Mr. BOOZMAN. Yes, very much.

Mr. GINGREY. Because I do want to hear from Dr. BOOZMAN in regard to the Republican alternative and some of the unique things that he’s talking about. And I mentioned, of course, the CBO score and that’s fantastic. But I think it is important for our colleagues to know, especially those who are undecided. And quite honestly, I think, Madam Speaker, there are a lot of undecideds. I know there are many caucuses in the Democratic majority. You have 257, something like a 40-seat majority over us Republicans. And you have those Republicans. You have the Tea Party Caucus. You have the Congressional Hispanic Caucus. You have the Congressional Black Caucus. You have the Progressive/Liberal Caucus of which Speaker PELOSI is, I guess, the titular head. And then you have the Blue Dog Caucus, some 82 members, who many of them, Madam Speaker, and I know you’re aware of this, hold seats that Candidate Senator JOHN MCCAIN carried in the 2008 election. So their districts, Madam Speaker, are not unlike mine. And I would say to the election, my third re-elect fourth term with 69 percent of the vote. And I know that many of these Members are agonizing over their vote come Saturday.

Our colleagues earlier—I think the gentleman from California was here in 2003 when we had the vote on Medicare modernization and the prescription drug plan, Medicare part D. And she said some things that were accurate in regard to the length of the vote and the fact that it was a very close vote, and when the clock struck double zeros, there were still people undecided. And there was still a lot of persuasion going on. Maybe a little arm twisting, maybe a few calls from the President, the Secretary of Health and Human Services, a lot of weeping and gnashing of teeth. And then, of course, finally that bill did pass at 5 o’clock in the morning, as I recall.

I would say to the gentleman from California, you ain’t seen nothing yet until we get to 2 days from now, on Saturday, when we’re trying to—when I say “we,” I think most people on my side of the aisle, if given the opportunity to vote on the bill today, “yes,” every one of us, but I doubt if there will be too many of us voting for the Federal Government to completely take over our health care system.

And there’s going to be some arm twisting and there’s going to be some blood letting, not literally but figuratively. A lot of persuasion going on. So we’ll see what happens.

I am also joined by a good friend we have, Dr. BOOZMAN, a part of our GOP Doctors Caucus. Dr. PAUL BROWN is one of three doctors, three on the Republican side, from the great State of Georgia. Our other colleague who is chairman of the Republican Study Committee, Dr. Tom PRICE, chairs that group.

And I want to, Madam Speaker, mention the fact that Dr. PRICE was also very involved in this effort today to have this House call on Congress and bring these 15,000. In fact, Dr. PRICE moderated that and did an excellent job.

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CONGRESSIONAL RECORD — HOUSE
H12449
Mr. BROUN of Georgia. I thank the gentleman, Dr. GINGREY, I did house calls full time prior to coming to Congress in 2007, and I actually still make house calls.

I appreciate the people coming here today and getting in the house call business. They made a house call on the people’s House, and I congratulate them on doing so because their voices were heard. The Constitution of the United States. I carry it in my pocket all the time. I believe in this document, as it was intended by our Founding Fathers. It starts out with three very powerful words.

Mr. GINGREY of Georgia. And if the gentleman will yield just for a second, just for the visual effect. Congressman GINGREY also carries it, and I think every congressman that delivers this document is not what we describe as a living, breathing, changing document unless we do it under the rules of the Constitution by amendment, but I wanted to let the gentleman know that I, too, carry this every day.

I yield back. Mr. BROUN of Georgia. Thank you.

The Constitution starts out with three extremely powerful words “We the People” who are speaking, and they don’t want a government takeover of their health care system. In Hosea 4:6, God says, “My people are destroyed for lack of knowledge.” Mr. Speaker, the Doctors Caucus and Dr. GINGREY have been trying to educate the people about the onerous effects that a government takeover of health care. I just want to mention a few of those things.

Dr. BOOZMAN, my good friend from Arkansas, was already mentioning the increased taxes and the attacks on small business. But this bill, if it’s passed into law, is going to destroy our economy. It’s going to destroy our economy because it’s going to spend—right now CBO, with their zombie economics, is going to spend over $1 trillion. I call it zombie economics because you have to be a dead person walking around to believe the accounting procedures that CBO went about utilizing in evaluating this bill. But this bill has been scored by CBO as costing over $1 trillion. When Medicare was passed into law 40-some-odd years ago, CBO, when they evaluated it then, they missed the mark. In fact, Medicare, in the first decade, cost almost 10 times what CBO scored it, and that’s exactly why we’re going to happen with this one. I think 10 times will be a conservative estimate of what the CBO is scoring it. It’s going to destroy our economy.

