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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 cosponsors, 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 15-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

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before this Congress literally astounded 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 House 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 January 1, 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.gop.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: less 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 have 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.

□ 1015

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, 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 got 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 shuts 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 hanging on to 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 first step, extend access 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. DANIEL E. LUNGREN of California. 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 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 health care system, adding 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 limitation on attorneys' fees or any limitation on damages, including noneconomic damages, you are 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. If that'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. GENE GREEN of Texas. Mr. Speaker, I rise 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, benefiting 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 that we've 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 rearranging 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 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 confined 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, 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. 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 recommended 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 printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, 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.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered 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).

SEC. 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.

□ 1030

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

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 nature of a 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 printed 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 designation 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 OBERSTAR, 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 helps 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 security at 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 has been endorsed 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 supply 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 contact 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 interfaces with activities currently underway 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 sunset this year 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. However, I have concerns 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 employs 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 facilities less secure, we endanger the security of our neighborhoods and of our communities. By easing penalties for unlawfully disclosing sensitive information, we increase our vulnerability. To make matters worse, the majority includes these provisions in a bill that is supposed to help prevent attacks.

As I said before, I am glad Mr. LUNGREN 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.

□ 1045

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 bill 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 not 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 the only 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 believe, is contrary to the way the majority promised to run 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 contrasting 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 Speaker.

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 the motion, it would have been 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 of the rules until Saturday. Suspension bills, as you know, Mr. Speaker, are usually noncontroversial bills, but the suspension authority has in the past been used to pass bills with obviously minimal debate and sometimes as a way to block the minority from offering amendments or a motion to recommit.

Now, in the past, a senior member of the majority on the Rules Committee referred to that process as ''outside the normal parameters of the way the House should conduct its business. It effectively curtails our responsibilities and rights as serious legislators.''

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. 2868.

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. 2868, the Chemical Facility Anti-Terrorism Act, 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 Chlorine 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. 2868 is too prescriptive and includes requirements that are not appropriate for all facilities. Security is very important, but a command 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 (1ST). or Methods to Reduce the Consequences of a Terrorist Attack, could easily cost my 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 also concerned about other mandates in the bill and the fact that state and local measures are not preempted, which is critical for a national security program. No federal preemption would 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 2868 unless the following changes are made:

(1) All 1ST 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 Standards 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. 2868 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. 2868, 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 and to require that the EPA establish parallel security programs 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 doubtless here when this legislation originated, and I'm sure has insight as to its origination—but as I have 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 today, and that intervention was 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.

Earlier 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 discussions in earnest and engaged a wide array of 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 during markups, 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 also said that this bill does not harm 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 to one such distinguished Member who was here for many years, then left us but then returned, 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 amend 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. Any measure. There's no limit on what measure it might be. And for Members who may have forgotten what that means, a suspension of the rule means we suspend all rules and can consider virtually anything we want here, and a bill can be brought up from a committee and the entire text of the bill as passed out of the committee can be removed and we can have a different bill here on the floor. So Members should be aware that we are with this rule passing martial law, giving the majority the ability to bring up anything.

Frankly, that language that has never been seen by any committee can be entered into a bill with just the name and it could be presented on this floor. So Members should be aware that this rule goes beyond the underlying bill.

With respect to the underlying bill, why would I have concerns about this bill when I serve, with true joy, on this committee and serve with the chairman of the full committee who presents this bill before us? It is because we've been working on this area of concern for the last 5 years and we did come up with legislation that was incorporated into the appropriations bill dealing with homeland security back in 2006, and that language is the language which has been brought forward in the regulations and under which the Department of Homeland Security has operated over these last number of years. And it is the reason why this administration has asked for a simple 1-year extension, not the changes that we have in this bill. Why is that of concern?

□ 1100

Why is it that organizations that have worked carefully with the Department of Homeland Security to come up with a regime that is workable so that we can protect against potential terrorist attacks in the area of chemicals, why would these organizations now have some question?

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 regulatory scheme.

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 misunderstands 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 organization 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 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. LUNGREN of California. Is that this is a process, not a product; yet we are now 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, 59 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, when 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 bills to the floor as we wait for the health care reform, the mother of all bills, to come to this floor. That's why we're here dealing with this, despite the fact the administration doesn't support it, the industry doesn't support it, small business 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 consequences of a terrorist attack, includes 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 anything else to do. 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, are placed 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 describing 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 our colleague, someone 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 an exacting 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. LUNGREN 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 that we are discussing today. I would like to get into that IST in just a moment.

Again, we all support the need for greater chemical plant security. We should also note, too, that by adding drinking water and wastewater facilities, we will double the number of facilities that will need to be reviewed under the existing regulatory scheme. Actually, 4,000 of the 6,000 security vulnerability assessments have not yet been reviewed by the Department of Homeland Security, currently. Adding IST will complicate this thing to a much greater extent.

People who know a great deal about IST—''inherently safer technologies'' is the term—have opposed mandating it into this law. Congress is acting as chief engineer. We ought not to be doing that. But this legislation is not simply about chemical facilities. It is about facilities with chemicals. And what kind of facilities have chemicals? Well, what about hospitals, colleges, and universities? We have 3,630 facilities that employ 50 or fewer people who are going to be impacted by this. The point being is hospitals and colleges and universities are going to be subject to these inherently safer technology provisions contained in the legislation.

Now, specifically with respect to IST, Mr. LUNGREN just referred to the gentleman Scott Berger who came before our committee previously and vehemently argued against mandating inherently safer technologies in this legislation. But I do want to focus my comments on section 2111 of the chemical security title, addressing the concept of IST that was shoehorned 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. LUNGREN 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 built 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 won't work. These plants were placed where they were for a specific reason, and the chemicals they are producing there are being produced for a specific reason. Let not

Congress act like chief engineer for the government. We are about to ask the Department of Homeland Security to institute a means by which to police our chemical facilities on their implementation of a conceptual framework. Think about the implication of this for a second.

DHS will be required, under threat of lawsuit by any person, any person that the citizen suit provisions, to fine companies $25,000 a day for noncompliance with a bureaucrat's idea of whether a particular facility has sufficiently implemented a concept. Think about that. During the committee's only hearing on this legislation in June, I inquired with Deputy Under Secretary Reitinger about how many IST specialists they currently have at the department. His answer was, ''I think the answer is none.'' Similarly, when I asked Secretary Napolitano about the number of IST experts currently employed at the Department during our budget hearing earlier this year, she, too, indicated zero.

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

Mr. LINCOLN DIAZ-BALART of Florida. I recognize the gentleman for an additional 1 minute.

Mr. DENT. I would also be remiss if I didn't mention the response of Sue Armstrong, director of the office responsible for implementing these requirements, when questioned on this topic. When I asked exactly what IST was, she demurred, stating, ''There is enough debate in industry and academia that I can't take a position on that very topic.'' Yet this bill not only asks her to do so but requires her, under threat of lawsuit, and saddles hundreds of facilities with the costs of the decision.

So, in closing, I just wanted to make this point once and for all that, you know, with unemployment rates approaching 10 percent, this legislation will imperil many jobs of people who make things, who make chemicals. I think perhaps the intent of some people proposing this legislation is simply that they would rather not have these chemicals be made in this country, that they be made elsewhere. This legislation will have the effect of making it more difficult to produce chemicals that we need in this country. They will be produced elsewhere.

I urge the rejection of this rule. We all support greater chemical plant security, but this is not the way to do it, and this will certainly cost jobs throughout America at this time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield to the distinguished chairman of this committee to correct a few of the inaccuracies that my distinguished colleague, Mr. DENT, offered. One that I heard, the Department of Homeland Security has a responsibility of regulating the matter under our consideration and not the Environmental Protection Agency.

I yield to Mr. THOMPSON such time as he may consume.

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'll 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.

□ 1115

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

The other issue is, my colleague, Mr. DENT, as you know, this is our second time having this bill brought before us. Mr. DENT supported the bill the first time. Now he is against it. I guess you 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. THOMPSON of Mississippi. I yield to the gentleman from Pennsylvania.

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. There are civil lawsuit provisions, civil suit provisions in here that are very, very different in this legislation than the bill we considered a couple of 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. These 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, but they 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 their 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 do away with jobs. It is small business friendly. Because if there is a vulnerability, a vulnerability is a risk, Mr. Speaker, that the Department determines. Nobody would want to work in an environment where a security risk was identified and not corrected. 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 about safety. You just cannot. Much of this bill is a means to an end 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 running 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 obligations 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. So don't tell me safe drinking

water is not a safety and security concern because in your health care bill, this is what you have in there:

''Certain capabilities are not a prerequisite. The financial and technical capability of an Indian Tribe, 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.''

In other words, in our health care bill we're going to give money to build new water purification plants and they don't have to be trained. They don't have to meet any scientific categories.

Here you are putting a burden on private water systems, on community water systems, municipal water plants, and you are going to exempt tribes from even knowing how to operate the water plant.

This is your bill. Page 1,785. Read your bill. Unbelievable. I only read this last night; 1,990 pages. On page 1,785, ''The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate''—shall not be a prerequisite; shall not.

Although we are going to do some weird IST provisions, inherently safer technology, put a new burden on water technology systems, put new burdens on water community systems, put new burdens on rural systems, you're exempting tribes from even knowing how to operate the water plant.

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 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 doing our duty.

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 safety and security since 9/11 to a certain degree has been because of the diligent and vigilant work of the men and women of the Homeland Security Department; members, of course, of the United States military; and Congresspersons who have the absolute duty to address the question of security of this Nation.

I would also remind my good friend that Indian tribes in sovereign areas have a sovereign legal distinction. We know that their structure is somewhat different than what we have.

I rise to support this rule because it is a fair rule. It has allowed a number of amendments by our friends on the other side of the aisle, but this chemical security bill is not a bill that started last week. It started a number of years ago. It has had the jurisdictional oversight of several committees, including the Energy and Commerce Committee.

As I have listened to a number of experts as the subcommittee Chair, we have held hearings, we have authored letters, we have requested briefings, and we have visited sites. I have visited a waste and water system site. I see the vulnerability. I see the utilization of chemicals that could be used or tampered with to contaminate the water of innocent people and innocent families and innocent children.

At the end of each step of the way, in establishing the record for this legislation, we worked in a transparent and a bipartisan manner to ensure that the legislation was 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 with our staff.

Our door remained open. Regardless of the rhetoric that we hear today, this has been a process that is the obligation of Homeland Security to protect the American people. It is no doubt that terrorism has been franchised and there are numerous creative ways that terrorists will be looking to contaminate.

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, five of which come from our friends on the other side. But this again, I want to emphasize, is a responsibility that is not a nonserious responsibility, because water and wastewater sites proliferate our Nation all over, in rural hamlets and urban centers, and 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 the American people send us here to do our job, and 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 needs.

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.

Several Republican amendments were adopted at mark-up 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 this 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 on a bipartisan basis. Those amendments were stripped out of the bill that we are considering today. They are not in. So even though we had amendments

in the bill that came out of the Homeland Security Committee, they are not here in this bill today.

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. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the rule for H.R. 2868, the Chemical Facility Anti-Terrorism Act, and in strong support of the underlying bill. I thank the gentleman for yielding the time and for all those who had a hand in bringing this legislation to the floor.

This bill will help secure our chemical infrastructure from attack or sabotage, and I want to particularly thank Chairman THOMPSON for focusing particular attention on cyber threats to this sector.

Securing our critical infrastructure from cyber attack cannot be an afterthought. The vulnerabilities to control systems and network infrastructure are numerous and, if ignored, could have serious consequences just as severe as a physical attack. This bill will require increased cybersecurity training, improved reporting of cyber attacks and a chemical facility security director who is knowledgeable on cyber issues, greatly increasing the opportunity to address and prevent cyber attacks before any damage occurs.

Cybersecurity and cyber vulnerabilities are one of those areas that are not fully addressed across government to this point. We can see that from numerous cyber penetrations and exfiltration of data that clearly more needs to be done in this area. The most critical area, though, and the area of greatest vulnerability is critical infrastructure. This act today takes a major step forward in addressing an area that could cause widespread damage or potentially loss of life.

This is an important piece of legislation. I urge my colleagues to support it.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the American people are demanding that we have at least 72 hours on any legislation and every piece of legislation, to read it and study it before it is brought to the floor; 182 Members have signed a discharge petition to consider a bill that would require that.

That is why today I will be asking for a ''no'' vote on the previous question, so we can amend this rule and allow the House to consider that legislation, H. Res. 554, offered by Representatives BAIRD and CULBERSON, requiring 72 hours on every piece of legislation before it is taken to a vote.

If anyone is concerned, Mr. Speaker, that that would jeopardize the chemical security bill, be not concerned, because the motion I am making provides for separate consideration of the Baird-Culberson bill within 3 days so we can vote on the chemical security bill and then, once we are done, consider H. Res. 554. The American people are demanding that on every piece of legislation there should be 72 hours to study it and read it thoroughly before it is voted on.

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.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, in closing, I would like to remind my colleagues of the urgency of this legislation. This bill takes 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.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 885 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 4. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

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. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 885, if ordered, and motion to suspend the rules on H. Res. 868.

The vote was taken by electronic device, and there were—yeas 241, nays 180, not voting 11, as follows:

[Roll No. 856]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Aderholt
Brady (PA)
Braley (IA)
Capuano
Gohmert
Murphy, Patrick
Nunes
Rogers (MI)
Sánchez, Linda T.
Speier
Stupak

□ 1200

Mr. LoBIONDO changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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.

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

The vote was taken by electronic device, and there were—yeas 233, nays 182, not voting 17, as follows:

[Roll No. 857]

YEAS—233

Abercrombie
Ackerman
Adler (NJ)
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman

Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Andrews
Brady (PA)
Braley (IA)
Capuano
Delahunt
Ellsworth
Garrett (NJ)
Gohmert
Murphy, Patrick
Nunes
Poe (TX)
Rogers (MI)
Sánchez, Linda T.
Stupak
Towns
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1208

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 4, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Cathy Mitchell, Chief of the Elections Division of the California Secretary of State's office, indicating that, according to the unofficial returns of the Special Election held November 3, 2009, the Honorable John Garamendi was elected Representative to Congress for the Tenth Congressional District, State of California.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF CALIFORNIA,
SECRETARY OF STATE,
Sacramento, CA, November 4, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 3, 2009, for Representative in Congress from the Tenth Congressional District of California, show that John Garamendi received 66,311 votes or 52.98% of the total number of votes cast for that office.

According to the unofficial results, John Garamendi has been elected as Representative in Congress from the Tenth Congressional District of California.

To the best of the Secretary of State's knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by Alameda, Contra Costa, Sacramento, and Solano counties, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

CATHY MITCHELL,
Chief, Elections Division.

SWEARING IN OF THE HONORABLE JOHN GARAMENDI, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

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.

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?

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, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 111th Congress.

WELCOMING THE HONORABLE JOHN GARAMENDI TO THE HOUSE OF REPRESENTATIVES

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 helped preserve 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 extending congratulations to Governor GARAMENDI. It is interesting that 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 came to the 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.

□ 1215

The SPEAKER. Without objection, the gentleman from California, Representative JOHN GARAMENDI, is recognized for 1 minute.

There was no objection.

Mr. GARAMENDI. Madam Speaker, it is a great privilege, indeed, I suspect the greatest privilege, a person could have to stand in the well of the House of Representatives of the United States of America and address this august body. It is a privilege that I shall always remember, and I will always remember this particular moment.

Allow me a moment, if I might, of personal privilege to introduce my wife of almost 44 years, Patti. She is delighted to return, at least in part, to her old stomping grounds here in Washington as the associate director of the Peace Corps and then as the deputy director of the Foreign Agricultural Service in the Department of Agriculture.

We have with us our six children. They're there in the gallery, and I think all of you may have seen six of our nine grandchildren. There are a couple who are testing the H1N1 vaccine back home in California.

Madam Speaker, if I might just tell you what a great privilege it is for me to be here. I look forward to working with all of you on the floor who are here and who are not here today. We have many, many issues that I will look forward to addressing.

I want to congratulate my opponent in the primary, David Harmer, who ran a very solid and, fortunately for me, unsuccessful race but, nonetheless, a very solid race; and he is a very good person.

I want to thank the voters in my district and all of the constituents for their support, giving me this opportunity to extend what has been the most important thing that, I think, any of us could ever do, and that is to spend our life in public policy, addressing the issues that confront our fellow citizens and the world beyond.

Thank you so very much for the privilege and honor.

Madam Speaker, thank you.

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, the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Without objection, 5-minute voting will continue.

Mr. DREIER. I object.

The SPEAKER pro tempore. Objection is heard.

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.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. 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:

[Roll No. 858]

YEAS—366

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (TX)
Bright
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—67

Aderholt
Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Blunt
Boccieri
Boehner
Boustany
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Capuano
Carter
Chaffetz
Coffman (CO)
Davis (KY)
Diaz-Balart, M.
Fleming
Foxx
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Hastings (WA)
Hill
King (IA)
Lee (NY)
Linder
Lofgren, Zoe
Lummis
Marchant
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Olson
Olver
Pence
Poe (TX)
Pomeroy
Posey
Price (GA)
Rogers (KY)
Rogers (MI)
Royce
Sánchez, Linda T.
Schmidt
Shadegg
Shuster
Stearns
Stupak
Sullivan
Thompson (PA)
Tiahrt
Wamp
Wilson (SC)

□ 1237

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 detained. Had I been present, I would have voted "yea."

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

Mr. MICA. Mr. Speaker, on rollcall No. 858, I was unavoidably detained. Had I been present, I would have voted "yea."

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

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

Mr. BUYER. Mr. Speaker, on rollcall 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, on rollcall No. 858, I was unintentionally late upon 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."

Ms. FOXX. Mr. Speaker, on rollcall No. 858, I was unavoidably detained but as a co-sponsor of the resolution I would have voted "yea."

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 858, I was unavoidably detained. 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 rollcall vote 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 postpone further proceedings 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:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 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) in the matter preceding subparagraph (A), by striking ''If'' and all that follows through ''paragraph (2))'' and inserting ''At the time that the amount established in an individual's account under subsection (b)(1) is exhausted'';

(B) in subparagraph (A), by striking ''50 percent'' and inserting ''54 percent''; and

(C) in subparagraph (B), by striking ''13'' and inserting ''14'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(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) THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (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 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 '4' 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)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

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

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

(1) by striking ''then section 4002(c)'' and inserting ''then subsections (c) and (d) of section 4002''; and

(2) by striking ''paragraph (2) of such section)'' and inserting ''paragraph (2) of such subsection (c) or (d) (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 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)—

''(I) were applied by substituting '8.5' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

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

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION 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 (d)'' and inserting '', (d), and (e) of section 4002''; and

(2) by striking ''or (d)'' and inserting '', (d), or (e) (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 COMPENSATION.—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 pay extended 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 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 subsection).

