

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 28, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means,
House of Representatives, Longworth House
Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: I am writing to you concerning the jurisdictional interest of the Committee on Education and Labor in H. Res. 1481, supporting the goals and ideals of "National Save for Retirement Week."

Our committee recognizes the importance of H. Res. 1481 and the need to move expeditiously. Therefore, while we have a valid claim to jurisdiction over portions of the resolution, I do not intend to request a referral. This, of course, is conditional on our mutual understanding that nothing in this resolution or my decision to forego a referral waives, reduces or otherwise affects the jurisdiction of the Committee on Education and Labor, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Congressional Record during consideration of this resolution by the House.

Thank you for your consideration in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 28, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor,
House of Representatives, Rayburn House
Office Building, Washington, DC.

DEAR GEORGE: Thank you for your recent letter regarding your committee's jurisdictional interest in H. Res. 1481, supporting the goals and ideals of "National Save for Retirement Week."

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation.

Sincerely,

SANDER M. LEVIN,
Chairman.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Pennsylvania for working with me on this resolution. This resolution calls attention to the importance of saving for retirement by designating October 17 through October 23, 2010, as National Save For Retirement Week.

With fewer and fewer employers offering traditional pension plans and with Social Security intended to provide only basic income support, saving for retirement is more important than ever before. The good news, however, is that the tax code offers any number of savings incentives that not only are intended to encourage Americans to save but also make it easier for them to do so.

For young workers, just putting away a little bit from each paycheck

through tax-deferred retirement savings accounts such as a 401(k) plan or an IRA can add up to a sizeable nest egg. While young workers may not start off with big paychecks, they at least have the benefit of time and compound interest on their side. Meanwhile, for older workers nearing retirement, the tax code can help by enabling these workers to make catch-up contributions.

With this resolution, it is my hope that we can make more Americans aware not just of the importance of saving for retirement but of the available tax incentives to do so. By taking advantage of these incentives and regularly putting away a little bit, Americans can better secure their retirement.

That's why Ms. SCHWARTZ and I have offered this resolution.

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

Ms. SCHWARTZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ) that the House suspend the rules and agree to the resolution, H. Res. 1481.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1240

CARBON MONOXIDE POISONING PREVENTION ACT

Mr. SARBANES. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1796) to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1796

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 "Carbon Monoxide Poisoning Prevention Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and the abnormal operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, in residential homes and other dwelling units kills more than 400 people each year and sends

more than 20,000 to hospital emergency rooms for treatment.

(3) Research shows that purchasing and installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(4) Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the Nation.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) The term "approved carbon monoxide alarm" means a carbon monoxide alarm that complies with the standards published, incorporated, or amended by the Commission with respect to such alarms pursuant to this Act.

(2) The term "carbon monoxide alarm" means a device that detects carbon monoxide and sounds a distinctive audible alert before concentrations of carbon monoxide reach levels that would cause symptoms of carbon monoxide poisoning.

(3) The term "Commission" means the Consumer Product Safety Commission.

(4) The term "dwelling unit" means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(5) The term "fire code enforcement officials" means officials of the fire safety code enforcement agency of a State or local government.

(6) The term "NFPA 720" means the Standard for the Installation of Carbon Monoxide Warning Equipment in Dwelling Units issued by the National Fire Protection Association in 2008, and any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY RULES.

(a) MANDATORY STANDARDS.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Commission shall publish in the Federal Register as mandatory consumer product safety standards the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL 2034) and the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL 2075). Such mandatory consumer product safety standards shall take effect 180 days after they are published.

(b) REVISION OF STANDARDS.—Beginning 1 year after the date of enactment of this Act, if either standard described in subsection (a) is revised through the applicable consensus standards development process, Underwriters Laboratories shall notify the Commission of the revision and the revision shall be incorporated in the consumer product safety rule unless, within 60 days of such notice, the Commission determines that such revision does not carry out the purposes of this Act and publishes the basis for such a determination in the Federal Register.

(c) RULEMAKING.—Notwithstanding any other provision of this Act, the Commission may, at any time subsequent to publication of the consumer product safety standards required by subsection (a), initiate a rulemaking in accordance with section 553 of title 5, United States Code, to amend either standard to include any provision that the Commission determines is reasonably necessary to ensure the safe and effective operation of carbon monoxide alarms.