The second thing it is going to do is it’s going to destroy the State’s budget. In Georgia, as the gentleman from Georgia, Dr. GINGREY, knows, we have a balanced budget amendment to our State Constitution. Well, this bill shifts a lot of cost in unfunded mandates that it expands Medicaid. Georgia is already struggling to meet its balanced budget amendments and is already cutting services in the State of Georgia. This bill, for the State of Georgia, from everything I can and cost to the State of Georgia $1 billion. We don’t have that kind of money. The State of Georgia is going to have to cut its services markedly or increase taxes.

Mr. Speaker, the Governors all over this country should be contacting every single Member of Congress in their delegation and telling them to vote “no” on this Pelosi bill that is going to take over the health care system. It’s going to destroy everybody’s home budgets because taxes are going to to go up on all goods and services, particularly health care services. But there is going to be taxes on every sin—on every small business and large business in this country, which means that those taxes are going to be passed through at an increased cost for every good and service in this country. So everybody, including the middle class, the poor people, those on limited income, the elderly are going to pay more for everything that they buy, for every service that they contract for. So it’s going to destroy everybody’s home budgets.

It’s going to destroy our children’s futures. It’s going to destroy their futures because Congress is borrowing and spending dollars that our children and our grandchildren are going to have to pay for. So we’re stealing their future.

Scripture says in the Ten Commandments, “Thou shalt not steal.” and I call on this House to stop stealing our children’s and our grandchildren’s futures.

Mr. GINGREY of Georgia. If the gentleman will yield back to me, I think that is a very, very good point. Mr. Speaker, I agree with the gentleman that it, indeed, is stealing our children’s futures to have a current debt of $11.2 trillion. A trillion, you can’t imagine. I’ve heard Members describe what $1 trillion is. I won’t try to do that tonight. It’s unfathomable. Our current debt is $11.2 trillion.

It’s estimated that in the next 10 to 15 years, if we continue down this road, that debt will be $24 trillion. We’ll be paying more interest on the debt than we do on discretionary spending. We’ll have no money to defend our country. In talking about that Constitution, when you really look at it, there is nothing in there to increase trillions of dollars for health care or for education, but we just keep spending and spending.

But I did want to take this a step further before yielding back to the gentleman from Arkansas, Dr. BOOZMAN. We’re not only stealing our children’s and grandchildren’s futures, Dr. GINGREY—and I know you know this—we are stealing their present. Now, let me explain.

First of all, Mr. Speaker, the irony of that is that in the cohort of people age 18 to 29 in this recent election, 66 percent of them voted for then-Senator, now-President, Obama. In the 18- to 29-year-old cohort, 66 percent. Of that group, Mr. Speaker, that’s the highest plurality for a President ever from that age group. I don’t impugn their motive or their vote. That’s what’s great about this country. I’m not sure why each and every one of the 66 percent made that decision. I’m sure they were, as I was, impressed by then-candidate Senator Obama’s youth, his energy, his charisma, his communication skills, and he made attractive promises. He made attractive promises. You know, after 8 years of an administration, people are ready for a change, and he promised them change. Indeed, I think he said a change that they could believe in. My English teacher would have called that and said a change in which they can believe. But in any regard, it made a good sound bite.

Shortly after the President was elected and inaugurated, the President was asked by the media or asked by the majority about these policies of massive government expansion in every sphere, and his response was a glib. Elections have consequences.

Mr. Speaker, indeed, elections have consequences. That’s what I’m talking about. The President in regard to robbing our youth not only of their futures but of their present, because this bill that guarantees community rating and universal coverage, it drives up the cost of health insurance for all of our young, for Medicare, for people who are taking care of themselves, who are exercising, who are not overweight, who don’t smoke. Today, they’re able—in most States—to be able to get affordable health insurance because their lifestyle is less risky and because their age is less risky.