''(2) COORDINATION WITH TIERS II, III, AND IV.—If a State determines that implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment 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 third-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(e)(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 OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(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 supercede 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:

''(I) Domestic violence, verified by such reasonable and confidential documentation as the State law 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

''(II) Sexual assault, verified by such reasonable and confidential documentation as the State law 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 with respect to State applications submitted on and 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. 438) 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 such individual's eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL EXTENDED 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 (iii)—

(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 by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, 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 to the Railroad Retirement Board $807,000 to cover the administrative expenses associated with the payment of additional extended 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'', and

(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.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''December 1, 2009'' and inserting ''May 1, 2010'',

(B) by striking ''SECTION.—This section'' and inserting ''SECTION.—

''(1) IN GENERAL.—This section'', and

(C) by adding at the end the following new paragraph:

''(2) EXCEPTION IN CASE OF BINDING CONTRACT.—In the case of any taxpayer who enters into a written binding contract before May 1, 2010, to close on the purchase of a principal residence before July 1, 2010, paragraph (1) shall be applied by substituting 'July 1, 2010' for 'May 1, 2010'.''.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f)(4) of such Code is amended by striking '', and before December 1, 2009''.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting ''AND 2010'' after ''2009''.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended to read as follows:

''(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, a taxpayer may elect to treat such purchase as made on December 31 of the calendar year preceding such purchase for purposes of this section (other than subsections (c), (f)(4)(D), and (h)).''.

(b) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) EXCEPTION FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of an individual (and, if married, such individual's spouse) who has owned and used the same residence as such individual's principal residence for any 5-consecutive-year period during the 8-year period ending on the date of the purchase of a subsequent principal residence, such individual shall be treated as a first-time homebuyer for purposes of this section with respect to the purchase of such subsequent residence.''.

(c) MODIFICATION OF DOLLAR AND INCOME LIMITATIONS.—

(1) DOLLAR LIMITATION.—Subsection (b)(1) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) SPECIAL 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 '$6,500' for '$8,000' and '$3,250' for '$4,000'.''.

(2) INCOME LIMITATION.—Subsection (b)(2)(A)(i)(II) of section 36 of such Code is amended by striking ''$75,000 ($150,000'' and inserting ''$125,000 ($225,000''.

(d) LIMITATION ON PURCHASE PRICE OF RESIDENCE.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) LIMITATION BASED ON PURCHASE PRICE.—No credit shall be allowed under subsection (a) for the purchase of any residence if the purchase price of such residence exceeds $800,000.''.

(e) WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

''(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual's spouse, for qualified official extended duty service—

''(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

''(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

''(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term 'qualified official extended duty service' means service on qualified official extended duty as—

''(I) a member of the uniformed services,

''(II) a member of the Foreign Service of the United States, or

''(III) an employee of the intelligence community.

''(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.''.

(f) EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following:

''(3) SPECIAL RULE FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty

service (as defined in section 121(d)(9)(C)(i)) outside the United States for at least 90 days during the period beginning after December 31, 2008, and ending before May 1, 2010, and, if married, such individual's spouse—

''(A) paragraphs (1) and (2) shall each be applied by substituting 'May 1, 2011' for 'May 1, 2010', and

''(B) paragraph (2) shall be applied by substituting 'July 1, 2011' for 'July 1, 2010'.''.

(g) DEPENDENTS INELIGIBLE FOR CREDIT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', or'', and by adding at the end the following new paragraph:

''(3) a deduction under section 151 with respect to such taxpayer is allowable to another taxpayer for such taxable year.''.

(h) IRS MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (M),

(2) by striking the period at the end of subparagraph (N) and inserting '', and'', and

(3) by inserting after subparagraph (N) the following new subparagraph:

''(O) an omission of any increase required under section 36(f) with respect to the recapture of a credit allowed under section 36.''.

(i) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400C(e) of the Internal Revenue Code of 1986 is amended by striking ''and before December 1, 2009,''.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), (d), and (g) shall apply to residences purchased after the date of the enactment of this Act.

(2) EXTENSIONS.—The amendments made by subsections (a), (f), and (i) shall apply to residences purchased after November 30, 2009.

(3) WAIVER OF RECAPTURE.—The amendment made by subsection (e) shall apply to dispositions and cessations after December 31, 2008.

(4) MATHEMATICAL ERROR AUTHORITY.—The amendments made by subsection (h) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX 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 adding at the end the following new paragraph:

''(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer's spouse meets such age requirement.''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by inserting ''(b)(4),'' before ''(c)''.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', or'', and by adding at the end the following new paragraph:

''(4) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.''.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''(or, if married, such individual's spouse)'' after ''person acquiring such property''.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''and'' at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting '', and'', and by inserting after subparagraph (O) the following new subparagraph:

''(P) an entry on a return claiming the credit under section 36 if—

''(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(4),

''(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

''(iii) the taxpayer fails to attach to the return the form described in section 36(d)(4).''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 13. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(H) CARRYBACK FOR 2008 OR 2009 NET OPERATING LOSSES.—

''(i) IN GENERAL.—In the case of an applicable net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable net operating loss' means the taxpayer's net operating loss for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

''(iii) ELECTION.—

''(I) IN GENERAL.—Any election under this subparagraph may be made only with respect to 1 taxable year.

''(II) PROCEDURE.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

''(iv) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

''(I) IN GENERAL.—The amount of any net operating loss which may be carried back to the 5th taxable year preceding the taxable year of such loss under clause (i) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the net operating loss for the loss year or any taxable year thereafter) for such preceding taxable year.

''(II) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of subclause (I).

''(III) EXCEPTION FOR 2008 ELECTIONS BY SMALL BUSINESSES.—Subclause (I) shall not apply to any loss of an eligible small business with respect to any election made under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

''(v) SPECIAL RULES FOR SMALL BUSINESS.—

''(I) IN GENERAL.—In the case of an eligible small business which made or makes an election under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009, clause (iii)(I) shall be applied by substituting '2 taxable years' for '1 taxable year'.

''(II) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting '$15,000,000' for '$5,000,000' each place it appears.''.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) the amount of such deduction attributable to an applicable net operating loss with respect to which an election is made under section 172(b)(1)(H), or''.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) CARRYBACK FOR 2008 OR 2009 LOSSES.—

''(A) IN GENERAL.—In the case of an applicable loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied by substituting any whole number elected by the taxpayer which is more than 3 and less than 6 for '3'.

''(B) APPLICABLE LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable loss from operations' means the taxpayer's loss from operations for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

''(C) ELECTION.—

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

''(ii) PROCEDURE.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

''(D) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

''(i) 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 under subparagraph (A) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the loss from operations for the loss year or any taxable year thereafter) for such preceding taxable year.

''(ii) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of clause (i).''.

(d) ANTI-ABUSE RULES.—The Secretary of the Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this

section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

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

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by 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 (notwithstanding such section) 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,

(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 funds from the Federal Government in exchange for 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 1504 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 REALIGNMENT AND CLOSURE FRINGE.

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

(1) in subparagraph (1) by striking ''this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure'' and inserting ''the American Recovery and Reinvestment Tax Act of 2009)'', and

(2) in subparagraph (2) by striking ''clause (1) of''.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. 15. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2017''.

(b) CONFORMING AMENDMENT.—Section 864(f) 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 A PARTNERSHIP OR S CORPORATION RETURN.

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking ''$89'' and inserting ''$195''.

(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.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

''(A) IN GENERAL.—The Secretary shall require than any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

''(i) such return is filed by such tax return preparer, and

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

''(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term 'specified tax return preparer' means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year.

''(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term 'individual income tax return' means any return of the tax imposed by subtitle A on individuals, estates, or trusts.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of the Internal Revenue Code of 1986 is amended by striking ''The Secretary may not'' and inserting ''Except as provided in paragraph (3), the Secretary may not''.

(c) 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 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 33.0 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.

GENERAL LEAVE

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

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

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 districts, 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 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 from 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, 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 homebuyer 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 homeownership provisions that would specifically benefit the brave men and women who serve in our Armed Forces.

Taken all together, this bill's homeownership 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 $80 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 help, what they really want is a good job. Yet for all the massive spending and debt we've incurred this year in the name of stimulating the economy, job creation is one thing this administration and congressional Democrats have failed to deliver. Unfortunately, that's why we are here today. These policies and stimulus have failed.

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

□ 1245

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

We've waited for 6 weeks for the Senate to dither around on this bill. The decisions made in it could have been made in a week if they really were thinking about the half million people who have lost their benefits over the last 6 weeks. Since the House acted, that's happened. There have been no jobs, no benefits, and no hope. Now, today, we can restore that by the bill that's before us, and also perhaps give them some hope that this won't happen in the future.

This legislation returned from the Senate will provide an additional 14 weeks of unemployment benefits in every State and a total of 20 weeks in high unemployment States. I welcome the additional weeks in 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 now includes 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 lifeline for the unemployed workers who have lost their jobs from no 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 263,000 jobs were eliminated in September, and the unemployment rate rose to 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 Democratic energy policies would increase the price of energy 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 they count saved jobs.

Stimulus money went to a south Georgia community organizing group. They took all the money and gave raises to their employees and put information into the administration that they had saved 980 jobs. They have 508 employees. But they gave them raises, and the administration has a formula for how you can call that a job saved.

Like those job losses, the bill before us has only grown. In all, this legislation would now make available a record 99 weeks of unemployment benefits in more than half of the United States, but what it doesn't make available are jobs. Americans are rightly asking, Where are the jobs? Our colleagues on the other side have no answers, other than to spend more, tax more, and borrow more. That is not good enough.

But the good news is that we can start to turn this around. For starters, we could not raise taxes on jobs, as this legislation does. It raises taxes on jobs by $2.4 billion in the coming 18 months, hitting every employee in America, and that's to pay for benefits paid out generally in the next 2 months. How does raising taxes create jobs? It won't. And this bill isn't the end. Far from it.

Before this year is out, we will be back on this floor passing yet another extension of Federal unemployment benefits, only the next bill will be so massive—possibly costing $80 billion—even Democrats won't be able to stomach the tax hikes to pay for it. So we will borrow that money, adding to the $100 billion in unemployment benefit spending already scheduled to be piled onto our debt by the end of this year. How will that create jobs? It won't.

Mr. Speaker, we can and must do better. It is well past time for us to shelve Democratic job-killing tax hike agendas. We will then unleash America's job creation engine so that laid-off workers can once again earn paychecks, not unemployment checks.

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.

Mr. McDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. This bill combines 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 extension? 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 to create jobs 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, 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'll debate those tomorrow and Saturday.

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.

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 I think 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 my colleagues 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 a plus 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. Mr. Speaker, I would remind the gentleman from Indiana, even a stopped clock is right twice a day.

I am now going to 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. The gentleman from Washington has 12½ minutes remaining, and the gentleman from Texas has 12 minutes remaining.

Mr. McDERMOTT. Thank you.

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

Mr. PASCRELL. Thank you.

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 256,000. That's a gain of 435,000 jobs. 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 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' 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 speakers, so I will reserve the balance of my time.

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

Ms. BERKLEY. 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, 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.

□ 1300

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 stop 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 mushroomed the cost 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.

The SPEAKER 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 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 small businesses 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 now 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 CALVERT 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 Washington, and I rise in support of this bill.

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 swearing in of the 111th Congress, 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 results 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.

So we 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 cycle. This bill lends 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 weeks in the States with the most difficult job markets. This means they will be able to survive; not thrive, but survive.

Who are those 2 million Americans and who will benefit? Many of them are middle-class Americans who 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 have found 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 President Obama and 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 support this legislation.

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 said this is 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 inflation. 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 nosedive 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 while 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 credit for second-time homebuyers—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 would hope my colleagues would 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 sell more products and people go 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 4¾ 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.

Anytime 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 one of his premier issues, 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 benefits generates 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, again, be spent immediately, 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.

□ 1315

Its original purpose is fairness to those workers who have paid into the insurance system, and now they are getting an insurance benefit. 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 is 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 new 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 as we 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 families that need help in this difficult economy, but 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 Representative 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.

Mr. Speaker, across this country people are suffering. In my State of North Carolina, unemployment has been in double digits for several months. Economists tell us that the economy is turning around, but folks at home don't feel it yet.

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 Washington has 1¾ minutes remaining.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank Chairman MCDERMOTT for yielding. I also want to commend the Senate for its work.

I simply rise in support of this legislation. It will provide an opportunity certainly for individuals who are unemployed to continue to receive unemployment compensation, and it will indeed help stimulate the economy by allowing individuals credits for the first time if they are purchasing a home.

It is good legislation. I am pleased to support it and urge that all Members do so.

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 advisers, 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 would say, a jobless 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 education was a part-time summer job. In one community, an organization claimed 450 jobs were created with stimulus money of $26,000. In one case, again, the money didn't even come from stimulus money. And in Beaumont, they are 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 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 will vote on 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 my view, 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 that means dealing with the things 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 the millions of unemployed American workers who 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 9.7 percent, we must act now. Over 1 million people will exhaust their benefits by the end of December if we do not act.

In addition 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 crucial legislation 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 lived in their current home for five or more consecutive 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 tax relief for 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 had not taken 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 credit to those homeowners 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 though 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 home ownership 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 who purchase another 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 home ownership 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 more difficult to find good jobs and this benefit will fill this gap.

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 these unemployment benefits are. Unfortunately, many families are nearing the end of these 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 an additional 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—and the millions 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 economically secure.

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 extending and expanding the successful 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 homebuyers 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.

Mr. 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 Chair's 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 Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance 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,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) More than 4,000,000 men and women from the United States served in uniform in the defense of liberty 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 108–375)).

(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 Magonigle.

(16) On November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial 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, Missouri, 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 who served in our country's armed forces during the World War. It symbolized their grateful appreciation of duty well done, an appreciation which I share, because I know so well how richly it is merited''.

(18) During an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three-year construction 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, patriotism, 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 a rededication for 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.

(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 public 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 AT THE NATIONAL WORLD WAR I MUSEUM IN KANSAS CITY, MISSOURI, AS THE NATIONAL WORLD WAR I MEMORIAL.

The Liberty Memorial at the National World War I Museum in Kansas City, Missouri, is hereby designated as the ''National World War I Memorial''. No Federal funds may be used for the annual operation or maintenance of such Memorial.

SEC. 4. COMMISSION ON THE COMMEMORATION OF THE CENTENNIAL 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 ensure a suitable observance of the centennial of World War I that promotes the values of honor, courage, patriotism, and sacrifice, in keeping with the representation of these values through the four Guardian Spirits sculpted on the Liberty Memorial Monument at America's National World War I Museum.

(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.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 24 members as follows:

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

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

(C) Four members appointed by the Senate majority leader.

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

(E) 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.

(F) The executive director of the Veterans of Foreign Wars of the United States (or the director's delegate).

(G) The executive director of the American Legion (or the director's delegate).

(H) The president of the Liberty Memorial Association, the nonprofit entity responsible for the management of America's National World War I Museum (or the president's delegate).

(2) 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.

(3) CONTINUATION OF MEMBERSHIP.—If a member of the Commission under subparagraph (F), (G), or (H) of paragraph (1) ceases to hold a position named in such subparagraph, that member must resign from the Commission as of the date that the member ceases to hold that position.

(4) TERMS.—Each member shall be appointed for the life of the Commission.

(5) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

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

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

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

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

(8) 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.

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

(10) CHAIRPERSON; VICE CHAIRPERSON.—The Commission shall elect the Chairperson and Vice Chairperson of the Commission by a majority vote of the members of the Commission.

(11) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson, except that the first meeting shall be held before the end of the 120-day period beginning on the effective date of this Act.

(B) LOCATION.—The Commission shall hold the first meeting at America's National World War I Museum in Kansas City, Missouri, and thereafter shall hold at least one meeting per year at such location.

(e) DIRECTOR AND ADDITIONAL PERSONNEL OF THE COMMISSION; EXPERTS AND CONSULTANTS.—

(1) DIRECTOR AND STAFF.—

(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, 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 chapter 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 nonprofit 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) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) STAFF OF FEDERAL 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.

(f) 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, take testimony, 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.

(5) 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 in contracts, leases, or other 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 the last day of the 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 and the President a report on the activities and plans of the Commission.

(2) ANNUAL REPORTS.—The Commission shall submit to the President and Congress annual reports 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 advisory committees, shall not apply to the Commission.

(i) AUTHORIZATION OF FUNDS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission 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, shall make the results of any audit performed 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 28, 2019.

(l) EFFECTIVE DATE.—This section shall take effect on January 1, 2010.

□ 1330

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.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the author of this legislation, the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, the First World War ended with an armistice on November 11, 1918. The people of Missouri's largest city began to think about what they could do to memorialize the men and women who had sacrificed in World War I. And so in November of 1918, community leaders came together and raised $2.5 million in 10 days. Now if you recalculate the $2.5 million to inflation, it totals $30 million in 10 days.

The memorial was opened on November 1, 1921, to a tumultuous crowd of 200,000 people, including General John J. Pershing, and this photo shows a portion of the 200,000 people who came and listened to the five Allied leaders who were together only once in history at the dedication of the Liberty Memorial in 1921.

Harry Truman played a pivotal role in this because there was a rededication in 1961 with 40,000 people showing up to join Harry Truman and Dwight Eisenhower as they rededicated the memorial.

This was 1921. Let me show you a picture of the memorial today.

When I was elected mayor of Kansas City in 1991, the Liberty Memorial was in disrepair and so I came to Washington, met with the head of the National Park Service and asked if they could help. He said what National Park Service directors should say, We don't have any money to try to rebuild the Liberty Memorial and since we don't have a World War I memorial and there is no space on the mall, we hope something else can transpire.

So as mayor, I went out for a vote with a half cent sales tax which the voters approved, and we then repaired the World War I monument, and this is it with part of the downtown skyline in the background. Not only did we rebuild the World War I monument, but also the museum at the bottom. This is an actual photograph.

Now the sales tax was a point of great pride because we were trying to show the National Park Service that the people of Kansas City would, in fact, take care of this. This is the newspaper clipping, the front page on the day after the tax, ''Voters Endorse Higher Sales Tax to Fix Landmark,'' and it shows the map which is every part of the city approved this tax in order to maintain the Liberty Memorial.

The Liberty Memorial is a special place in Kansas City, Missouri, and people come there from all over the Nation. In fact, 3 years ago at the annual Veterans Day ceremony, the oldest living veteran from World War I, Mr. Buckles, at 106 years of age, actually came to the memorial, sat beside me in a wheelchair and wept.

Here is a photograph of the Liberty Memorial just 15 months ago that shows me standing in front of 75,000 people, and then President Barack Obama, taking advantage of the crowd I drew, standing also in the background to speak to 75,000 just 15 months ago.

Mr. Speaker, this legislation is supported by over 101 Members of Congress. It is bipartisan. All nine Members of the Missouri delegation support

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. SKELTON) whose father was there at the beginning of this landmark.

Mr. SKELTON. 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 interested in the art of warfare, it is good for people who understand and enjoy history to go there and learn. 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 and 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. SKELTON.

(Mr. SKELTON asked and was given permission to revise and extend his remarks.)

Mr. SKELTON. 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.,
Jefferson City, MO, October 7, 2009.

Representative IKE SKELTON,
Rayburn Office Bldg.,
Washington, DC.

DEAR REPRESENTATIVE SKELTON: On Behalf of the 54,000 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 Great State of Missouri. Recently during our 91st Annual Department Convention, held in Jefferson City, Missouri, we adopted Missouri 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 to honor the more that 4,000,000 men 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 their 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 share, because I 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 people of Missouri, but of 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 F. PROSSER,
Department Adjutant.

RESOLUTION

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

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

Whereas there is no nationally recognized Memorial honoring the Service of those over 4,000,000 American, and

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 $2,000,000 in two (2) weeks for a Memorial to the service of American 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 for a memorial to the service of 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 only 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 Commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921 Dedication 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 their 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 share, because I 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 Liberty Memorial by 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 Sacrifices, which rise above the Observation 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 1 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 museum 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 of America 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 consume 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 honored to join here with my fellow natives of the Show Me State. And I want to congratulate my former mayor from Kansas City and now distinguished colleague here in the House for introducing this resolution.

First and foremost, this is about recognizing those tens of thousands of Americans who lost their lives in the First World War. It was a very challenging time for the entire world when we look at the two alliances that existed at that time. It is often forgotten when we talk about the Great World War being the Second World War.

The Liberty Memorial is very important to me personally, as the gentleman 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 visited 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 delivered 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 dramatic expansion of 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 wars they fought. 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 continents. And we not only saw the battles of Americans in the skies of France, but we also saw, like my mother's side of the family, Australians fighting in Turkey; the battles in Saudi Arabia; the concepts and the battles 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 America is so appropriate 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.

□ 1345

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 this. 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 threatened.

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

Mr. DAVIS of Illinois. Mr. Speaker, to close, let me just, first of all, commend all of our colleagues with lineage and heritage to the great State of Missouri. Let me also commend Representative CLEAVER for his introduction of this legislation.

And I couldn't end without paying special tribute to the family of Representative SKELTON for the tremendous service that they have provided to this country, both in the military, and of course Chairman SKELTON here in this House of Representatives.

As we move towards 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 important than that—I ask all of my colleagues to join me in supporting H.R. 1849.

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. 1849, 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. DAVIS of Illinois. 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 Chair's prior announcement, further proceedings on this motion will be postponed.

CORPORAL JOSEPH A. TOMCI POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3788) to 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''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3788

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

SECTION 1. CORPORAL JOSEPH A. TOMCI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, shall be known and designated as the ''Corporal Joseph A. Tomci 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 ''Corporal Joseph A. Tomci 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.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

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 consideration. 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 colleague Representative STEVEN LATOURETTE of Ohio on October 13, 2009, and favorably reported out of the Oversight Committee by unanimous consent on October 29, 2009. Additionally, this legislation enjoys the overwhelming 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 together in Silver Springs 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. 3788. 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. And 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 graduated from Stow-Munroe Falls High School located in Stow, Ohio in 2003.

As a teenager he was determined to join the Marines. After the September 11th attacks, his decision was reinforced and he enlisted in the United States Marine Corps just a few months after graduating from high school. Corporal Tomci was inspired by his favorite quote "the only thing necessary for the triumph of evil is for good men to do nothing". He was assigned to the 2nd Marine Division, 3rd Battalion, 8th Marines, Lima Company based in Camp Lejeune and quickly rose to a leadership position. He was deployed three times—Haiti in 2004, 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.

The yeas and nays were ordered.

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

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:

Concurring in the Senate amendment to H.R. 3548, by the yeas and nays;

H. Con. Res. 139, by the yeas and nays;

H. Res. 880, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 3548, 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 New York (Mr. RANGEL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3548.

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

[Roll No. 859]

YEAS—403

Abercrombie	Bachus	Berry
Ackerman	Baird	Biggert
Adler (NJ)	Baldwin	Bilbray
Akin	Barrett (SC)	Bilirakis
Alexander	Barrow	Bishop (GA)
Altmire	Bartlett	Bishop (NY)
Andrews	Barton (TX)	Bishop (UT)
Arcuri	Bean	Blackburn
Austria	Becerra	Blumenauer
Baca	Berkley	Blunt
Bachmann	Berman	Boccieri

Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—12

Broun (GA)
Burgess
Flake
Franks (AZ)
Garrett (NJ)
Linder
McClintock
Paul
Price (GA)
Radanovich
Scalise
Shadegg

NOT VOTING—18

Aderholt
Brady (PA)
Braley (IA)
Capuano
Cole
Culberson
Davis (KY)
Harper
Herseth Sandlin
Honda
Murphy, Patrick
Nunes
Obey
Poe (TX)
Rogers (MI)
Sánchez, Linda T.
Sessions
Stupak

□ 1420

Messrs. FRANKS of Arizona and LINDER changed their vote from ''yea'' to ''nay.''

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 Wisconsin's 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.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 139.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 860]

YEAS—411

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)

Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Aderholt
Boehner
Brady (PA)
Braley (IA)
Cantor
Capuano
Cole
Cummings
Davis (IL)
Davis (KY)
Deal (GA)
Gordon (TN)
Herseth Sandlin
Johnson, Sam
Kennedy
Langevin
Murphy, Patrick
Nunes
Pence
Rogers (MI)
Sánchez, Linda T.
Stupak

□ 1428

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE EFFORTS OF CAREER AND TECHNICAL COLLEGES

The SPEAKER pro tempore (Mr. SERRANO). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 880, as amended.

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. 880, 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.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 24, as follows:

[Roll No. 861]

AYES—409

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Baird
Boehner
Brady (PA)
Braley (IA)
Capuano
Cole
Connolly (VA)
Davis (KY)
Deal (GA)
Gutierrez
Herseth Sandlin
Hill
Johnson, Sam
Kennedy
Langevin
Lee (NY)
Murphy, Patrick
Nunes
Obey
Pence
Rogers (MI)
Sánchez, Linda T.
Stupak

□ 1437

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

The result of the vote was announced as above recorded.

The title of 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.

PERSONAL EXPLANATION

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

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 was unable to participate in three votes on the floor of 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 Amendments to H.R. 3548—Unemployment Compensation 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—Recognizing the efforts of career and technical colleges to educate and train workers for positions 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 floor 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 suspend the rules and concur in the Senate amendment to H.R. 3547, the Worker, Homeownership, 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 recognizing their contributions to the Nation; "aye" on rollcall 861, agreeing to H. Res. 880, Recognizing the efforts of career and technical colleges to educate and train workers for positions in high-demand industries.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, today, Thursday, November 5, 2009, I was unavoidably detained from a vote series.

Had I been present I would have voted: On rollcall No. 858—"yes"—H. Res. 868, Honoring and recognizing the service and achievements of current and former female members of the Armed Forces; on rollcall No. 859—"yes"—Senate Amendments to H.R. 3548, Unemployment Compensation Extension Act of 2009; on rollcall No. 860—"yes"—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; on rollcall No. 861—"yes"—H. Res. 880, Recognizing the efforts of career and technical colleges to educate and train workers for positions in high-demand industries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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 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.

JACK F. KEMP POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1211) to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, 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 Representatives of the United States of America in Congress 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).

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am very proud to present S. 1211 for consideration. This measure would designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building."

S. 1211 was introduced July 9, 2009, by Senator CHUCK SCHUMER of New York and passed by the United States Senate by unanimous consent on September 4, 2009. The bill was then favorably reported 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 includes his service as Secretary of Housing and Urban Development in the administration of President George Herbert Walker Bush from 1989 to 1993 and as the Republican Party's Vice Presidential 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 legislation to designate the School Street post office in his name.

I urge my colleagues to join me in supporting S. 1211 and reserve the balance of my time.

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

I rise today in support of S. 1211, designating 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 former quarterback 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 eloquent quotes of Abraham Lincoln, Winston 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 principles, 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 economic tide raises all boats. His devotion to supply-side economics saw its height when, due largely to his influence, it became a cornerstone in the

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 relentlessly 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.

□ 1445

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 BRIAN HIGGINS of New York.

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

Mr. Speaker, I rise today in support of S. 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 that Jack represented 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 athlete and a 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—after Jack Kemp. I would like to thank Senator CHARLES SCHUMER and Senator KIRSTEN GILLIBRAND for proposing this fitting tribute in his honor, and I urge its passage.

Mr. BILBRAY. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman from California for yielding, and I am proud to rise 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 more 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, former Congressman Kemp, who really 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 went in, it wasn't the one-size-fits-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 somebody that 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 that 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

really stood up for the concept that thinking outside of the box was important, that Democrat or Republican or left and right, that being right was all that mattered and not worrying about staying in and being locked in to parameters of so-called political doctrine.

I would also like to point out in closing that as a personal friend of his, I appreciate the fact that we have been able to discuss his life. I just want to correct for the record that as far as I remember, Jack Kemp was not only a quarterback for the Chargers, he was the first quarterback for the Chargers. He was the guy that we first saw carrying the lightning bolt in what was then Balboa Stadium. We will always remember him not as a Congressman, not as a Secretary, but always the guy who was carrying the ball for those of us in San Diego.

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

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, I would urge the passage of S. 1211, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, S. 1211.

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.

The yeas and nays were ordered.

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

CESAR E. CHAVEZ POST OFFICE

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 748) to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 748

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

SECTION 1. CESAR E. CHAVEZ POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, and known as the Southeastern Post Office, shall be known and designated as the ''Cesar E. Chavez Post Office''.

(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 ''Cesar E. Chavez Post Office''.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, I would like to encourage passage of S. 748, a bill to name a post office in the Logan Heights community of San Diego after Cesar Chavez.

I originally introduced this bill, and 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 nonviolence 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 a 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.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to my friend and colleague from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. 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.

□ 1500

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 he managed actually to bring 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 banner 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 his notion 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 the 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 was going to serve the people that he represented. He was their 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. He had great victories for 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 and 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 us to support 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 E. 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 post 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 way 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 is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, S. 748.

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:

H.R. 3276

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''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, or 16 million medical procedures annually, including for the detection of cancer, heart disease, and thyroid disease, investigating the operation of the brain and kidney, imaging stress fractures, and tracking cancer stages.

(2) Molybdenum-99 has a half-life of 66 hours, and decays at a rate of approximately one percent per hour after production. 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 is dependent upon the continued operation of these foreign facilities for millions of critical medical procedures annually.

(4) Most reactors in the world which 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 found that there are ''no 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 all 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.

(6) 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 foreign 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 doses to 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 the 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 benefit of establishing molybdenum-99 production in the United States without the use of highly enriched uranium, and these coproduced isotopes should also be available for necessary medical uses.

(11) The United States should accelerate its efforts to convert nuclear reactors worldwide away from the use of highly enriched uranium, which can be used in nuclear weapons, to low enriched uranium. Converting nuclear reactors away from the use of highly enriched uranium is a critically important element of United States 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 is 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 September 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 in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses.

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor fueled with highly enriched uranium shall not be disqualified from the program if the Secretary of Energy determines that—

(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 reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(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 domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) 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 by the irradiation, processing, or purification of leased uranium. The lease contracts shall also provide for compensation in cash amounts equivalent to prevailing market rates for the 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 final 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 1954 (42 U.S.C. 2160d(b)) is amended by striking subsections b. and c. and inserting in lieu thereof the following:

''b. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2009, the Commission may not 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 licenses may be suspended 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 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 nuclear 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;

''(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

''(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of 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

''(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. REPORT 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 purpose stated in their 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 1954 (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, 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;

''(3) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope 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 procedures or for research and development.''.

(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 committed 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 under section 3(a)(2) of this Act; 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 to conduct 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. This report 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 an indication of whether 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 isotope 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. MARKEY) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. I reluctantly, but I think graciously, congratulate the Speaker and his Yankees on their victory in the World Series. Twenty-seven times——

Mr. UPTON. Reserving the right to object.

Mr. MARKEY of Massachusetts. I appreciate the gentleman from Michigan's warning to me to not go overboard; but it is, without question, a historic day.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American Medical Isotopes Production Act will safeguard Americans' 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 borders. 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 sources 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. With a robust 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 afford to have additional nuclear weapons materials in circulation when we know that terrorists would 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. Converting reactors away from 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 testified in 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 and 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.

□ 1515

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

Mr. Speaker, let me just start off by congratulating the gentleman 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 abroad have exposed troublesome flaws here at home in nuclear medicine. Every year, 16 million medical procedures in the United States rely on the import 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 insure 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 of a good 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 using 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 Speakership.

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 RECORD 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,
Wilmington, NC, July 22, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN WAXMAN, On behalf of GE Hitachi Nuclear Energy, I would like to offer my strong support for House passage of the American Medical Isotopes Production Act, introduced by Representative Edward 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,
Washington, DC, July 20, 2009.

Hon. EDWARD J. MARKEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN 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 to 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 with production technologies 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 its proliferation potential. It would also provide for the elimination of U.S. HEU exports and the vulnerabilities associated with any transport of fissile material. These elements 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 its own isotope production on LEU-based technologies, but other countries may need additional technical assistance and international coordination to accomplish their own conversions. NTI has been supporting programmatic work at the International Atomic Energy Agency to accelerate the production of molybdenum–99 without HEU, but a more focused effort supported by adequate technical and financial resources is needed to get the job done.

These collective steps would go far to eliminating a major hole in our web of efforts to reduce nuclear dangers. We appreciate your initiative in addressing these important matters, and your long record of 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.,
Moraga, CA, September 25, 2009.

DEAR CHAIRMAN MARKEY 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 radionuclides in the U.S.

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 methods of 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 groups has developed their own timetables and milestones for completion of their new method of Mo-99 production. Since these efforts to supplement the current Mo-99 capacity are being done 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 that the mandatory 7 to 10 year halt of exports could be problematic if medical isotope production is insufficient to meet U.S. patient needs at that time. However, CORAR believes that the mandatory deadline included in H.R. 3276 is critical to ensure that the proposed medical isotope projects will be aggressively pursued and funded. As a result CORAR would not support modifying the deadline contained in H.R. 3276. However CORAR would encourage the committee to maintain ongoing oversight of the medical isotope supply and ensure that our patient's medical isotope needs are not restricted in 2020.

Thank you for the opportunity to provide this information to the Committee. CORAR looks forward to working with you toward the enactment of the legislation.

Sincerely,

ROY W. BROWN,
Senior Director, Federal Affairs.

THE SOCIETY OF NUCLEAR MEDICINE,
Reston, VA, July 10, 2009.

Hon. EDWARD MARKEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MARKEY: The Society of Nuclear Medicine (SNM)—an international scientific and medical organization dedicated to raising public awareness about what molecular imaging is and how it can help provide patients with the best health care possible—appreciates your efforts to ensure a domestic supply of the important isotope Molybdenum-99 (Mo-99) within the U.S. and 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 SNM and 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 Technetium-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 urgent 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; and 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 in the U.S., 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 supplier of Mo-99 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 radioactive isotopes that are processed and provided to hospitals and other nuclear medicine 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 must develop domestic capabilities 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.

Your legislation will help address 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 contact Hugh Cannon, Director of Health Policy and Regulatory Affairs.

Sincerely,

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. So this really does begin to draw that line 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 Chamber can be proud of.

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. They are from Covidien, Lantheus Medical Imaging, and the Health Physics Society.

COVIDIEN,
Hazelwood, MO, July 21, 2009.

Hon. EDWARD J. MARKEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MARKEY: Your timely introduction of the American Medical Isotopes Production Act of 2009 (AMIPA) represents an impressive effort to achieve conversion to low enriched uranium (LEU) without disruption to patients who depend on critical medical radioisotopes.

Currently, the world is experiencing a molybdenum-99 (Mo-99) shortage due to the unexpected shutdown of a reactor in Canada for urgent repair. This reactor and the four others which produce the vast majority of the world's Mo-99 supply are all aging, nearing the end of their useful lives. At stake are millions of diagnostic procedures that utilize radioisotopes produced using Mo-99, especially technetium 99m (Tc-99m).

As one of the world's principal Tc 99m suppliers and given our commitment to secure a global, interdependent Mo–99 supply chain for patients worldwide, Covidien is pleased to support AMIPA and looks forward to working with you further on this legislation as it progresses through Congress.

While Covidien supports AMIPA, we do believe aspects of the bill merit additional attention during the legislative process. For example, we appreciate your acknowledgement that the 7 to 10 year timetable may not provide adequate time to fully transition to commercial-scale LEU utilization. We are

encouraged that the legislative language provides annual reports to Congress on the status of domestic development and a National Academy of Sciences report reviewing international production of Mo-99. We hope 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 is focused on Mo-99, it does not preclude the development and manufacturing of other important radioisotopes currently produced using highly enriched uranium (HEU), such as radioiodine (I-131), which are also critically important to patients.

Please accept our thanks for your work on this important challenge and the opportunity to collaborate with you.

Sincerely,

TIMOTHY R. WRIGHT,
President.

LANTHEUS MEDICAL IMAGING,
North Billerica, MA, July 24, 2009.

Hon. EDWARD J. MARKEY,
Chair, Subcommittee on Energy and Environment, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR MR. MARKEY: We are very pleased to write in strong support of the American Medical Isotopes Production Act of 2009, of which you are a co-sponsor.