What the President and what Speaker PELOSI and Leader REID and the Democratic majority want to do is have a one-size-fits-all, where the costs of health insurance for those low-risk individuals in fact, in today’s young people, they will choose a low premium, a low monthly premium, you know, maybe $100 a month, with a very high deductible, and they’ll combine it with a health savings account. Under this plan, if H.R. 3962 is passed they will not be permitted to do that.

Mr. Speaker, we are robbing the future of the youth of America.
We had just about any specialty, except for neurosurgery and neurology, in that community.

Then from there, the Lord moved me to Oconee County, just outside of Athens, Georgia, where I still live today. Athens is a town of a little over 100,000 people. There are two hospitals in Athens, one through the University of Georgia and one through St. Mary's. I have worked with St. Mary's Hospital. It's a Catholic hospital. I have worked with them for years, trying to help provide care for indigents and people that don't have insurance through the hospital. We are viable. But we also have Athens Regional Hospital.

Now, back to something I just said earlier in Hosea 4:6: My people are destroyed for lack of knowledge. What it's going to tell all this, one right here in front of me, is passed into law, small rural community hospitals all over this country are going to close down. Small communities are going to have all those people who work there, they are going to be put out of work. Folks are going to have to drive miles and miles to those regional hospitals to get the health care that they so ably deserve. This is not a health care bill. This is a health insurance bill to set up—in fact, the President himself has said he wants to establish socialized medicine where the Federal Government is the only insurer. This bill is the step that they need to put that into place.

That is exactly why the progressives, I call them Marxists, because that's really their philosophy is Marxism or communism, socialism, is based upon, this bill is a step to go to that socialized medicine. But not only the health care markets and small community hospitals are going to be put out of a job. The President's economic adviser has said 5.5 million people are going to lose their jobs, so it's going to destroy jobs all over America.

Mr. Speaker, if the American people could see this document and understand how onerous it is, they would say “no,” and they should. This is the Republican alternative that’s going to be considered on and voted on Saturday. Look at the difference in the size.

The Republican Party is the Party of Know, k-n-o-w, know. We know how to lower the cost of health insurance for everybody in this country and let the doctor-patient relationship be how health care decisions are made. This bill is put out by the bureaucrats from Washington D.C., making health care decisions for every single person in this country.

Mr. GINGREY of Georgia. Reclaiming my time, I think the gentleman is making some excellent points, but we do want to have a moment to talk about our alternative. Dr. BROWN is holding that up now, the 261-page Republican alternative that’s fully paid for. It does not raise the deficit. Your constituents, I will yield to Dr. BOOZMAN.

Mr. BOOZMAN. Before I ask him to go through a couple of slides with us, I want to point one out to our colleagues, this second opinion. I talked about this earlier, about these great Americans that were up here today, as Dr. BROWN referenced. They were making a House call on the House, their House, the people’s House, absolutely. Their second opinion included, I talked about that prescription: dispense no money to pay for abortions, dispense no money to pay for illegal immigrants, dispense no money to pay for illegal immigrants. That’s what this bill is. It’s unbelievable, but I will yield to Dr. BOOZMAN and let him talk about it.

Mr. BOOZMAN. Well, again, our first point is that it punishes our self-run health care, and we have alluded to that earlier. We don’t federalize 16 percent of the economy. We don’t cut seniors to pay for health reform.

Again, I have 25,000 Advantage members. The Advantage Program is so important to them. Also, the other Medicare cuts, you can’t increase the population by 30 percent that you are going to serve, not give them any more resources. Something is going to give and the quality of care will suffer with the Pelosi plan. It doesn’t raise the deficit. Your fourth point, health care choices, not government mandates. Then, again, this is a bipartisan compromise.

The other thing I would add, I heard the discussion earlier, people from Arkansas, it just drives them crazy when they hear us talking about giving, allowing illegal immigrants to buy subsidized health care programs. I mean, that’s something that they just don’t understand.

I am very much opposed to that. I know that you all are very much opposed to that.
But, again, that’s something that the majority of this country does not understand, why we would want to do that. Our country is struggling. We are barely—I get the phone calls, as an optometrist, a provider. I used to see people all the time that couldn’t afford their health care. That’s what we are trying to do to fix.

But the idea, like I say, of giving illegal immigrants subsidies such that they can buy makes no sense at all to the average American. That’s one of the reasons so many people are opposed to this is things like this in the bill.