Based in Billerica, Massachusetts, Lantheus Medical Imaging, Inc. (''Lantheus'') has been 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 Tc99m 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 radiolabelled agents are then used in 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 five 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 accessibility to potentially millions of important medical diagnostic procedures 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 well as cost savings for 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, between approximately 20% and 40% of patients that undergo a diagnostic cardiac catheterization—an invasive and costly procedure with significant morbidity and mortality risks—are found not to have 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 no underlying disease is identified. A number of these cardiac catheterization procedures could be avoided if the patients had had a nuclear cardiology imaging study using a Technetium-based imaging agent, such as Lantheus' Cardiolite® (Kit for Preparation of Technetium Tc99m 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 approximately 20% and 30% of the cost of a cardiac catheterization. Thus, cardiac medical imaging procedures that rely on Technetium produced from Molybdenum-99 can improve patient outcomes and reduce costs—core goals of the Obama Administration's proposed health care reforms.

Lantheus congratulates you and Congressman Upton on introducing 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.

HEALTH PHYSICS SOCIETY,
McLean, VA, July 20, 2009.

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 suggest two additions to the bill for your consideration that I feel will enhance the understanding of the need for the bill and the implementation of the bill's provisions.

From our previous collaborations you know that the Health Physics Society is an independent nonprofit scientific organization of radiation science and radiation safety professionals. As such, we strive to assist national leaders and decision makers in providing excellence in the legislation and regulation of issues related to radiation safety. 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 radiological terrorism prevention and security measures in the Energy Policy Act of 2005, and the more recent ''Nuclear Facility and Material Security Act of 2008'' introduced last year.

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 reliable 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, Technicium–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 is being done safely, it carries 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 results in an unnecessary increase in the radiation doses received by patients and medical practitioners.

2. Second, we recommend the bill require the Secretary of Energy be responsible for seeing that any domestic medical isotope production facility created by this bill has access to 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. 3276, 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 Chair's prior announcement, 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.

□ 1525

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 New York (Mr. KING), 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. These sites account 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 ideal 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 approach, which 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.

□ 1530

H.R. 2868 simply incorporates this best practice into how all tiered facilities integrate security into their operations. Additionally, 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. As far as I know, 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, and 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 keep in mind that 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 immediately, 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 added, and that's 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 testimony 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 thousands 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. This is a rush to judgment. Rather 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 Obama administration. We have language in this legislation which was clear the administration opposed at the time of the debate on the bill when it was before the committee. So I strongly urge, reluctantly, that the legislation be voted down.

But in doing that, let me also say, Mr. Chairman, that there are a large number of organizations opposed to this legislation, such as the American Farm Bureau, the Chamber of Commerce, the American Trucking Association. I will place into the RECORD the letter which was sent by a group of these organizations in opposition to the legislation, H.R. 2868.

Mr. Chairman, let me just conclude—and by the way, I will be asking Mr. DENT to manage the balance of the time on our side. I would ask those on the other side to go easy on Mr. DENT; he is suffering from trauma. His team, the Phillies, after being lucky last year, have gone back to their usual ways and they were defeated last night. I give him credit for coming out of his bed, from coming out from underneath the covers to be here today to take part in this debate. So especially I would ask the gentleman from New Jersey (Mr. PASCRELL) who has a talent for going for the jugular, you can do it to me, but please go easy on Mr. DENT today if you would. And I'm sure the chairman concurs in the sympathy we feel for the gentleman from Pennsylvania.

Mr. Chairman, on a serious note, we started work on this legislation in good faith. That good faith continues. But I strongly believe, and others on our side do, that the extreme environmental language in the bill is going to tie the hands of the Homeland Security Secretary with unrelated costly and burdensome provisions.

Congress has granted the President's request for a 1-year extension. We should let the Department of Homeland Security continue its work. I believe that moving this legislation forward will hurt the Department, will hurt small businesses, and will not improve the security of these facilities.

NOVEMBER 4, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Capitol Building, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI AND REPUBLICAN LEADER BOEHNER: We write to you today to express our opposition to H.R. 2868, the ''Chemical and Water Security Act of 2009.'' Despite the changes made to this legislation in the Energy and Commerce and 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 employ specific product substitutions and processes. These provisions would be significantly detrimental to the progress of existing chemical facility security regulations (the ''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 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 points 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 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 Farm Bureau Federation 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; International Association 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 Pest Management 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 from Under Secretary Rand Beers from an October hearing that reflects that this administration supports this bill and desires for action this year.

STATEMENT FOR THE RECORD BY RAND BEERS, UNDER SECRETARY, NATIONAL PROTECTION AND PROGRAMS DIRECTORATE, DEPARTMENT OF HOMELAND SECURITY, OCTOBER 1, 2009.

Thank you, Chairman MARKEY, Ranking Member UPTON, and distinguished Members of the Committee. It is a pleasure to appear before you today as the Committee considers H.R. 3258, the Drinking Water System Security Act of 2009. This Act is intended to close the security gap at drinking water facilities that possess substances of concern.

We have made significant progress since the implementation of the Chemical Facilities Anti-Terrorism Standards (CFATS). We have reviewed over 36,900 facilities' Top-Screen consequence assessment questionnaires, and in June 2008, we notified 7,010 preliminarily-tiered facilities of the Department's initial high-risk determinations and of the facilities' requirement to submit Security Vulnerability Assessments (SVAs). We received and are reviewing almost 6,300 SVAs. We have recently begun to notify facilities of their final high-risk determinations, tiering assignments, and the requirement to complete and submit Site Security Plans (SSPs) or Alternative Security Programs (ASPs). CFATS currently covers approximately 6,200 high-risk facilities nationwide. The current state of coverage reflects changes related to chemicals of interest that facilities have made since receiving preliminary tiering notifications in June 2008, including security measures implemented and the consolidation or closure of some facilities.

CHEMICAL SECURITY REGULATIONS

Section 550 of the FY 2007 Department of Homeland Security Appropriations Act directed the Department to develop and implement a regulatory framework to address the high level of security risk posed by certain chemical facilities. Specifically, Section 550(a) of the Act authorized the Department to adopt rules requiring high-risk chemical facilities to complete SVAs, develop SSPs, and implement protective measures necessary to meet risk-based performance standards established by the Department. Consequently, the Department published an Interim Final Rule, known as CFATS, on April 9, 2007. Section 550, however, expressly exempts from those rules certain facilities that are regulated under other Federal statutes. For example, Section 550 exempts facilities regulated by the United States Coast Guard pursuant to the Maritime Transportation Security Act (MTSA). Drinking water and wastewater treatment facilities as defined by Section 1401 of the Safe Water Drinking Act and Section 212 of the Federal Water Pollution Control Act, respectively, are similarly exempted. In addition, Section 550 exempts facilities owned or operated by the Departments of Defense and Energy, as well as certain facilities subject to regulation by the Nuclear Regulatory Commission (NRC).

The following core principles guided the development of the CFATS regulatory structure:

(1) Securing high-risk chemical facilities is a comprehensive undertaking that involves a national effort, including all levels of government and the private sector. Integrated and effective participation by all stakeholders—Federal, State, local, and the private sector—is essential to securing our national critical infrastructure, including high-risk chemical facilities. Implementing this program means tackling a sophisticated and complex set of issues related to identifying and mitigating vulnerabilities and setting security goals. This requires a broad spectrum of input, as the regulated facilities bridge multiple industries and critical infrastructure sectors. By working closely with

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, if attacked, 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 appropriate 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 one 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 in one or more of these ways.

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 methodologies 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; it includes user registration, the initial consequence-based screening tool (Top-Screen), an SVA tool, and an SSP template. Through the Top-Screen process, the Department initially identifies 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 must then complete SVAs and submit them to the Department. Results from the SVA inform the Department's final determinations 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 its physical, cyber, and chemical security content.

Only facilities that receive a final high-risk determination letter 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 are high-risk are 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 higher the risk-based tier, the more robust the 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 the highest risk (Tier 1) facilities, confirming their high-risk status and initiating their 120-day timeframe for submitting an SSP. In June and July, we notified approximately 826 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 issuing the final tiering determination notifications for Tier 1 facilities in May, the Department launched two 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 under CFATS.

Each final high-risk facility's security strategy will be unique, as it depends on its risk level, security issues, 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 take into account the complicated nature of chemical facility security and allows facilities to describe both facility-wide and asset-specific security measures, as the Department understands that the private sector in general, and CFATS-affected industries in particular, are dynamic. The SSP tool also allows facilities to involve their subject-matter experts from across the facility, company and corporation, as appropriate, in completing the SSP and submitting a combination of existing and planned security measures to satisfy the RBPS. The Department expects that most approved SSPs will consist of a combination of existing and planned security measures. Through a review of the SSP, in conjunction with an on-site inspection, DHS will determine whether a facility has met the requisite level of performance given its risk profile and thus whether its SSP should be approved.

Also issued with the final Tier 1 notifications and the SSP tool was the Risk-Based Performance Standards Guidance document. The Department developed this guidance to assist high-risk chemical facilities subject to CFATS in determining appropriate protective measures and practices to satisfy the RBPS. It is designed to help facilities comply with CFATS by providing detailed descriptions of the 18 RBPS as well as 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 reflects public and private sector dialogue on the RBPS and industrial security, including public comments on the draft guidance document. High-risk facilities are free to make use of whichever security programs or processes they choose, provided that they achieve the requisite level of performance under the CFATS RBPS. The Guidance will help high-risk facilities gain a sense of what types and combination of security measures may satisfy the RBPS.

To provide a concrete example: in the case of a Tier 1 facility with a release hazard security issue, the facility is required to appropriately restrict the area perimeter, which may include preventing breach by a wheeled vehicle. To meet this standard, the facility is able to consider numerous security measures, such as cable anchored in concrete block along with movable bollards at all active gates or perimeter landscaping (e.g., large boulders, steep berms, streams, or other obstacles) that would thwart vehicle entry. As long as the measures in the SSP are sufficient to address the performance standards, the Department does not mandate specific measures to approve the 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 Sectors. We have also made it a point to solicit feedback from our public and private sector partners and, where appropriate, to reflect that feedback in our implementation activities, such as adjustments made to the SSP template.

We have presented at numerous security and chemical industry conferences; participated in a variety of other meetings of relevant security partners; established a 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 focus on fostering solid working relationships 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 working with facilities and officials in their areas of operation, and they have participated in almost 100 Local Emergency Planning Committee meetings to provide a better understanding of CFATS' requirements.

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 pilot efforts at the State level with 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 for our follow up. Further, we are in the process of commencing targeted outreach efforts to certain segments of industry where we believe compliance may need improvement.

Internally, we are continuing to build the Infrastructure Security Compliance Division that is responsible for implementing CFATS. We have hired, or are in the process of onboarding, over 125 people, and we will continue to hire throughout this fiscal year to meet our goals. The FY 2010 budget request contains an increase to allow the hiring, training, equipping, and housing of additional inspectors to support the CFATS program as well as to continue deployment and maintenance of compliance tools for covered facilities.

NEW LEGISLATION

We have enjoyed a constructive dialogue with Congress, including this Committee, as it works on new authorizing legislation. The Department recognizes the significant work that this Committee and others, particularly the House Committee on Homeland Security, have devoted to drafting legislation to reauthorize the CFATS program and to address chemical security at the Nation's water systems. We appreciate this effort and look forward to continuing the constructive engagement with Congress on these important matters. CFATS is enhancing security today by helping to ensure high-risk chemical facilities throughout the country have security postures commensurate with their levels of risk.

The Department supports a permanent authorization of the program. Given the complexity of chemical facility regulation, the Department is committed to fully exploring all issues before the program is made permanent. To that end, the President's FY 2010 budget includes a request for a one-year extension of the statutory authority for CFATS, which will allow the time needed to craft a robust permanent program while avoiding the sunset of the Department's regulatory authority on October 4, 2009. Further, as this one year extension is considered, we urge Congress to provide adequate time and resources to implement any new requirements under the prospective legislation and to ensure that new requirements would not necessitate the Department to extensively revisit aspects of the program that are either currently in place or will be implemented in the near future. Throughout our discussions with congressional committees, the Department has communicated a series of issues for consideration as part of any CFATS legislative proposal.

It is important to note that the Administration has developed a set of guiding principles for the reauthorization of CFATS and for addressing the security of our Nation's waste water and drinking water treatment facilities. These principles are:

(1) The Administration supports permanent chemical facility security authorities and a detailed and deliberate process in so doing, hence our preference for that process to be completed in FY10.

(2) Nonetheless, CFATS single year reauthorization in this session presents an opportunity to promote the consideration and adoption of inherently safer technologies (IST) among high-risk chemical facilities. We look forward to working with this Committee and others on this important matter.

(3) CFATS reauthorization also presents an opportunity to close the existing security gap for waste water and drinking water treatment facilities by addressing the statutory exemption of these facilities from 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—namely, the exemption of drinking water and wastewater treatment facilities. We 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 that meet CFATS thresholds for chemicals of interest should be regulated. We do, however, recognize the unique public health and environmental requirements and 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 principles in regards to regulating security at water sector facilities:

The Administration believes that EPA should be the lead agency for chemical security for both drinking 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 chemicals of concern. 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 address the uniqueness of the sector, DHS' 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' 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 to EPA. EPA and DHS would strive for consensus in this tiering process with EPA in its final determination, attaching significant weight to DHS' expertise.

EPA would be responsible for reviewing and approving vulnerability assessments and site security plans as well as enforcing high-risk chemical facility security requirements. Further, EPA would be responsible for inspecting water sector facilities and would be able to authorize states to conduct inspections and work with water systems to implement site security plans. It is important to note that any decisions on IST methods for the water sector would need to engage the states given their primary enforcement responsibility for drinking water and wastewater regulations.

DHS would be responsible for ensuring consistency of high-risk chemical facility security across all 18 critical infrastructure sectors.

CFATS currently allows, but does not require, high-risk facilities to evaluate transferring to safer and more secure chemicals and processes. Many facilities have already made voluntary changes to, among other things, their chemical holdings and distribution practices (for example, completely eliminating use of certain chemicals of interest). The Administration supports, where possible, using safer technology, such as less toxic chemicals, to enhance the security of the nation's high-risk chemical facilities. However, we must recognize that risk management requires balancing threat, vulnerabilities, and consequences with the cost to mitigate risk. Similarly, the potential public health and environmental consequences of alternative chemicals must be considered with respect to the use of safer technology. In this context, the Administration has established the following policy principles in regards to IST at high-risk chemical facilities:

The Administration supports consistency of IST approaches for facilities regardless of sector.

The Administration believes that all high-risk chemical facilities, Tiers 1–4, should assess IST methods and report the assessment in the facilities' site security plans. Further, the appropriate regulatory entity should have the authority to require facilities posing the highest degree of risk (Tiers 1 and 2) to implement IST method(s) if such methods enhance overall security, are feasible, and, in the case of water sector facilities, consider public health and environmental requirements.

For Tier 3 and 4 facilities, the appropriate regulatory entity should review the IST assessment contained in the site security plan. The entity should be authorized to provide recommendations on implementing IST, but it would not require facilities to implement the IST methods.

The Administration believes that flexibility and staggered implementation would be required in implementing this new IST policy. DHS, in coordination with EPA, would develop an IST implementation plan for timing and phase-in at water facilities designated as high-risk chemical facilities. DHS would develop an IST implementation plan for high-risk chemical facilities in all other applicable sectors.

Because CFATS and MTSA both address chemical facility security, there certainly should be harmonization, where applicable, between these programs. We of course continue to work closely within the Department 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 Assessing Civil Penalty may only be issued following an Administrative Order for compliance. This change would greatly streamline the civil enforcement process, enhancing the Department's ability to promote compliance from facilities. We also support language that would authorize the Department to enforce compliance 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 lower maximum penalty as compared to 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 preferable 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 under any law.'' While the Department supports current requirements for facilities to report certain information to Federal and state agencies under other statutes, DHS is concerned that this language as written could increase the likelihood that sensitive information could be inappropriately 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 in order to ensure that there are no inconsistencies that could undermine the important goal of protecting sensitive information from unwarranted 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 public, including members of the chemical sector and other interested groups, to work toward achieving our collective goals under the CFATS regulatory framework. In many cases, industry has voluntarily done a tremendous amount to ensure the security and resiliency of its facilities and systems. As we implement the chemical facility security regulations, 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 security 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 in reducing risk 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 cosponsor of the Chemical Facility Anti-Terrorism Act of 2009. We must take extraordinary measures to defend America. This is common sense.

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 admit 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 preexemption language out of this bill. We need to raise Federal standards, 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 1 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 believe it or not, our State 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 assuring 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 number one 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 KING 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 what it means. I should also 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 further than the State of New Jersey in this legislation.

It's important to point out, 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 one on staff who is an expert 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 design, 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.

But essentially what he's saying is 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.

□ 1545

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 plant 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 those facilities have 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 rarely do we 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 that are 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 good, sound legislation. 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 are near 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 removed from the dockets of 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 Pennsylvania has 4 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. 2868, 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 mandates on our farmers, ranchers 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 become the norm 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 at least acknowledge that it has nothing to do with protecting our country 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 reauthorize, 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 not be exempt 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 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 since provisions 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.

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 the assurance that they 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 whistleblowers.

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 in Carson, California. 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 applaud Chairman THOMPSON for his work and for working with our other colleagues on the other committees.

I urge my colleagues on the other side: we can't wait. We can't wait anymore because our constituents are in danger.

The Acting CHAIR. The Chair will note that the gentleman from Pennsylvania has 1 minute remaining, and the gentleman from Mississippi has 2 minutes remaining.

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. They are not prepared 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 let the current regulations be implemented. Let's extend them for that 1 year and beyond.

NOVEMBER 3, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
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 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 employ specific product substitutions and processes. These provisions would be significantly detrimental to the progress of existing chemical facility security regulations (the ''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 when it 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 points 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 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;

National Association of Manufacturers;
National Grange of the Order of Patrons of Husbandry;
National Mining Association;
National Oilseed Processors Association;
National Pest Management Association;
National Petrochemical and Refiners Association;
National Propane Gas Association;
North American Millers' Association;
Petroleum Equipment Suppliers Association;
U.S. Chamber of Commerce.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to a member of the committee, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

□ 1600

Ms. JACKSON-LEE of Texas. I thank the chairman of the committee for his leadership.

I'm pleased, as the Chair of the Transportation Security and Critical Infrastructure Protection Subcommittee, to rise to support this legislation and particularly highlight for my colleagues the importance of legislation and language 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. BARTON) each are recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the Chemical and Water Security Act, legislation that is a product of about 9 months of effort by the House Energy and Commerce, Homeland Security, and Transportation and Infrastructure Committees. We've worked as partners towards the final construction of this legislation.

Now, I come from a district that was home to some of the 9/11 terrorists before they launched their attacks, before they walked in our streets, scoped out our airports, rehearsed their mission. The September 11th attacks demonstrated that America's very strengths, its technology, could be turned into weapons of mass destruction to be used against us.

Mohammed Atta and the other nine terrorists that hijacked those two planes at Logan Airport on September 11th were roaming around my district for about a year trying to determine how they could exploit deficiencies in technology. And when they found it, they struck. And more than 150 people were on those planes flying from Logan towards New York City. It is something that is etched forever in my mind, and I am committed to ensuring that it is not repeated.

Since 9/11, as a result of what happened on that day, we have enacted legislation to secure aviation, to secure maritime, rail, mass transit, nuclear energy, and other sectors. But what we have yet to do is act on comprehensive legislation to secure the facilities that make or store dangerous chemicals. Instead, we have relied on an incomplete and an adequate legislative rider that was inserted into an appropriations bill in 2006 that amounted to little more than a long run-on sentence.

The chemical sector represents the best of American technological might. Its products help to purify our water; make the microchips used in our computers, cell phones, and military technologies; refine our oil; grow our food. But these same chemicals could also be turned into a weapon of mass destruction, something we are reminded of just recently when we learned of a disrupted terrorist plot to use hydrogen peroxide purchased in Colorado for a bomb planned to be detonated in New York.

While the Department of Homeland Security has done an admirable job of implementing the rather hastily crafted legislative rider from 2006, the bill before us today closes the loopholes left open by that provision that could be exploited by terrorists.

The bill contains provisions that represent more than 5 years of work on my part to ensure that facilities containing toxic chemicals switch to safer processes or substances only when it is technologically and economically feasible to do so. Terrorists cannot blow up what is no longer there. The language in this bill represents a true compromise that the Energy and Commerce Committee developed in close consultation with and using considerable input from the American Chemistry Council. Only the riskiest facilities would be subject to this provision. The Department of Homeland Security puts the number at between 100 and 200 out of a total of more than 6,000 regulated facilities.

Under 3 percent of the chemical facilities in our country would be covered under this legislation, the most dangerous, the most vulnerable, the most likely targets by al Qaeda in our country. And we know that al Qaeda has metastasized around the world. They are still trying to find the most vulnerable way that our country can be exploited, and it is our job to make sure that we pass the legislation that closes those vulnerabilities.

The American Chemistry Council and the Society of Chemical Manufacturers and Affiliates have endorsed the citizen enforcement provisions which were added in the Energy and Environment Subcommittee markup. These provisions remove all lawsuits against private companies, a change that the Chamber of Commerce has also deemed positive. The bill retains the ability for citizens to bring suit only against the Department of Homeland Security for failure to perform nondiscretionary duties and against Federal facilities for failure to comply with orders. It also establishes a citizen petition process to give citizens an official forum to report alleged security problems at private facilities to the Department of Homeland Security.

The legislation closes what both the Bush and Obama administrations have called a ''critical security gap'' for drinking water and wastewater facilities that were exempted from the 2006 law and the powers given to the Department of Homeland Security to close homeland security gaps that can be exploited by al Qaeda. In this bill, we grant the Environmental Protection Agency authority to establish a parallel security program for the water sector, consistent with the Bush and Obama administrations' views that EPA should be the lead regulator for these facilities.

Like the chemical facility language, drinking and wastewater facilities that use and store chemicals in amounts that could cause injury in the event of a release must assess whether they can switch to safer chemicals or processes and that these processes may be required by State regulators only if, and I repeat, only if they are economically and technologically feasible and if their adoption will not impair water quality. The Blue-Green coalition of environmental and labor organizations, the Association of Metropolitan Water Agencies, whose member utilities provide safe drinking to more than 125 million Americans, and the Association of California Water Agencies have all endorsed the drinking water title of this bill.

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 have been reworked and modified to address concerns raised by the business community.''

This, ladies and gentlemen of the House, is still a glaring regulatory black hole that we must ensure is closed. We cannot allow al Qaeda to exploit this weakness that exists in the security that we place around the chemical facilities in our country. We know that it is at or near the very top of the al Qaeda target terrorist list. 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 somewhere in the world 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 condolences to my friend from Massachusetts on the Yankees' ascendancy 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 Rangers one of these days 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 bill. Before I go 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 from 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 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. Speaker, that the bill before us has almost nothing to do with security in the sense of protection against terrorism. It has everything to do with what I consider to be radical environmentalism under the guise of homeland security. Let me elaborate on that in the written remarks.

The approach in this legislation is deeply flawed. The overreaching problem is simply this: Protecting chemical facilities and drinking water systems from terrorist attacks should not be done under the umbrella of environmental law. If it's about stopping terrorism, we ought to be talking about computer security and fiscal 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 is a chemical process, 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.

□ 1615

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, these are 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 at that time had 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, today, 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 right now. The reasonable 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. For example, page 10, line 20 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 not a serious issue that needs 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 incident. 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 ludicrous. 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, my projection is 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 requirements 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 2111 of this bill are expensive, hard to define because of significant technical challenges, and very tough, if not impossible, to enforce.

Further, even if these problems did not exist, the Department of Homeland Security does not even have the professionals it needs to make informed decisions on how to operate the program or give guidance to those who have to implement the program. Let me repeat. This legislation is not directed at preventing terrorist attacks. It is, instead, directed at setting up a regulatory regime under which the Department of Homeland Security and EPA employees, who really don't know much about production processes at the Nation's chemical and drinking water facilities, are going to force and have to make key technical decisions—not security decisions—technical, manufacturing, process decisions about those processes.

As if this were not enough, the legislation weakens the protections traditionally given to high-risk security information by treating need-to-know information like environmental right-to-know data. I am for transparency in government, but why should we give the terrorists that we're trying to prevent from attacking these facilities almost an open book to go in and, under those open meeting requirements and open record requirements, get information that could allow them to concoct schemes to destroy those various facilities?

These provisions are not just troubling to me because this legislation will allow for more information, ironically, to be made publicly through litigation but, more so, because it's going to be very hard to penalize people that reveal this information to the public. As one of my Democrat friends said in the committee markup in the Energy and Commerce Committee, ''Loose lips sink ships,'' and there are few repercussions under this bill for somebody with loose lips.

I could go on and on, Mr. Chairman, but let me simply say, this is a bad bill at the wrong time. It's unnecessary. I hope that we can have a bipartisan vote against it, and I hope that we can defeat it.

I do want to say one good thing about the process. Mr. WAXMAN and Mr. MARKEY did have a subcommittee markup. They did have a full committee markup, and a number of amendments have been made in order by the Rules Committee for the minority to try to improve the bill, and for that, I am thankful.

Mr. Chair, I ask unanimous consent to yield the balance of my time to my good friend from Florida (Mr. STEARNS) to control.

The Acting CHAIR (Mr. TIERNEY). The gentleman from Florida will be recognized in that event.

Mr. MARKEY of Massachusetts. Mr. Chair, will you inform us as to how much time is remaining on either side.

The Acting CHAIR. The gentleman from Massachusetts (Mr. MARKEY) has 7 minutes remaining, and the gentleman from Texas (Mr. BARTON) has 3 minutes remaining.

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. 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 standard program. This legislation 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 that they can adopt that would reduce the consequences of a terrorist attack against that facility. This bill would also authorize the Secretary of Homeland Security, under certain circumstances, to require that the riskiest chemical facilities adopt the 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 worked closely with 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 have 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.

And 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.

This bill is the product of careful compromise, and it 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. 2868 to close these critical security gaps once and for all.

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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 community they serve.

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Finally, I'd like to highlight two aspects of the bill.

INFORMATION PROTECTION

Each title of H.R. 2868 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 discloses this 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 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 acts. The vulnerability assessment must include a review of vulnerable assets within the fenceline 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 the on-site vulnerabilities, the Committee intends for each covered water system to develop a site security plan that addresses those 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 usage points that comprise its distribution system. For example, it would be impracticable 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 fenceline 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, however, may use funds granted by EPA to address off-site vulnerabilities, such as tamper-proofing of manhole covers, fire hydrants, and valve boxes.

Mr. STEARNS. Mr. Chair, may I inquire how much time is left on our side of the aisle?

The Acting CHAIR. The gentleman from Florida has 3 minutes.

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 could take 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 than the 3 minutes that is available. So I am asking unanimous consent if it's appropriate to do that.

The Acting CHAIR. The Committee of the Whole may not change the scheme of debate established by an order of the House. A member of the Committee on Transportation and Infrastructure would have to manage that debate.

□ 1630

Mr. STEARNS. All right, then, so we are stuck with just 3 minutes.

Is it possible, Mr. Chairman, by unanimous consent that we can extend our time beyond the 3 minutes?

The Acting CHAIR. It is not possible in the Committee of the Whole.

Mr. STEARNS. Parliamentary inquiry, Mr. Chairman. If Mr. DENT shows up on the House floor and he makes a request to give us his 15 minutes, do we need a unanimous consent? Or I will stand in and manage the time for him and then we will have 15 more minutes that we can use for these individuals who are going to be affected by this bill?

The Acting CHAIR. The Committee of 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 have to be on the Transportation and Infrastructure Committee to be recognize 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 burdensome 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 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 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 detrimental bill.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY 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. GEORGE 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 around the country.

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 en 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 Pittsburg, 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 railcar to 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 and 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 communities by reducing the hazardous transport of chlorine.

Once again, I appreciate the work of Chairman 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. MARKEY 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. These dedicated 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 here and I would like to summarize some of them.

We worked with the Chair to include new language to clarify that the Coast Guard would 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 IST for a maritime security facility; ensure maritime security facilities would not perform additional background security requirements other than under CFATS; and identify the TWIC credential that is being used to satisfy CFATS would also satisfy this bill. That's what's so important.

Mr. Chair, I rise today in support of H.R. 2868, the Chemical and Water Security Act, a bill to protect chemical facilities and drinking water and wastewater systems across the country.

The Houston Ship Channel I represent is home to the largest petrochemical complex in the country. These chemical facilities contribute much to our economy and way of life and employ thousands of workers in high-paying, quality jobs.

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 mostly 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.

In addition, 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.

Third, workers were not afforded a robust redress process in the case of any adverse decisions made due to the personnel surety 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 check and redress process data.

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 action on 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.

H.R. 2868 now places EPA in charge of regulating both drinking water and wastewater facilities and includes an appeals process for water systems to ensure a fair and open hearing on any IST decisions made by the State or EPA.

H.R. 2868 is far from perfect, but it includes substantial compromises to permanently extend chemical and water security regulations while reducing duplicative regulatory standards, increasing worker protections, and providing important safeguards to chemical facilities and water systems.

I want to again thank Chairman WAXMAN and Subcommittee Chairman MARKEY for working with me and other Members to improve this legislation.

The Acting CHAIR. The gentleman from Florida has 1½ minutes remaining.

Mr. STEARNS. With that, I yield that time to the gentleman from California (Mr. RADANOVICH).

The Acting CHAIR. The gentleman from California is recognized for 1½ minutes.

Mr. RADANOVICH. 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 and people served.

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 protection 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 bill.

The Acting CHAIR. The gentleman from Massachusetts has 30 seconds remaining.

Mr. MARKEY of Massachusetts. I yield myself the balance of my time.

Mr. Chairman, I want to thank Michal Freedhoff from my staff; and Alison Cassady, David Leviss, Jacqueline Cohen, Phil Barnett, Greg Dotson, Kristin Amerling, Peter Ketcham-Caldwill 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 and the chairman of the Committee on Energy and Commerce for including an amended text of my bill, H.R. 2883, 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 wastewater utility operators 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 or beneath 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 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 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 gas, 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—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.

According to EPA, the provisions of title III of this act should cover approximately 17 percent of the 16,000 publicly owned treatment works in this country, yet addresses an estimated 70 percent of the population served by municipal wastewater treatment.

For those facilities that possess sufficient quantities of potentially dangerous chemicals, such as chlorine gas, this legislation requires an assessment of whether inherently safer technologies can be implemented to reduce the overall risk posed by the facility.

Yet while it is appropriate that we take action to improve the overall safety and security of our Nation's wastewater treatment facilities, we must also be aware of the unique role and public service played by our water and wastewater utilities.

Unlike typical chemical manufacturing facilities, water and wastewater facilities must remain in constant operation and cannot simply be turned off.

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 point-source discharge programs. However, whether it is an approved State or EPA, the appropriate permitting authority is responsible for establishing

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 answer 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, site security and emergency response plans, and to implement measures to improve the overall security of publicly owned wastewater treatment facilities.

□ 1645

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 reported 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 leading 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 job growth in this Nation, and we have 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 their 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 it down.''

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 $18 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 legislation which so obviously 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

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 infrastructure, as well as 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. I believe we must 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 threats 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 Communication 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 facilities in this country.

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, and I would 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 continuing 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.

Now, one of 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 at how well 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 do they 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 business groups 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 and fiber.

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 input. 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.

Yes, we need to protect our environment. Yes, we need to protect our water. Nobody is arguing about that. We in agriculture think that very strongly.

□ 1700

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 deserving 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 of Kansas. 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 message 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 would agree on, we 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 security. They 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 to production 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. Mr. Chairman, 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. 2883) as a separate title in comprehensive chemical facility legislation. We have reviewed the manager's amendment to H.R. 2883, and believe this language addresses our primary concern: the prospect of separate regulatory regimes for drinking water and wastewater treatment systems. 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 for 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).

CATHERINE 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 water sector.

Establishing a single lead agency for security over substances of concern 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 sector, is using a multi-layered approach to ensure the water sector assesses its vulnerabilities, reduces risks, prepares for emergencies and responds to intentional incidents and/or natural disasters. Over the past several years, great progress has been made and the comprehensive approach taken in HR 2868 will ensure that this progress continues.

Working in the public interest, the more than 29,000 members of the American Public Works Association plan, design, build, operate, manage and maintain the water supply, sewage and refuse disposal systems, public buildings, transportation infrastructure and other structures and facilities essential to our nation's economy and way of life.

Again, I urge you to bring the Chemical Facility Anti-Terrorism Act to the floor of the House for a vote. Thank you for your leadership and attention to this matter.

Sincerely,

PETER B. KING,
Executive Director

Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the full committee.

Mr. OBERSTAR. I thank the gentlewoman for her splendid management of the bill, for her work in the subcommittee and holding the hearings and crafting the legislation.

I want to just point out that our committee's role was to ensure that while the Department of Homeland Security will set the standards, it will be the EPA and publicly owned treatment works, locally owned, operated, and managed will carry them out. It will not be done by Homeland Security.

I heard just a fragment of my good friend and colleague from Iowa raising his concerns about the effect on agriculture. I want to emphasize, and while this is not directly our committee's jurisdiction, we made it very clear that the Department of Homeland Security has definitely, completely, exempted all end users of chemicals in agriculture. That means, farms, ranches, crops, feed and livestock facilities from the chemical security program. It does not add agricultural facilities. We were very clear about that. We wanted to be sure in our discussions with the Committee on Homeland Security that we did not have any spillover of unintended consequences.

Only the largest terminals, manufacturers, wholesale distributors of agricultural chemicals remain in the chemical security program, not farmers, not ranchers, not crop, feed, or livestock facilities. The EPA administrator has authority only to regulate security at wastewater and drinking water facilities, not on farms, not on ranches, not to any of the chemicals that they use. The legislation ensures that EPA will appropriately balance clean water, wastewater treatment with security needs of the Nation as set in standards set by the Department of Homeland Security. It does not give EPA any authority over chemical facilities now regulated under other provisions or by DHS.

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 today.

In June of 2009, I joined with the Chairwoman of the Subcommittee on Water Resources and Environment, EDDIE BERNICE JOHNSON, in introducing H.R. 2883, 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 wastewater 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 sewers form an extensive network that runs near or beneath key buildings and roads, the heart of business and financial districts, and the downtown areas of major cities, and is contiguous to many communication and 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 as gaseous chlorine, that may pose a threat to public health or the environment if improperly released into the surrounding environment. While proper storage of 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'' ensures that all large- 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 firefighters who may be called upon in the event of a terrorist act.

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 IMPLEMENTATION OF 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, to be completed 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 proximity of the treatment works to 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 provide the 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 assignment for the treatment works, and take into account the risk-based performance standards outlined in the Chemical Facility Anti-Terrorism Standards (CFATS) of the DHS, contained in section 27.230 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 substance, 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)(ii) authorizes the Administrator, or a State, in the case of a State 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 formal opportunity for the 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)(3)(F) authorizes 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 a method to reduce the consequences 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)(4) and (5) directs 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, to designate 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 deadlines 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 response providers.

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 treatments 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 prohibition of public disclosure of protected information, as defined by this subsection, and 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 facilitate the appropriate sharing of protected information with and among Federal, State, local, and tribal authorities, first responders, law enforcement officials, and appropriate treatment works personnel or employee representatives. Section 222(i)(4), (5) and (6) ensure that the requirements of this subsection not affect the implementation of other laws or the oversight authorities of Congressional committees. Section 222(i)(7) defines the term ''protected 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 regulations 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 publicly-owned treatment works, and 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 operation 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(l).

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. H. Rept. 107–645. 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. 5169 by a rollcall 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 JOHNSON introduced H.R. 2883, 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 existing regulations will be exempt from the new regulations required by this legislation.

The short answer is: They will not. Section 2120 of this bill requires the Secretary to issue new regulations to replace 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

implementation provisions, I would ask that they point to that provision.

At this time, I would like to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

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, Mr. Chairman, your 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 abomination 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 around this 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 that will cost more than a trillion 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 two persons 2 weeks to complete 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 complete 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 a 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 unemployment figures. Does anyone in 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 infrastructure 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 employees who work in them are the ''First Preventers.'' We depend on them to be competent, vigilante, 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 incorporates a provision I offered requiring 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 comprehensive 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 since, was an accident! 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. More than 70,000 industrial, consumer, 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 major oil refineries, as well as gas treatment 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''). Based upon that assessment, the facility must then develop 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 it authorizes the Secretary to award $225 million in grants to provide technical assistance and funding to finance 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

action to make their chemical processes safer. For example, in the 37th district, of which I am a proud representative, the Joint Water Pollution Control Plant in Carson, California, a wastewater treatment plant, switched from using chlorine gas to liquid bleach disinfection. This legislation is already spurring companies to make important changes that will keep our country and our communities safer.