Mr. BROUN of Georgia. Some people may say that that’s a racist comment you just made.

First thing, they are not immigrants. They are aliens, they are law breakers, they are criminals, and they need to go home. We certainly should not give them taxpayer subsidies, not only health taxes but a lot of the taxpayer subsidies, and they are getting them today. In spite of being against the wall getting Medicaid, SCHIP, they are getting those things today because they have fraudulent Social Security numbers, they have provider’s licenses. They are criminals. They need to go home.

I want to tell you, I have been accused of being a racist by saying things like that. But I also volunteer as a medical doctor at a clinic called Mercy Clinic in Athens, Georgia, and the vast majority of people that come to that are illegal aliens, people who have no insurance. I have devoted my time, and there are 40-some-odd doctors in our community that devoted our time to go take care of sick people who need our help.

I have a heart for them, but I also believe in the law.

Mr. GINGREY of Georgia. Reclaiming my time, Dr. BROUN, as I referred to him earlier as a modern day Dr. Welby. I like the compassion, and I know that he treats people without regard of their ability to pay, and he is a good man.

I wanted to go back to Dr. BOOZMAN because we got into talking about the cost. This next slide, and I want my colleagues to look closely, please. I hope you can see this because these three bullet points are hugely important. I will ask Dr. BOOZMAN to begin to comment on the very first one.

Because on this chart, on this slide, this is how the Democrats, the Pelosi health reform bill comes up with the $1.055 trillion pay-for includes this $570 billion, $570 billion cuts in Medicare.

Dr. BOOZMAN, would you elaborate on some of those cuts and why that should be of some concern to our seniors, because the folks on the other side of the aisle. Dr. BOOZMAN, Dr. BROUN, Mr. Speaker, my colleagues, just an hour ago said they don’t need to worry about that; they are not going to hurt them. They are going to be okay. Let’s talk about that a little bit.

Mr. BROUN of Georgia. They lie. They lie.

Mr. BOOZMAN. Well, I will just say this—

Mr. GINGREY of Georgia. Well, you know like some others on this side of the body Dr. BROUN just spoke out of turn, but we will forgive him for that.

I will yield now officially to the gentleman from Arkansas.

Mr. BOOZMAN. Well, we have a situation where we are in big trouble and goes broke in 2017 without aid. I have many people call me, I know that you guys do too, that have moved to town, you know, that maybe their mom has moved in or something, they can’t find a Medicare provider now because the problem, because we are not paying them what it takes to see some of these patients.

They are starting to either not accept new Medicare patients, or they are limiting the Medicare patients that they already see. Now, we are already seeing a form of rationing.

So to make $570 billion in cuts, with that going on, its just makes no sense at all. If anything, we need to be shoring up Medicare.

The other thing, too, is that they add significant increased population, increased patients to the thing. We already have 10 percent-plus. I think everyone agrees it’s at least 10 percent in fraud and abuse.

Why increase the system? Why not take care of the problems that we have got now, shore it up so we don’t have problems in 2017 before we just throw more money into it and just create even more problems?

Mr. GINGREY of Georgia. Mr. BOOZMAN, reclaiming my time, I am so glad you elaborate on that. $570 billion Medicare cut, because this is a 12-year budget over the next 10 years. We are not spending $570 billion today on Medicare; I can assure you we will in the very near future, but we are not today. So a $570 billion cut is more than what our yearly expenditure is today on Medicare. So over a 10-year period of time, about a 12 percent cut. The most egregious cut is coming from Medicare Advantage. Some $120-something billion dollars, a 17 percent cut per person from that program.

Well, if that program was just some fluke that a few seniors signed up for and it wasn’t that good of a program and we were wasting money on it, that would be one thing. Mr. Speaker. But 20 percent of our seniors are Medicare patients. They love it; they love it.

They get prescription drug coverage so they don’t have to sign up for part D and pay that extra monthly premium. They get an annual wellness check and they don’t get that in Medicare fee-for-service. They get screening, they get follow up, they have a nurse practitioner call them after their appointments to make sure they are taking their medication. They have a nurse call them when it’s time for the next checkup, and they are staying healthy. The President and the majority party and all of us agree that preventive care is cheaper than treating the illness.

Yet you want to cut that program? That’s bizarre to me.

I want to yield to my friend from Athens, Dr. BROUN. He may want to discuss the $700 billion in taxes in addition to the Medicare cuts and where that is going to come from and whose back is that on. Is this from the ultra-rich, Bill Gates and Warren Buffett and folks like that?

Mr. BROUN of Georgia. Yes, they are going to pay higher taxes. Everybody in this country is going to pay higher taxes, from the extremely rich to the poorest people, but most of those taxes are going to be on that back of the small businesses. That is the reason that the President’s own economic adviser has said that 5.5 million jobs in America are going to be destroyed. People are going to be put out of work because of that tax burden that is placed on small businesses.

This whole bill, this Pelosi health care takeover, is going to destroy
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America. It is going to destroy everything we have in America.

Let me tell you a little story. Recently, I was talking to one of the Blue Dog Democrats, and I asked him to show me in this document where Nancy Pelosi promised that.

Mr. GINGRICH of Georgia. Mr. Speaker, we have just a few minutes left. This bill that we are talking about, H.R. 3962, this bill that we will be voting on on Saturday, this massive increase in bureaucracy, when it came through the Energy and Commerce Committee, I counted that it had 53 czars. I think we are up to 120 now. But the most egregious of all the czars that have been created through this bureaucratic bill is someone called the health choices administrator.

Now the health choices administrator is the person who is going to say what has to be in every health plan. That is why I was talking about driving up the prices for the youth of America, and why we are robbing from their pockets, as well as their future. This health choices administrator is going to be more powerful than the Social Security administrator. They are going to decide not only are we going to force you to buy insurance or we are going to charge you a 2 percent fine, maybe put you in jail, or force your employers to provide insurance for your employees or fine you 8 percent, or maybe put you in jail, too. The person that is making those decisions on what type of plan is offered, and, Mr. Speaker, I am sure these low-premium, high-deductible health savings accounts are the types that young people love because it gives them protection against "horrendoplasty," as we call it in medicine, a terrible car accident which causes them to lose a limb, and every bit of their financial wherewithal.

Here on this slide is a caricature of the health choices administrator. The gentleman from Georgia recognizes him because he ran Hazard County, Georgia. His name was Boss Hogg. Some may be too young to remember the "Dukes of Hazard," but Boss Hogg, he made all of these decisions. He was the health choices administrator. And Boss Hogg says, kind of like Big Boss Hogg says, the President of the United States, you can have whatever you like as long as the boss approves it. As long as the boss approves it.

Let me just conclude by saying the people that came up here today had a prescription for America, and they told us, and I had one, too. I had it in my pocket, I just didn’t have a chance to share it.

Here is my 10 prescriptions for a healthy America:

No government-run health care plan.
No cuts to senior care.
No new deficit spending. The President promised that.
No new taxes. That is in the Republican bill.

No rationing of care. The seniors don’t want to get thrown under the bus, but they will under H.R. 3962.

No employer mandate. It is unconstitutional to force them. We want to encourage them. We want to lower the prices, as the Republican bill does, so they can get health care insurance, but in a voluntary way.

And we don’t want to have taxpayer-funded coverage for illegal immigrants. And we don’t want to pay for abortions with taxpayer dollars.

Mr. Speaker, thank you for your patience. We will be back tomorrow night. God bless you and good evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PATRICK J. MURPHY of Pennsylvania (at the request of Mr. HOYER) for today on account of the birth of a child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to add to the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. BISHOP of New York, for 5 minutes, today.
Mr. DeFazio, for 5 minutes, today.
Mr. McDermott, for 5 minutes, today.
Mr. Sestak, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Ms. CHU, for 5 minutes, today.
(The following Members (at the request of Mr. ROE of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. Moran of Kansas, for 5 minutes, November 6.
Mr. RENEMBERG, for 5 minutes, November 6.
Mr. Roe of Texas, for 5 minutes, November 7 and 12.
Mr. JONES, for 5 minutes, November 7 and 12.
Mr. ROE of Tennessee, for 5 minutes, today and November 6.
Mr. DUNCAN, for 5 minutes, today.
Ms. ROS-LEHTINEN, for 5 minutes, November 7.
Mr. Goodlatte, for 5 minutes, today.
(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. Lincoln Diaz-Balart of Florida, for 5 minutes, today.
Mr. Gohmert, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 30, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 3960. To amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.
H.R. 2996. Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 10 o’clock and 6 minutes p.m.), the House adjourned until tomorrow, Friday, November 6, 2009, at 9 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

JOHN GARAMENDI, California, Tenth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

4515. A letter from the Chairman, Council of the District of Columbia, transmitting a
H.R. 1849 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington (for himself and Mr. MCLINTOCK):

H.R. 462. A bill to amend the Hoover Power Plant Act of 1984 to ensure that project beneficiaries are solely responsible for repaying the costs of Western Area Power Administration transmission and delivery projects, and for other purposes; to the Committee on Natural Resources.