Mr. Chair, I could go on but it suffices to state that this legislation is a balanced and pragmatic response to a critical security need. And again, I want to thank Chairman OBERSTAR, Chairman THOMPSON, and Chairman WAXMAN for their leadership in crafting this extraordinary bill.

I support the Chemical and Water Security Act and urge all members to do likewise.

The Acting CHAIR (Mr. KRATOVIL). All time for general debate has expired.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, as the designee of the chairman of the Committee on Homeland Security, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mr. KRATOVIL, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

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. 1849, by the yeas and nays;

H.R. 3276, 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 unfinished 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:

[Roll No. 862]

YEAS—418

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—14

Aderholt
Brady (PA)
Capuano
Deal (GA)
Forbes
Gohmert
Johnson, Sam
Murphy, Patrick
Nadler (NY)
Nunes
Rogers (MI)
Sánchez, Linda T.
Stark
Stupak

□ 1740

Messrs. FLAKE and LOEBSACK changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

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. MARKEY) 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:

[Roll No. 863]

YEAS—400

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—17

Broun (GA)
Campbell
Chaffetz
Conaway
Flake
Hensarling
Jordan (OH)
Kingston
Lamborn
Paul
Pence
Poe (TX)
Rooney
Royce
Sensenbrenner
Shadegg
Westmoreland

NOT VOTING—16

Aderholt
Bachus
Brady (PA)
Capuano
Deal (GA)
Ellison
Forbes
Gohmert
Johnson, Sam
Murphy, Patrick
Nadler (NY)
Nunes
Rogers (MI)
Sánchez, Linda T.
Stark
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1806

Messrs. PENCE, LAMBORN, and WESTMORELAND changed their vote from ''aye'' to ''no.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 gunman or more and 31 others were wounded.

President Obama called the incident a horrific outburst of violence, and he went on to say these are men and women who made the selfless and courageous decision to risk their lives in the service of our Nation. The President went on to say it's horrifying that they should come under fire at an Army base on American soil.

I know that all of us are extraordinarily saddened and shocked by this incident. Our hearts, our minds, our prayers go out to the families of all of those whose lives have been lost and our prayers for their wholeness and health go out to those who have been injured.

Now, Madam Speaker, I yield to Congressman CARTER in whose district Fort Hood is located.

Mr. CARTER. I thank the gentleman for yielding.

Madam Speaker, we have had a tragedy in my district. I am very sad to report that the latest report that I have received from Fort Hood, we have 12 Americans dead, 32 wounded. They have all been shipped to Scott & White Hospital in Temple, and they are calling for blood; so there are obviously some very serious wounds involved in the wounded.

There is one shooter that has been confirmed who has since died, but he has been confirmed, and there are two other people in custody.

We do not know the nature of this attack, but it is a serious attack on our warfighters. These are people at Fort Hood, most of whom have been deployed four times.

So it is a real tragedy that these families are losing loved ones, and I would hope that we could have a moment of silence not only for those who have died and those who are wounded but also for their families.

Mr. HOYER. Madam Speaker, I join Mr. CARTER in asking for this moment of silence. And as we do, we remember all of those in our Armed Forces, whether they are here in America, they are in uniform or in civilian service in the defense of our country.

Obviously, these brave souls were the objects as members of our Armed Forces. And as we rise in a moment of silence to them, we remember as well all of those brave men and women who are serving around the world to maintain peace, security, and freedom.

The SPEAKER. The Members and those in the gallery will please rise and observe a moment of silence in memory of the victims of violence at Fort Hood.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I yield to the majority leader, the gentleman from Maryland, so that he may inform the House on what to expect about this weekend's schedule.

Mr. HOYER. I thank the gentleman for yielding.

Ladies and gentlemen of the House, as the House well knows, we are contemplating the consideration of the Health Care for All Americans Act on Saturday. We will be considering the

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. I 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 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 be my expectation 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 unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 878.

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. 878.

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—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 864]

AYES—409

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Bachus
Brady (PA)
Brady (TX)
Capuano
Carter
Chandler
Conyers
Deal (GA)
DeGette
DeLauro
Forbes
Gohmert
Hodes
Hoyer
Johnson, Sam
Murphy, Patrick
Nadler (NY)
Nunes
Rogers (MI)
Sánchez, Linda T.
Stark
Stupak
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1750

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.

HONORING MONICA RODRIGUEZ

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

Ms. CHU. Madam Speaker, I rise today to honor Monica Rodriguez from El Monte, California. Monica was a wife, mother of three children, and 5 months pregnant. Monica went twice

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 2–A 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, the best medicine to fight the most common cancer in young men.

Madam Speaker, Brandon Ballard was a star high school basketball player 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 68 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 adopt and 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 approve. 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.

□ 1815

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.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAX TAX TAX

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 on citizens.

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 help 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 legal tax deductions 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 from 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 his lawful tax deduction. 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. Do the taxacrats really think people will go out and have a heart 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 wheelchairs and hip 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 gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

(Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LET'S HELP THE AFGHAN PEOPLE TO REJECT VIOLENT EXTREMISM

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 has taught us 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, ''More Schools, Not Troops.'' 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 travel 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.''

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, because that strategy plays right 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 of Kansas 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 of Washington. Madam Speaker, the Democrat health 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 is to 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 health care choices dwindle, 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 Democrat 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 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 Democrat bill, doctor-owned hospitals would face unprecedented 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 access to health care, banning 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 blunt 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.

□ 1830

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—will not—significantly 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. 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 payment 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 plan 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 enrollees in some markets. This is focused 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 my 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. Well, 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; but, 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 to which 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, Gatlinburg, 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 BOEHNER, 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 health care 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 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 $40 billion a year, or 10 percent of that, and divert it to other new government programs.

Well, Madam Speaker, the problem with that is that the Medicare program today is faced with enormous challenges. The projected unfunded liability for Medicare over the lifetime 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 and up 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 $1.1 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 Governors 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 5 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 American 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 guerillas 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, like 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 millions of conservatives who do not and who 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 at an A&P 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, almost half 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 least 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.

□ 1845

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 now support what 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 hundreds of billions there, 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. It is time 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 Luis 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 as a political prisoner, 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 infirm 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 Normando Hernandez or Ariel Sigler Amaya or Librado Linares or Horacio Pina or Ricardo Gonzalez Alfonso or Hector Maceda 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.

Jorge Luis Garcia Perez told me, when I spoke to him on the phone about the fact that his wife's brother, his wife is Iris Perez Aguilera, and she is also a fantastic, formidable freedom fighter. Her brother, Mario Perez Aguilera, 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.

The island 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 demented 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 FUNDING FOR ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, there was a wonderful gathering in Washington today 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 here 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 majority's original health care plan, H.R. 3200, to permanently exclude Federal funding of abortion. All of these amendments were rejected by the majority. Minority whip CANTOR's amendment to stop health care from funding abortion was rejected in the Ways and Means Committee on July 16, 2009. Representative SOUDER's amendment to stop abortion funding was rejected by the majority in the Education and Labor Committee on July 17, 2009.

Democrat Representative BART STUPAK 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 funding in the bill.

Now the contrast to that is the Republican substitute which will be offered has 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 Commerce 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. In contrast, the Republican substitute again has a permanent government-wide Hyde amendment, meaning unequivocally, no Federal funds for abortion anywhere.

Section 222 of H.R. 3962 permits Federal funds to be used for abortion in the government insurance plan.

Section 4(a) refers to elective abortion procedures that are otherwise prohibited from receiving Federal funds in other government programs due to current Hyde amendment policies, but cannot be prohibited in the government-run public insurance plan.

Supporters of the bill assert that only private funds will be used to fund abortion in the government-run public insurance plan. This is not true. The bill places individual premium payments for the government-run public insurance plan into a Federal treasury account that may be used to pay for abortions. The bill also federally subsidizes private insurance plans that cover abortion in the government-run exchange.

Let there be no doubt that Pelosi's plan explicitly authorizes the government-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 correct this, the manager's amendment for H.R. 3962 does not contain any language regarding abortion funding.

The proposal outlined by Representative BRAD ELLSWORTH of Indiana yesterday falls short of addressing 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 overseeing legislation to create the largest expansion of abortion since Roe v. Wade. This is unacceptable.

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 understand this. We should not be using our Federal funding to kill innocent life.

HEALTH CARE RALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. 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 if you will check, give four to one to Democrats over Republicans. 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 government that can take away your chance to fail has taken away your chance to succeed.

So people came out on very short notice. These were working people. You could see these were not people of leisure. 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.

□ 1900

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 proceedings. 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 economy. Haven't we messed up the car companies enough? Haven't we messed up the banks and the lenders and the housing market enough that we're not satisfied yet until we take over 18 percent 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 government start becoming the player. Now, the Soviet Union was brutal enough 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 Nation's leaders saying that there was no way Federal dollars would be paying for abortion, so let me just read straight from page 110, subsection B, titled, Abortions for Which Public Funding is Allowed. And I'm reading the quote from page 110: 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 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 beneficiaries 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 gentlewoman 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.)

ABORTION AND THE DEMOCRAT HEALTH CARE BILL

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 supermajority of Americans, some 67 percent, the multibillion-dollar abortion industry, its lobbyists and friends 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 brinksmanship. Americans want and the public deserves 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 at 20 weeks gestation, unborn children feel excruciating pain up to four times what 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.

There has been study after study that shows that women who procure abortions 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 the 15- to 18-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 idealization compared to 8 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, prematurity 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 unambiguous, both the public option and the program establishing affordability credits authorize public funding and facilitation of abortion on demand, which means, of course, that the number 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 to death, 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, says that prohibiting 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 seventies and early eighties, 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—in this case 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 language that funds abortions but uses surface appeal text to suggest otherwise. I'm afraid the rule will likely contain self-enacting text that further misleads and obfuscates. 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 abortion covered 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, and inviting them 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 wounding 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.

□ 1915

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 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 the Catholic church had with it—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 insert in the bulletin. This was the insert: ''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 funding 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 they heard? 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 church after 35 years in my district 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.

We're 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.

This Saturday, we are to vote on 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, I get it, but I couldn't.

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 that is, but on a point that for the last 35 years has been protected, and 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 even contemplate 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 and dignity 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 on 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 good or ill 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 bills with the 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 prewritten, 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/healthcare.

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. I've known him 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 disregard 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 devise, absolute 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 an ethical context, but our society has disrupted this delicate balance between rights and responsibilities by accentuating rights, and it has contrived an anthropology detached from the moral conscience and has called it ''social progress.'' The result is a skewed social politic devoid of 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 slaying 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 ignored 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 myself 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 is wrong, and I 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 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 because they're so concerned about living clean, wholesome lives. Then they would think about taking a poison into their bodies, and they know at the time they take the poison that it's not good for them, for sure. They know 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 others around them 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 give up my liberties, give up my freedoms so that my government will take care of all of my health care decisions from now on.

□ 1930

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 consequences.

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 clinic 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 cost the same as an early first-trimester abortion: between $505 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 is 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 come back to 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 conduct. We can break the 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, because they 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. GOHMERT for his, again, very 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. GOHMERT, that the abortion funding in both the public option and in the program that establishes affordability credits couldn't be more clear, there's no ambiguity about it. There is some language that is very, very deceiving that leads people to think it's not in there. And then people say it. The President of the United States suggested that funding for abortion is not in his plan. And, frankly, assuming he was misled by perhaps staff, nothing could be further from the truth.

I would like to yield to a man who offered airtight pro-life language in the committee on which he serves, Education and Labor Committee, to speak, Mr. SOUDER.

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 freedoms, 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. 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.

I worked with my friend 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.

It's not only a danger to the baby where they die, and it's a certain death 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. It's 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 date, and they're 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 the two amendments? 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 the Ed 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've heard different parts, but in the 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? I mean how stupid.

''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 we'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.

Congressman ANDREWS very eloquently responded to my amendment and said if there's a public option, there has to be public payment of abortion. He said if it's a constitutional right, you have a constitutional right to have it paid for.

I have a constitutional right to have a Shelby Cobra and I'm hoping to get one soon from the government.

Just because it's a constitutional right does not mean you have a constitutional right to have it paid for, but that's the language behind this.

Then they came up this week with the so-called Ellsworth compromise, a friend of mine from Indiana. This Ellsworth language, however, merely channels the funding through another entity. This is like saying, well, if SBA gives you a direct loan, it's a government loan, but if the SBA runs through a bank and you get it through the bank, well, that's not an SBA loan, that's a bank loan. Now, the government put all the money in, the guarantee. The government's standing behind it. It's an SBA loan. But it's not really an SBA loan because now we're going through a fig leaf.

The American people are getting sick of the misleading nature and the double-talking of Congress. You have double-talk straight in the bill. Then you have another compromise that double-talks the double-talk. And they wonder why the confidence in government is down? They wonder why people don't trust American politicians as much anymore and American political leaders?

There is a fix for this. There was a fix in committee. There's a fix on the floor. But if we come out with this type of thing and people who claim they're pro-life vote for this, hold them accountable.

Mr. SMITH of New Jersey. Thank you, Mr. SOUDER. And I do want to thank you again for offering that amendment and for that very illuminating and incisive hearing on RU–486.

Again, we know that the trials that led to approval by the FDA, when Kessler was the head of the FDA under President Clinton, he on bended knee asked the company that manufactures RU–486 to bring it here. Sham trials were conducted where women who were seriously hurt were not reported. And we know for a fact, women are actually dying from RU–486. Probably because they had the best reporting of any other State, those women have surfaced in California from those deaths attributable to RU–486. And it's baby pesticide that has serious consequences for women, including death.

Again, no pharmaceutical company in America would take up RU–486, the abortion drug, simply because it was so dangerous. So they found the Population Council Company. Try suing them when you have egregious harm done to a woman or a death, a fatality. It's an organization. It's not like Merck or some other because all of them took a pass because it is so dangerous.

And you held the only hearing, as you so well pointed out, and I commend the gentleman for them.

I would like to yield to Mr. FORTENBERRY, a good friend and great champion of human rights as well.

Mr. FORTENBERRY. I thank my colleague Mr. SMITH from New Jersey, whom I learned a great deal from primarily about being passionate for those who are least among us, for being passionate in the belief that women deserve better than abortion. So I thank you for your leadership, sir.

I would like to point out what is becoming increasingly clear, Madam Speaker, 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.

Several 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 draw the support of pro-life House Members who otherwise, in good conscience, would not vote for this particular bill.

□ 1945

This move should not mislead the American people. However clearly, cleverly worded the proposal might be, this plan would authorize a government-run option to fund elective abortion and subsidize private plans that cover elected abortion. This language creates a smokescreen by appearing to offer a restriction on the use of Federal funds for abortion while leaving in place the key legal authority which says, ''Nothing in the act'' should be interpreted to ''prevent the public health insurance option from providing for coverage of elective abortion.''

The abortion language requires the public option to hire contractors to ensure that money paid into the government option could potentially be used to pay for elective abortions. For example, Medicare contracts with private business to handle claims, but no one in their right mind would say that Medicare payments are private payments. They're government payments. So 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 for more dialogue, debate, 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 I will potentially offer. It says, The Federal Government and 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, participate in, 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 I was going 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 were for babies and children and delivering babies, and it was fun. And of the almost 5,000 babies I delivered, they were fun. 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 thought of them not being here is 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, and, 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 over 20 years ago, which 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 idea that this was, hey, 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 disguise health care as abortion coverage. 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. I especially want to thank him, along with Congressman PITTS and Congressman STUPAK and a host of others, and you as well, Madam Speaker, for your efforts in working to get this language out of the bill which would take us to a point that would cross a line in this country that I believe is very, very scary.

If you remember when the decision happened in 1973 and we started down this road, one of the arguments we heard from the pro-life community—and we, frankly, continue to hear—is the slippery slope argument, the fact that this slope is slippery, it is steep, and that if we begin to allow unborn life to be taken, it will lead to a whole host of things. Now, here we have a health care bill in front of us scheduled to be voted on this weekend, this Saturday, which would, in fact, permit 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 critical that we just continue to fight.

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 and small business owners and 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 folks who started 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 freedom? 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 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 make sure that provision is not there and continue to be a 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. SMITH 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 in this Congress, the core 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 very idea that Congress might pass a national health care act, a socialized medicine act that would have in it the kind of language that would compel pro-life, God-loving, God-fearing, unborn baby-loving and protecting Americans with a conscience to fund abortions, and this would be the complete component of a socialized medicine piece of legislation that wouldn't just be cradle to grave, it would be conception to grave. We have long held this standard in this Congress, 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. I tell them, 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 that 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 ahead of 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.

The late father of Senator CASEY from Pennsylvania, Bob Casey, the former Governor of Pennsylvania, made this statement that I had put on the wall in my office at home in Iowa, and it's been there for years. Bob Casey, Democrat, denied the ability to speak before the National Convention, but his statement on life, Madam Speaker, was this: Human life cannot be measured. It is the measure itself against which all other things are weighed. Life is sacred.

Question number one, do you believe in the sanctity of human life? Answer, yes, we all believe that. Then the only other question we have to ask, in what instant does life begin? I pick the instant at conception. It's the only instance we have. If there was a moment before that, we should examine that. The instant of fertilization/conception. Those two questions ask, do you believe in the sanctity of human life? Yes. Does it begin in any other instant other than that of conception? No. Therefore, life begins at the instant of conception.

It's immoral to ask the American people—to compel the American people to fund abortion.

□ 2000

Yet that's what this Speaker is prepared to do and that's what we are prepared to oppose.

Mr. SMITH of New Jersey. I thank my good friend. That was a very wise and eloquent statement.

I would like to yield to Mr. BURTON of Indiana.

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

I won't give my normal 20-minute speech, but I would just like to say that CHRIS SMITH has been a leader on the right-to-life issue as long as I have been in Congress. He and Henry Hyde were the stalwarts that were always fighting for the unborn, and I am very happy to lend my support to their efforts.

I would just like to say that in addition to the language that's in the bill that's going to allow the taxpayer to pay for abortions, this bill is really an abomination. The bill that is going to be before us Saturday costs $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 seniors to lose Medicare Advantage; it's going to cost $500 billion out of Medicare and Medicare Advantage. This is a disaster.