By Mr. WU (for himself, Mr. ALTMEIER, Mr. BLUMENAUER, Mr. BORDALLO, Mr. CHILDERS, Mr. COURTNEY, Mr. DEFAZIO, Mr. GORDON of Tennessee, Mr. HILL, Mr. HINCHET, Mr. HINOJOSA, Mr. KAGEN, Mr. MINNICK, Mr. PETerson, Mr. PERLUSI, Mr. ROSS, Mr. SALAZAR, Mr. SCHRADER, Mr. WALZ, and Mr. WILSON of Ohio).

H.R. 4029. A bill to amend title 38, United States Code, to improve services for veterans residing in rural areas; to the Committee on Veterans' Affairs.

By Mr. DICKS (for himself, Mr. BAIRD, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. INSLEE, and Mr. HINCHET).

H.R. 4029. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 4030. A bill to suspend temporarily the duty on Triethylenediamine; to the Committee on Ways and Means.

By Ms. BALDWIN.


By Mr. BRADY of Texas.

H.R. 4032. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit through 2009, and to extend the first-time homebuyer requirement and increase the adjusted gross income limitations with respect to such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. ISRAEL.

H.R. 4033. A bill to require the Election Assistance Commission to establish an American Democracy Index to measure and improve the quality of voter access to polls and voter services in Federal elections; to the Committee on Oversight and Government Administration.

By Mr. KISSELL (for himself and Mr. ETHERIDGE).

H.R. 4034. A bill to amend title 10, United States Code, to authorize the Secretary of the Army to lease portions of the Airborne and Special Operations Museum facility to the Airborne and Special Operations Museum Foundation to support operation of the Museum; to the Committee on Armed Services.

By Mr. MARCHANT.

H.R. 4035. A bill to amend the Internal Revenue Code of 1986 to authorize the estate of a decedent to use the capital loss carryover of the decedent as a deduction against estate tax; to the Committee on Ways and Means.

H.R. 4036. A bill to authorize National Mail Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Foreign Affairs.

By Mr. FORTENBERRY.

H.Con.Res. 209. Concurrent resolution recognizing the 50th anniversary of the Iranian hostage crisis, during which 52 United States citizens were held hostage for 444 days from November 4, 1979, to January 20, 1981, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. THOMPSON of Mississippi, Mr. OBESTAR, Mr. KIND, Mr. New York, Mr. MICA, Mr. CUMMINGS, Mr. LOBONDO, Mr. ROSEN, Mr. HARMAN, Mr. McCaull, Mr. CULBERT, Mr. ROGERS of Alabama, Mr. CARNEY, Mr. BILIRAKIS, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. CLEAVER, Mr. DENT, Ms. NORTON, Mrs. MILLER of Michigan, Ms. RICHARDSON, Mr. CAO, Mr. AL GREEN of Texas, Mr. OLSON, Mr. LUSIAN, Mr. BROWN of Georgia, Mrs. KIRKPATRICK of Arizona, Mr. MASSA, and Mr. HIERS).

H.Res. 892. A resolution expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on November 4, 1979, to January 20, 1981, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Mr. WEXLER, Mr. DELAHUNT, Ms. BERKLEY, Mr. BUSTOS, Ms. KAPTUR, and Mr. LIPINSKI).

By Mr. Berman (for himself, Mr. WEXLER, Mr. DELAHUNT, Ms. BERKLEY, Mr. BUSTOS, Ms. KAPTUR, and Mr. LIPINSKI):

H.Res. 892. A resolution recognizing the 20th anniversary of the remarkable events leading to the end of the Cold War and the creation of a Europe, whole, free, and at peace; to the Committee on Foreign Affairs.