And when I hear the President say that the doctors want this, my wife's a doctor. He says the AMA wants it. Doctors across this country don't want it. He says that the seniors want it because of AARP. Seniors don't want it. AARP is getting 61 percent of their money from kickbacks from insurance companies and commissions, and they are going to get more if Medicare Advantage goes down the tubes because they will sell more Medigap insurance.

There are a lot of problems with this bill, but one of the most important things to me and to CHRIS and all those who are here tonight is the right-to-life issue. For that reason alone we should defeat this, but there are a lot of other problems with it as well.

Mr. SMITH of New Jersey. Mr. BURTON, 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, CHRIS SMITH. I greatly appreciate all your leadership on this.

Madam Speaker, I'm a medical doctor. I've 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 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 stop abortion. We have to stop this bill that is going to continue to fund abortions with taxpayers' dollars. The future of our America depends upon it. Right to life is absolutely the central part of liberty and freedom in America.

Madam Speaker, we cannot lose that right.

Mr. SMITH of New Jersey. Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding.

We were on the floor last night and a gentleman on the Democratic side on the part of the majority in their hour, Mr. GRAYSON, talked about the number of lives that were lost or are being lost in every congressional district across this country because of the lack of health insurance.

Last night I asked the gentleman to yield to a friendly question, and my question was going to be, Representative, are you pro-life or pro-choice on the abortion issue? The gentleman chose not to yield to me. I don't really know the answer to that question to this day.

But 4,000 babies are losing their lives every day. I hope the gentleman is pro-life, because he said, Stand for life.

GENERAL LEAVE

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 in their thoughts.

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 dignity that says that if 36 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, no stretches of the facts are going to change that.

My colleagues on the other side of the aisle are quite upset about the present state of affairs 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, ladies and gentlemen, Mr. Speaker, we haven't heard 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 America has said, 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 sort of a plan—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.

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 any direct assistance 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 idea and they're going to leave 30 million people uninsured?

This has got to be April Fool's Day come early. The Republican bill has no chance of passage, because Americans really don't want it, because if they did, we would be talking about it. But I quote again from the New York Times: The Republican bill, which has no chance of passage, would extend insurance coverage to about 3 million people by the year 2019.

Why aren't they embarrassed? I have no idea. The Republican bill, which has no chance of passage, would extend insurance coverage to about 3 million people by 2019, and, continuing to quote, would leave 52 million people uninsured. The budget office said, meaning the proportion of nonelderly Americans with coverage would remain about the same as it is now, roughly at 83 percent.

Let me read it again. The proportion of nonelderly Americans with coverage would remain about the same as now, about 83 percent, meaning that we have upwards of 16 to 17 percent who don't have insurance.

Going along with the Republican plan, the Republican plan tonight, as we are discussing the Progressive Message, we're just going to talk about their plan since they got real expert talking about ours, we're going to let the American people know the real facts about the Republican plan. This is not a criticism or an attack on any individual member of the party apposite. I regard that they are honorable people, but we have to talk about their plan because it's not a good one. And the reason they haven't been bragging about it is because not even they are proud of it.

The Congressional Budget Office umpires say the House Republican health plan would only make a small dent in the number of uninsured Americans. Let me say that again. According to the Associated Press article on November 4, 2009, Congressional Budget umpires say, quote, the House Republican health plan would make only a small dent in the number of uninsured Americans.

Wait a minute. I thought that they had some great plan. How can you not make a dent in the number of uninsured Americans and still claim you have a good plan? Their plan is an embarrassment. They're not bragging about it because they, themselves, know that it's far more strategic to just bash away on the Democratic plan rather than talk about their own plan, which is nothing but status quo and keep insurance companies making lots and lots and lots of money. That's what it's all about—protect the wealthy and let everybody else do the best they can with what they got.

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. Seventeen percent of legal nonelderly residents won't have health care insurance in 2010. That's an indictment of the status quo, which the Republicans support.

But, 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.

□ 2015

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 rescissions 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 3 million 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, causing 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 the deficit. The Democratic 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 $68 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 tell you the Democrats 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 body, my dear friend from the 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 say welcome to those folks. My colleague from the great State of Minnesota, and I am so proud to be from Minnesota, my friend, Congresswoman BACHMANN, invited people down, and folks came. And I am glad they showed up, because democracy 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, we probably didn't see the issue the same. But I just want to say, I was honored to have them in my office. I am so proud that I was able to talk to my colleagues.

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 can't find an insurance policy to cover me. They were saying, I am afraid that I am going to go bankrupt. 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 is 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 had the House, the White 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. Some of us started out not on the same page, but we ended up a lot closer together because I was able to say here are the true facts, not the made-up ones.

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 it?

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 off 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 us $5 billion. And what do we get 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 on 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 our victory 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. That is so 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.

□ 2030

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 trying to fight 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, we live in a State 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 State. Our State is the 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 were. Many 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 give them credit by mentioning 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 facts.

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 and saves more money than the blank-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 would be 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.

You and I know when you first 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 here, and it is getting less and less. 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 know, how can that possibly be? 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 is our plan, here is our plan, and they 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 actually 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 be covered.

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 came to be?

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 because when they fall into that hole 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 have time to speak to 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 the process.

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 at this. 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 they say they want a coverage 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 for all Americans, health care costs will keep rising and could jeopardize Medicare's ability to keep covering the costs.

Rising costs hits seniors, their wallets, too. And so with 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 we need to come together as a House of Representatives; not as Democrats, Republicans, Independents, fighting each other. We can express our positions, and we can do it with comity. 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 and block me from hearing you. 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 truth the best we can. 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 1928 and my mom was born in 1938. 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.

□ 2045

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.

So I ask the gentlelady, look, if the problem today is the high percentage of the uninsured, people who are authorized to be in America and people who are nonelderly, if the proportion of uninsured is 17 percent, shouldn't we be better off in 10 years? Under the Republican plan, we will not be. I think that is a complete failure of their effort.

The Affordable Health Care for America Act put forward by the Democratic-led Congress extends coverage to 36 million more Americans. Today, 83 percent of the nonelderly Americans are uninsured. Under the Democratic plan, 96 percent of nonelderly Americans will be insured. That's what I call success. I hope some of our friends on the other side of the aisle come on and join this plan that's good for America.

The House Republican bill does not reduce the number of people who must buy insurance on the individual market because they're self-insured, don't have coverage of their employer, or lose their jobs. This segment of the market now pays the highest premiums and consumer abuses by the insurance industry. 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 people 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 this health care reform. Let's talk about this divisive issue that has divided Americans for so long. This is not a bill about abortion. This is a bill about health care reform. Why don't they want to talk about that fact?

The Republican bill does not repeal antitrust exemptions for health insurance companies. Why not? The Republican bill does not repeal antitrust exemptions for health insurance companies. Why do they want to protect the health insurance companies? Why don't they want the health insurance companies to compete? Who is getting PAC money from the health insurance companies? Let's find out.

The House Republican bill does not include provisions to stop price gouging by insurance companies. Why not? The Affordable Health Care for Americans Act put forth by the Democrats—and, again, we've only had the White House for a few months and only had this Chamber, been the majority in the House for a couple of years; not long. We haven't been here long, but even though we haven't been here long, we've come up strong, because this bill, the Democratic bill, ends discrimination against Americans with preexisting medical conditions. The Democratic bill finally ends the antitrust exemption. The Democratic bill gives States $1 billion to crack down on price gouging by health insurance companies.

The fact is American consumers and small businesses deserve better than what the Republican bill offers to them. The Democratic bill, the Affordable Health Care for America Act, is a fiscally responsible bill that will reduce the deficit by $104 billion over 10 years; way more, way more, $36 billion more than the Republican bill. And I want to know, if the Democrats can face this very difficult process that we've gone through all summer—I had health care forums in my district and so did the gentlelady from California. Some people came up very upset because they've been listening to some of these radio guys and some of these TV guys scaring them and giving them misinformation, so they come into the meeting upset, loaded for bear. They want to talk to me. I want to talk to you, Mr. ELLISON. But when the facts come out, they're like, Oh, okay, I get it now. And we just ask people to keep their minds open.

I just say that if the Republicans have a real alternative around health care, how come they didn't come up with anything in the House from 1994 to 2006? Nothing did they come up with. Oh, they did veto SCHIP. We've got to give them credit for that. Vetoed SCHIP. Vetoed State Children's Health Insurance Program; can you imagine that? Oh, my goodness. I think that that is not good service to the American people.

I do hope we get some Republican votes on this bill because I think there has got to be some Republicans who say, You know what? Skip all the bickering. The Democrats have been open to our ideas when we offered them, but we didn't offer them because we would rather beat the Democrats at the polls than give Americans real health care reform. Think about that. They would rather beat the Democrats at the polls and try to use this as a political thing rather than say, You know what? We're going to do something for the American people. Oh, my goodness.

Let me turn to this poster board I have here. The Democratic bill—let's set the record straight. Here's a myth: The Democratic bill will hurt small businesses. Not true. If you heard it today or if you hear it later today, don't believe it. Small chemical facilities are already regulated by the DHS. The bill requires DHS to assess potential impacts of IST on small businesses. And $225 billion in grant funding is available for small businesses.

This will interfere with business operations. The fact is is that this bill will not interfere with business operations, it will not be a boon to plaintiffs' attorneys, and it will not do any of these things that are claimed by the Republicans over and over and over again.

We hear the Republicans say we need to have tort reform. Let me just say, if you have a loved one who has a medical error, you have a right to go to court over that. Don't let anybody scare you away from your right to go to court when a doctor or a hospital fails to meet medical standards.

Ms. WATSON. Would you yield?

Mr. ELLISON. Yes, I will.

Ms. WATSON. You know, it's always very interesting to me. I sat on the Judiciary Committee for 17 years and I carried the California trial lawyers' funding bill every other year. And of course opposition would say, frivolous. Well, if your right leg was amputated and the condition was in the left leg, they amputated your right leg, the first thing you would do is run to get the most high-powered lawyer you could and you would sue the doctor and the hospital out of business. So you can say frivolous cases, but when it comes to your own health and the health of your loved ones—and I haven't seen a company without its set of lawyers. So we use them when we want to be sure that the law works on behalf of ourselves and our loved ones. If it's for somebody else, it's frivolous. So let's think about what we're saying with tort reform.

And we can lower the cost if we have quality health care, meaning we have quality personnel. And do you know there are provisions in our bill that will help to subsidize medical students that want to go into primary care? And so we want to build a whole cadre of quality health providers that will practice medicine on behalf of the human interest to keep our people healthy.

So when we talk about tort reform, let's think it all the way through and don't treat it in a frivolous way.

Thank you very much, and good night.

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 health care 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.

Again, the Congressional Budget Office said Wednesday that the alternative health care bill put forward by House Republicans would have little impact on extending health benefits to roughly 30 million uninsured Americans. You can go right down the ranks, but piece after piece shows that this Republican plan that they released is abysmal.

I want to have some conversation about the Republican plan, 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, maintains its public option. 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 stories if I may.

A good friend, 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 low 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 full-time 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.''

This young lady would not be barred from getting health care insurance because of her anxiety, which the insurance company called a preexisting condition, yet under the Republican plan she still would be.

David from Minneapolis: ''I am a small business owner and do provide health care to my employees, but this is a serious financial risk to my company. It's a moral issue, so I don't want

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 my fears.

''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 and not have health care for all. Please pass Federal health care reform that includes a public insurance option.''

□ 2100

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 and yield 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 of Representatives, and these are all 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 exchange.

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 a benefit. It is simply a marketplace. 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 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 really be ''the place''—''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 an issue where individuals 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. Curtis, 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 House of 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,'' requests 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. PRYOR, Mr. BYRD, Mr. SHELBY, Mr. GREGG, 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.

Mr. GINGREY of Georgia. Madam Speaker, I thank you for the time, and I thank my minority leadership for the time.

We will spend our hour talking about health care reform; and we will try to compare and contrast, Madam Speaker, many of the policies that were just described by our colleagues on the Democratic side of the aisle, by the majority party Members: the gentleman from Minnesota, the gentlewoman from California, the gentleman from Colorado. A number of statements were made in regard to their bill, the Pelosi health care bill, the 2,000-page bill. In fact, Madam Speaker, I have that bill behind me, and we'll take a look at it in just a few minutes.

We certainly want to talk about the 261-page bill, Madam Speaker, which is the Republican alternative that, indeed, as we know from a letter that we just received yesterday from the Director of the Congressional Budget Office, across the board, the Republican alternative lowers the price of health insurance premiums on an average of 10 percent. I'm not sure that my colleagues who have left the floor now—and if they were still here, I would be happy to yield them time, but I'm not sure that they can say that with regard to this massive, monstrosity of a bill of

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 on both sides of the aisle but 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 MICHELE BACHMANN; and others. There 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 practitioners of 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 the 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 taxpayer 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 taxpayer 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. I don't think that 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 $61 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 ludicrous. 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—and it's insulting. It was insulting 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 morning when it's time 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 on hospitalizations, and we didn't have all the wonder drugs back then, 40-something years ago, that we have today.

□ 2115

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 these 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 and 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'm proud of that. I'm very proud of 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 works 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. REID, the majority leader; and yes, 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. A lot of times folks at this point 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 know that they are 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 at this point, Madam Speaker, yield to my good friend and fellow doctor from the great State of Arkansas. Dr. BOOZMAN 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 it now. Time really flies when 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 honored 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 that 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've worked 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 teletown hall. We had 12 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 under 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 got 25,000 Advantage patients 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 many caucuses. You have the 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 52 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 won my last 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 gentlewoman 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 gentlewoman 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 our bill, would vote ''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 who, like Dr. BOOZMAN, is a part of our GOP Doctors Caucus. Dr. PAUL BROUN 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, 110 conservative Republican members, 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.

□ 2130

But Dr. BROUN has been wonderful on this issue, brings a tremendous amount of knowledge, plus about 40 years of clinical experience as a family practitioner who it comes as close to Marcus Welby as anybody I have met in years because he did house calls.

Madam Speaker, I will now yield to Dr. BROUN so that we can hear from him.

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 Republican—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.'' We the People 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 of 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 what's 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 to the State because 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 tell, is going to increase the cost to Medicaid 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 States' budgets. It's going to destroy everybody's home budgets because taxes are going to go up on all goods and services, particularly health care services. But there is going to be taxes on every single 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 have 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, and 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 here about spending 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. BROUN—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. They elected him. 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 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 changed 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 minority 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, Dr. BROUN, 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, healthy 18- to 29- to 39- to 45-year-olds 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 for people that are in their fifties—obviously not eligible yet, Mr. Speaker, for Medicare—it will lower the cost of health insurance for them, and that's a good thing. But at the same time, it drives up significantly the cost of health insurance for those low-risk individuals. In fact, today, many young people 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, H.R. 3962, they will not be permitted to do that.

Mr. Speaker, we are robbing the future of the youth of America.

With that, I yield to my friend from Arkansas, Dr. BOOZMAN.

Mr. BOOZMAN. Let me just say that, again, one of the concerns that I have are the unintended consequences that are going to be as a result of the bill, as you are talking about now.

I had a gentleman call me, oh, a month or so ago, and he owns several fast food restaurants. Many of the people that he employs are part-time employees. They're high school kids going to school, working a little bit on the side, many, many college kids. He said that if this bill goes through and he's going to have to be responsible for providing coverage for all of those part-time employees—he provides the coverage now for the full-time employees—he simply can't do that. In this economy, that's so tough, you know. He's barely making it now. So the first thing he's going to do is start laying off those kids. So again, the unintended consequences of them not having a job, going to school and things like that, those are the things that we're going to see so much as a result of this.

I will give you another example. This bill hits community hospitals very, very hard. The only way that you can save money is to consolidate. In Arkansas, and I know in Georgia where you gentlemen are from, there are many, many community hospitals. You start consolidating. You start ratcheting back on your community hospital. That's probably the best jobs in that community, you know, well paid and all of the ancillary things that they buy and things. It is a big part of the economy. You lose your hospital. It's not too long that you lose your physicians? You lose your doctors, you lose your providers. You lose your providers, and then at that point, you really start talking about losing these small communities.

So again, there are so many things out there that this is such a huge deal. You can be for this or against it, but the reality is that it truly is a massive increase in government.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. BOOZMAN. Very much so. The only other point I would make is that, from Washington, the important aspects of health care—who does what, who gets paid or whatever—are going to come out of Washington, D.C., versus from a myriad of places right now.

Mr. BROUN of Georgia. Well, I appreciate that, Dr. BOOZMAN. I practiced medicine for a few years in Blakely, Georgia, a town of 5,000 people. We had a small community hospital there. I moved from there to Americus, Georgia, which has 17,000 people; 25,000 in Sumter County, Georgia, both down in rural southwest Georgia.

We had a regional hospital in Sumter County, an excellent regional hospital. At the time I was there, we had a little over 30 doctors in Americus, Georgia. 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, Georgia. St. Mary's, I am on the foundation board. 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 and to help that hospital be viable. But we also have Athens Regional Hospital.

□ 2145

Now that I am a Member of Congress, I represent the northeast corner of the State of Georgia, and we have a lot of small community hospitals scattered through my congressional district in Hart County and Elbert County and Thomson, which is McDuffie County, and a lot of these, and I can go on. There are many small rural hospitals.

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 do if the Pelosi bill, 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 be jobless. 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's 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 job, 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 going to put a bureaucrat 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. BROUN is holding that up now, the 261-page Republican alternative that's fully paid for, that cuts insurance premiums on average by 10 percent across the board, according to the CBO, and saves $65 billion over 10 years.

I am going to yield back to Dr. 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. BROUN 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 let a big government bureaucracy take over our health care system and come between our great doctors and their patients, indeed, our constituents. But also in their second opinion they are going to say and they did say today, many of them are wearily driving back home now, but they said, and I point out in this slide: patients don't want government-run health care, period.

Now, I am going to yield to Dr. BOOZMAN for a few minutes, because I have got a couple of slides. I hope he can see those. He should; he is an optometrist. He knows about eyesight. I will lend him my glasses if he needs them. But we will go through a couple of bullet points and talk about things that people are outraged, Mr. Speaker, outraged over.

It's unbelievable, but I will yield to Dr. BOOZMAN and let him talk about it.

Mr. BOOZMAN. Well, again, our first point that it is not government-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 care but a lot of the taxpayer subsidies, and they are getting them today. In spite of being against the law getting Medicaid, SCHIP, they are getting those things today because they have fraudulent Social Security numbers, fraudulent driver'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 to so-call pay for this thing and not add one dime, as they say, to the deficit.

Mr. BOOZMAN. Right. Well first one, no $570 billion in Medicare cuts, which again is such a concern to seniors and why they are very much, I think, as a group, opposed to this bill, at least in the Third District of Arkansas. No 700 billion in taxes on employers and citizens. Again, small business is very, very concerned about the impact that this is going to have on their businesses.

No taxing States. The Medicaid increases, Dr. BROUN alluded to that earlier. That's going to be a huge impact on our States, and the States have to either raise taxes or cut services in order to provide that service. Again, that's a real problem.

Mr. GINGREY of Georgia. Dr. BOOZMAN, I don't think there is anything about raising Medicare coverage to 150 percent and putting this burden on the back of States in the Republican bill, is there?

Mr. BOOZMAN. No, not at all. In fact, I think an unintended consequence that we might see that people need to look at is many of our State county employees, city employees, our teachers, I don't think that they will meet the mandate that is pushed forward in the Pelosi plan. I think that will up their costs greatly at the State level. Again, that's going to have to be taken through increased property taxes and things like that to pay that bill. So many unintended consequences.

Mr. GINGREY of Georgia. Dr. BOOZMAN, I did want to go back to my first bullet point. Again, my colleagues, I refer you to this slide that's on the easel, ''no $570 billion in Medicare cuts.''

If the camera could focus on Dr. BROUN for a second, because that bill, that bill, H.R. 3962, is right in front of him. I am glad he is not trying to hold it, because we would be working on his back tomorrow; he would probably be in a back brace.

But in that bill, that $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 Medicare gets 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 physicians, 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. Again, 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. Dr. BOOZMAN, reclaiming my time, I am so glad you elaborate on that $570 billion Medicare cut, because that's 12 percent a year 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 year, 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 physical. You 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 appointment, 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.

□ 2200

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 will come on the backs 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

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 has the constitutional authority to take over the health care system in America. He could not because this is unconstitutional.

Mr. GINGREY 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 present 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 the 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 address 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. REHBERG, for 5 minutes, November 6.

Mr. POE 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. 3606. 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

copy of D.C. ACT 18-229, ''Anacostia Business Improvement District Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 279, Port Arthur, TX [COTP Port Arthur-07-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 281, Port Arthur, TX [COTP Port Arthur-07-002] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-07-001] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Main Street Oceanside Fireworks Display; Oceanside Pier, Oceanside, California [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean Beach Pier, Ocean Beach, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Surf City, NC [CGD05-05-062—tfr] (RIN: 1625-AA00) Recevied October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pungo Ferry Bridge, North Landing River, VA [CGD05-06-012] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Bay, San Diego, CA [COTP San Diego 06-051] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4528. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Chesapeake Bay Bridge Swim Races, Chesapeake Bay, MD [CGD05-06-022] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Bay, San Diego, CA [COTP San Diego 06-051] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, St. George Creek, Piney Point, Maryland [CGD05-06-095] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV [COTP San Diego 06-025] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Colorado River, Laughlin, NV [COTP San Diego 06-025] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 06-022] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chester, Pennsylvania; Marcus Hook, Pennsylvania; and Essington, Pennsylvania [CGD05-06-099] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crazy Horse Campground, Lake Havasu, Arizona [COTP San Diego 06-017] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 06-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek and Severn River, Annapolis, MD [CGD05-06-102] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercises; San Diego, off of Point Loma, CA [COTP San Diego 06-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Chesapeake Channel, MD [CGD05-06-077] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hopewell Christmas Parade Fireworks, Appomattox River, Hopewell, VA [CGD05-06-107] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Marine Events; Pasquotank River, Atlantic Intra-Coastal Waterway, Elizabeth City, North Carolina [CGD05-06-073] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-06-111] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Harborfest 2006, Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA [CGD05-06-061] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Satellite Launch, NASA Wallops Flight Facility, Wallops Island, VA [CGD05-06-115] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Hampton River, Hampton, VA [CGD05-06-058] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-06-116] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, FL [COTP St. Petersburg 07-184] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 281, Port Arthur, TX [COTP Port Arthur-07-005] (RIN 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Gulf of Mexico; Sabine Pass, Texas; Port Arthur, Texas [COTP Port Arthur-07-006] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4550. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 284-285, Port Arthur, TX [COTP Port Arthur-07-007] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Chesapeake Bay, Tred Avon River, Oxford, MD [CGD05-06-056] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-07-008] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°46′20″N 093°11′38″W [COTP Port Arthur-07-009] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Back River, Hampton, VA [CGD05-06-050] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°5′54″N 093°11′36″W [COTP Port Arthur-07-010] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [CGD-06-034] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Beaumont Texas [COTP Port Arthur-07-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Great Egg Harbor, Somers Point, NJ [CGD05-06-032] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-259] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW), Hackberry, LA [COTP Port Arthur-07-012] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-248] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur-07-013] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-017] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-078] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-247] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-159] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Hutchinson Island, Savannah, GA [COTP Savannah-07-166] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-243] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-168] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-239] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-182] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Container Berth 1, Savannah River, Savannah, GA [COTP Savannah-07-188] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-189] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-211] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah GA [COTP Savannah-07-236] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1849. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes; with an amendment (Rept. 111–329, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Natural Resources discharged from further consideration.

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. MCCLINTOCK):

H.R. 4027. 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 power transmission and delivery projects, and for other purposes; to the Committee on Natural Resources.

By Mr. WU (for himself, Mr. ALTMIRE, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CHILDERS, Mr. COURTNEY, Mr. DEFAZIO, Mr. GORDON of Tennessee, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. KAGEN, Mr. MINNICK, Mr. PETERSON, Mr. PIERLUISI, Mr. ROSS, Mr. SALAZAR, Mr. SCHRADER, Mr. WALZ, and Mr. WILSON of Ohio):

H.R. 4028. 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. REICHERT):

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.

By Mr. DENT:

H.R. 4030. A bill to suspend temporarily the duty on Triethylenediamine; to the Committee on Ways and Means.

By Ms. BALDWIN:

H.R. 4031. A bill to amend the Energy Policy and Conservation Act to establish a motor efficiency rebate program; to the Committee on Energy and Commerce.

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 and to eliminate 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 House 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 allow 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.

By Mr. PAYNE:

H.R. 4036. A bill to authorize National Mall 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 Natural Resources.

By Mr. FORTENBERRY:

H. Con. Res. 209. Concurrent resolution recognizing the 30th 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. OBERSTAR, Mr. KING of New York, Mr. MICA, Mr. CUMMINGS, Mr. LOBIONDO, Mr. SOUDER, Ms. HARMAN, Mr. MCCAUL, Mr. CUELLAR, 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. LUJÁN, Mr. BROUN of Georgia, Mrs. KIRKPATRICK of Arizona, Mr. MASSA, and Mr. HIMES):

H. Res. 891. 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 October 29, 2009, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. WEXLER, Mr. DELAHUNT, Ms. BERKLEY, Mr. COSTA, 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. ACKERMAN, Mr. ARCURI, Mr. BACA, Mr. BISHOP of New York, Ms. BORDALLO, Ms. CLARKE, Mr. CROWLEY, Ms. DELAURO, Mr. DICKS, Mr. ENGEL, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. KING of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBEY, Mr. ORTIZ, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. PIERLUISI, Mr. REYES, Mr. RODRIGUEZ, Mr. ROTHMAN of New Jersey, Mr. SALAZAR, Mr. SIRES, Mr. THOMPSON of California, Mr. TONKO, Ms. VELÁZQUEZ, Mr. ALEXANDER, Mr. PAYNE, Mr. WAMP, Mr. REHBERG, Mr. HOLT, Mr. DAVIS of Kentucky, Mr. HONDA, Mr. KUCINICH, Ms. BERKLEY, Mr. WEXLER, Mr. BISHOP of Georgia, Mr. WATT, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. GRAYSON, Ms. HIRONO, Mr. MAFFEI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SABLAN, and Mr. UPTON):

H. Res. 893. A resolution congratulating the 2009 Major League Baseball World Series Champions, the New York Yankees; to the Committee on Oversight and Government Reform.

By Mr. CONYERS (for himself, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. ABERCROMBIE):

H. Res. 894. A resolution honoring the 50th anniversary of the recording of the album ''Kind of Blue'' and reaffirming jazz as a national treasure; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 182: Ms. CHU.
H.R. 197: Mr. CAMPBELL.
H.R. 198: Mr. WITTMAN.
H.R. 208: Mr. SESSIONS.
H.R. 272: Ms. FOXX and Mr. HERGER.
H.R. 305: Ms. DELAURO.
H.R. 417: Mr. FALEOMAVAEGA, Mr. FATTAH, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mr. OBERSTAR, Mr. HONDA, and Mr. SIRES.
H.R. 502: Mr. KLINE of Minnesota.
H.R. 510: Mr. MELANCON.
H.R. 521: Mr. MANZULLO.
H.R. 564: Mr. PASCRELL, Ms. HIRONO, and Mr. NADLER of New York.
H.R. 571: Mr. WATT.
H.R. 644: Mr. PERRIELLO.
H.R. 678: Mr. ROTHMAN of New Jersey, Mr. YARMUTH, and Mr. CLAY.
H.R. 734: Mr. ALTMIRE, Mr. GERLACH, and Ms. MARKEY of Colorado.
H.R. 739: Ms. LEE of California.
H.R. 901: Ms. SUTTON and Ms. KILPATRICK of Michigan.
H.R. 930: Mr. TOWNS.
H.R. 1020: Mr. GRAYSON, Mr. CLAY, Mr. WEINER, and Mr. RUSH.
H.R. 1067: Mr. ROE of Tennessee.
H.R. 1079: Mr. BARROW.
H.R. 1086: Mrs. BONO MACK.
H.R. 1126: Mr. WELCH.
H.R. 1157: Mr. COHEN.
H.R. 1159: Ms. BERKLEY.
H.R. 1175: Mr. HOLT, Mr. WU, and Ms. KILROY.
H.R. 1189: Mrs. NAPOLITANO.
H.R. 1207: Mr. WEINER and Mr. KISSELL.
H.R. 1220: Mr. SHUSTER.
H.R. 1326: Ms. LEE of California.
H.R. 1347: Mr. KENNEDY.
H.R. 1396: Mr. DOGGETT.
H.R. 1475: Mr. MEEKS of New York.
H.R. 1547: Mr. BLUNT.
H.R. 1623: Ms. BERKLEY.
H.R. 1806: Mr. DAVIS of Alabama and Ms. MATSUI.
H.R. 1818: Mr. COHEN.
H.R. 1826: Mr. KISSELL and Ms. LINDA T. SÁNCHEZ of California.
H.R. 1831: Mr. CAMP.
H.R. 1855: Mr. COURTNEY.
H.R. 1925: Mr. BARROW and Ms. ROYBAL-ALLARD.
H.R. 2251: Mr. ROTHMAN of New Jersey and Mr. YOUNG of Alaska.
H.R. 2254: Mr. HEINRICH.
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. 2365: Ms. WASSERMAN SCHULTZ.
H.R. 2452: Ms. LORETTA SANCHEZ of California, Mr. SESTAK, Ms. HARMAN, Mr. TOWNS, Mr. FARR, Mrs. CAPPS, Ms. MATSUI, and Ms. WATSON.
H.R. 2478: Mr. GEORGE MILLER of California.
H.R. 2560: Ms. GIFFORDS.
H.R. 2573: Mr. QUIGLEY.
H.R. 2579: Mr. DOGGETT.
H.R. 2626: Mr. GRAYSON.

H.R. 2648: Mr. SABLAN.
H.R. 2746: Mr. CLAY, Mr. HONDA, and Mr. GRIJALVA.
H.R. 2866: Mr. SPRATT and Mr. YOUNG of Florida.
H.R. 2894: Mr. KANJORSKI and Mr. SHULER.
H.R. 2932: Ms. DELAURO and Ms. MCCOLLUM.
H.R. 3002: Mr. GOODLATTE and Mr. PITTS.
H.R. 3012: Mr. DONNELLY of Indiana.
H.R. 3048: Mr. GRAYSON.
H.R. 3077: Mr. PUTNAM, Mrs. NAPOLITANO, and Ms. JACKSON-LEE of Texas.
H.R. 3191: Mr. SESTAK.
H.R. 3227: Mr. BRALEY of Iowa.
H.R. 3238: Mr. WELCH.
H.R. 3245: Ms. KILPATRICK of Michigan.
H.R. 3328: Mr. BISHOP of Georgia, Mr. CLAY, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. NORTON, and Ms. RICHARDSON.
H.R. 3359: Ms. MCCOLLUM, Mr. THOMPSON of California, Ms. MOORE of Wisconsin, Mr. ELLISON, Ms. CHU, Mr. HARE, Mr. FARR, Ms. HIRONO, Mr. HINCHEY, Ms. BERKLEY, Mr. DELAHUNT, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. PIERLUISI, Mr. LEVIN, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Ms. WATERS, Mr. RANGEL, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. CASTOR of Florida, and Mr. MCGOVERN.
H.R. 3381: Mr. NEAL of Massachusetts.
H.R. 3421: Ms. NORTON, Mr. FARR, Mr. NADLER of New York, and Mr. CLAY.
H.R. 3439: Ms. ESHOO.
H.R. 3457: Mr. NADLER of New York, Mr. HONDA, and Ms. SCHAKOWSKY.
H.R. 3458: Ms. MATSUI, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mrs. CAPPS, Mr. FARR, Ms. ZOE LOFGREN of California, Ms. WATSON, and Ms. SPEIER.
H.R. 3464: Mr. PENCE.
H.R. 3524: Mr. HONDA, Mr. BARROW, and Ms. SHEA-PORTER.
H.R. 3564: Mr. MCGOVERN.
H.R. 3569: Mr. BARRETT of South Carolina.
H.R. 3612: Mr. FORBES and Mr. HALL of Texas.
H.R. 3650: Mr. PUTNAM and Mr. MARKEY of Massachusetts.
H.R. 3656: Mr. MORAN of Virginia.
H.R. 3660: Mr. INGLIS.
H.R. 3705: Ms. KILPATRICK of Michigan, Mr. AL GREEN of Texas, Ms. KILROY, and Mr. BLUMENAUER.
H.R. 3724: Ms. HIRONO.
H.R. 3731: Mr. BLUMENAUER.
H.R. 3758: Mr. GORDON of Tennessee.
H.R. 3779: Mrs. BIGGERT.
H.R. 3822: Mr. WITTMAN and Mrs. BONO MACK.
H.R. 3823: Mrs. BONO MACK.
H.R. 3824: Mr. WITTMAN and Mrs. BONO MACK.
H.R. 3852: Mr. CASTLE.
H.R. 3885: Mr. KILDEE.
H.R. 3904: Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. AL GREEN of Texas, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, Mr. REYES, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Mr. MOORE of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. HARE, Mr. LEVIN, Mr. COHEN, Ms. MATSUI, Mr. CONYERS, and Mr. RYAN of Ohio.
H.R. 3907: Mr. FILNER, Mr. TIERNEY, Mr. CUMMINGS, Ms. SCHAKOWSKY, Ms. BORDALLO, Mr. WEXLER, Mr. KILDEE, Mr. GERLACH, Mr. BLUMENAUER, Mr. HARE, Mr. BERMAN, Mr. ANDREWS, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. RAHALL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. PASTOR of Arizona, Mr. FRANK of Massachusetts, Mr. MCCAUL, Ms. MATSUI, Mr. MURTHA, Mr. MCNERNEY, Ms. LEE of California, Mr. CLEAVER, Mr. COURTNEY, Mr. BISHOP of New York, Mr. HODES, and Mr. WELCH.
H.R. 3929: Mr. ALEXANDER.
H.R. 3942: Mr. GRIJALVA.
H.R. 3943: Mr. FILNER, Mr. WILSON of South Carolina, and Mr. WU.
H.R. 3957: Mr. HONDA, Mr. PAYNE, Mr. POLIS, Ms. MCCOLLUM, and Mr. MCGOVERN.
H.J. Res. 50: Mr. ADERHOLT.
H. Con. Res. 175: Mr. SARBANES.
H. Con. Res. 207: Mr. POSEY and Mr. LINDER.
H. Res. 200: Mr. ROHRABACHER.
H. Res. 252: Mr. LATOURETTE.
H. Res. 486: Mr. LEVIN.
H. Res. 699: Mr. MCCARTHY of California, Mr. DANIEL E. LUNGREN of California, Mr. HARPER, Mr. CLAY, Mr. MCHENRY, Mr. DUNCAN, Mr. TAYLOR, Mr. REHBERG, Mr. GUTHRIE, Mr. TERRY, Mr. BISHOP of Utah, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. HOEKSTRA, Mr. SHUSTER, Mr. PAULSEN, Mr. AKIN, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Ms. FALLIN, Mr. SKELTON, Mr. EHLERS, Mr. SULLIVAN, Mr. LATHAM, Mr. COFFMAN of Colorado, Mr. BARTLETT, Mr. TIBERI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. TURNER, Mrs. MCMORRIS RODGERS, Mr. FLEMING, and Mr. FLAKE.
H. Res. 700: Mr. MARSHALL.
H. Res. 704: Mr. RODRIGUEZ, Mr. TIAHRT, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. BONNER, and Ms. CHU.
H. Res. 727: Ms. LEE of California.
H. Res. 833: Mr. WAMP and Mr. MCMAHON.
H. Res. 847: Mr. SCALISE.
H. Res. 857: Mr. ROSKAM and Mr. CLEAVER.
H. Res. 861: Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. KLINE of Minnesota, Mr. ALEXANDER, and Mr. PLATTS.
H. Res. 870: Mr. CASTLE, Mr. BARRETT of South Carolina, Mr. MANZULLO, Mr. BURGESS, Mr. SCHOCK, Mr. THORNBERRY, Mr. THOMPSON of Pennsylvania, Mr. LOBIONDO, Mrs. MCMORRIS RODGERS, Mr. GERLACH, Mr. GUTHRIE, Mr. CALVERT, Mr. CAMP, and Mr. LANCE.
H. Res. 877: Mr. FATTAH, Mr. EDWARDS of Texas, Mr. LIPINSKI, Mr. YOUNG of Alaska, Mr. WEINER, Mr. KENNEDY, Mr. FOSTER, Mr. OLVER, Mr. COURTNEY, and Ms. ROS-LEHTINEN.

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.