By Mr. SERRANO (for himself, Mr. A LTMIRE, Mr. G ERLACH, and Mr. BRUCE).

H.R. 1347: Mr. DOGGETT.

H.R. 1157: Mr. COHEN.

H.R. 1189: Mrs. NAPOLITANO.

H.R. 1220: Mr. MEEKS of New York.

H.R. 1396: Mr. DOGGETT.

H.R. 1475: Mr. DOGGITT.

H.R. 1517: Mr. COHEN.

H.R. 1818: Mr. COHEN.

H.R. 2251: Mr. ROTHMAN of New Jersey and Mr. ROSEN.

H.R. 2254: Mr. MEEKS of New York and Mr. SHUSTER.

H.R. 2324: Mr. MEEKS of New York.

H.R. 2573: Mr. QUIGLEY.

H.R. 2579: Mr. DOGGITT.

H.R. 2626: Mr. GRAYSON.

H.R. 2630: Mr. GRAYSON.

H.R. 2638: Mr. MEEKS of New York.

H.R. 2709: Mr. ROOTH and Ms. ROYBAL-ALDARE.

H.R. 2851: Mr. GRAYSON.

H.R. 305: Ms. DELAURO.

H.R. 401: Mr. KLINE of Minnesota.

H.R. 417: Mr. FALKLOMVA, Mr. FATTAH, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. WOOLER, Mr. OBESTAR, Mr. HONDA, and Mr. SHIRL.

H.R. 502: Mr. KLINE of Minnesota.

H.R. 510: Mr. MELANCON.

H.R. 561: Mr. PASCARELL, Mr. HIRONO, and Mr. NADLER of New York.

H.R. 571: Mr. WATT.

H.R. 614: Mr. PERRIELLO.

H.R. 678: Mr. ROSEN.

H.R. 734: Mr. ALTMEIER, Mr. GRIELACH, and Ms. MASKEY of Colorado.

H.R. 739: Mr. LEX of California.

H.R. 901: Ms. SUTTON and Ms. KILPATRICK of Michigan.

H.R. 930: Mr. TOWNS.

H.R. 1070: Mr. BARROW.

H.R. 1086: Mr. BOSWICK.

H.R. 1126: Mr. WELCH.

H.R. 1157: Mr. COHEN.

H.R. 1359: Ms. BERKLEY.

H.R. 1757: Mr. HOLT, Mr. WU, and Ms. KILROY.

H.R. 1139: Mrs. NAPOLITANO.

H.R. 1207: Mr. WINTER and Mr. KISSEL.

H.R. 1230: Mr. SHUSTER.

H.R. 1326: Ms. LE of California.

H.R. 1347: Mr. KENNEDY.

H.R. 1396: Mr. DOGGETT.

H.R. 1475: Mr. DOGGITT.

H.R. 1547: Mr. BLUNT.

H.R. 1623: Ms. BERKLEY.

H.R. 1806: Mr. DAVIS of Alabama and Ms. MAST.

H.R. 1818: Mr. COHEN.

H.R. 1836: Mr. KISSEL and Ms. LINDA T. SANCHEZ of California.

H.R. 1831: Mr. CAMP.

H.R. 1855: Mr. COURTNEY.

H.R. 1925: Mr. BARR and Ms. ROYBAL-ALDARE.

H.R. 2521: Mr. ROTHMAN of New Jersey and Mr. YOUNG of Alaska.

H.R. 2254: Mr. HENRICH.

H.R. 2279: Mr. CONNOLLY of Virginia and Ms. LORETTA SANCHEZ of California.

H.R. 2296: Mr. CAMPBELL.

H.R. 2324: Mr. MEEKS of New York and Mr. RANGEL.

H.R. 2586: Ms. WASSERMANN SCHULTZ.

H.R. 2452: Ms. LORETTA SANCHEZ of California, Mr. SIRSTAK, Mr. HARMAN, Mr. TOWNS, Mr. FARR, Mrs. CAPPS, Ms. MATSUI, and Ms. WELCH.

H.R. 2478: Mr. GEORGE MILLER of California.

H.R. 2560: Ms. GIFFORDS.

H.R. 2575: Mr. QUOLO.

H.R. 2579: Mr. DOGGITT.

H.R. 2626: Mr. GRAYSON.
CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Dingell, or a designee, to H.R. 3962, the Affordable Health Care for America Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.