(d) TREATMENT OF STANDARDS FOR PURPOSES OF ENFORCEMENT.—For purposes of enforcement under the Consumer Product Safety Act, the standards published by the Commission pursuant to subsection (a), including any revision to

such standards pursuant to subsection (b) or (c), shall be consumer product safety rules as defined in section 3(a)(6) of such Act (15 U.S.C. 2052(a)(6)).

SEC. 5. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Commission shall complete a study to evaluate whether requiring a language or languages in addition to English would improve the effectiveness of the label required of manufacturers of portable generators by the Commission under part 1407 of title 16, Code of Federal Regulations, to warn consumers of carbon monoxide hazards.

SEC. 6. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) *IN GENERAL.*—Subject to the availability of appropriations authorized by subsection (f), the Commission shall establish a grant program to provide assistance to eligible States and local governments to carry out the carbon monoxide poisoning prevention activities in subsection (d).

(b) *ELIGIBILITY.*—To be eligible for a grant under the program, a State or local government shall—

(1) demonstrate to the satisfaction of the Commission that a State or local government has adopted a statute, or a State or local government agency has adopted a rule, regulation, or similar measure with the force and effect of law, requiring approved carbon monoxide alarms to be installed in accordance with NFPA 720 in dwelling units; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require, which application may be filed on behalf of any qualified State or local government by the fire code enforcement officials for such State or local government.

(c) *GRANT AMOUNT; PRIORITY.*—The Commission shall determine the amount of the grants awarded under this section, and shall give priority to applications from States or local governments that—

(1) require approved carbon monoxide alarms to be installed in each existing dwelling unit—

(A) within which a fuel-burning appliance is installed, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel; or

(B) which has an attached garage;

(2) propose to serve vulnerable populations such as children, the elderly, or low-income households; and

(3) demonstrate greater than average losses of life from carbon monoxide poisoning in the home.

(d) *USE OF FUNDS.*—A State receiving a grant under this section may use grant funds—

(1) to purchase and install approved carbon monoxide alarms in the dwelling units of low-income families or elderly persons, facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers, or student dwelling units owned by public universities;

(2) to train State or local fire code enforcement officials in the proper enforcement of State or local laws concerning approved carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

(3) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this subsection; and

(4) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

(e) *LIMITATION ON USE OF FUNDS.*—

(1) *ADMINISTRATIVE COSTS.*—No more than 10 percent of any grant funds may be used to cover administrative costs not directly related to training described in paragraph (2) of subsection (d).

(2) *PUBLIC OUTREACH.*—No more than 25 percent of any grant may be used to cover costs of activities described in paragraph (4) of subsection (d).

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Commission \$2,000,000 for each of fiscal years 2011 through 2015 to carry out this Act, such sums to remain available until expended. Any amounts appropriated pursuant to this paragraph that remain unexpended and unobligated at the end of fiscal year 2015 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

(g) *COMMISSION REPORT.*—Not later than 1 year after the last day of each fiscal year for which grants are made under this section, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam 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 Maryland?

There was no objection.

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

I rise today in support of H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, sponsored by Representative JIM MATHESON of Utah.

Carbon monoxide poisoning kills more than 400 people each year and sends more than 20,000 people to hospital emergency rooms for treatment. Carbon monoxide can build up in your home in a furnace or some other fuel-burning appliance if it isn't functioning properly.

What makes this gas particularly dangerous is that you can't see it or smell it. At least with a fire, you can see the flames, smell the smoke, or feel the heat. With carbon monoxide, in many cases, all you start to feel is flu-like symptoms. You have no idea you are facing something even more dangerous.

But there is a simple and effective way to combat carbon monoxide poisoning: installing a carbon monoxide alarm in your home.

H.R. 1796 takes two important steps to promote the use of carbon monoxide alarms in homes and other places:

First, this legislation makes the voluntary industry standards for carbon monoxide alarms mandatory consumer product safety standards. This means these lifesaving devices will be required to meet these performance standards rather than allowing compli-

ance to just be voluntary. If we are going to encourage the use of a safety device, then we must be sure that it meets and will continue to meet industry performance standards. Putting in place mandatory standards means that if a carbon monoxide alarm doesn't meet the relevant performance standard, then it cannot be sold in the United States and it will be subject to action by the Consumer Product Safety Commission.

Secondly, this legislation authorizes a grant program to encourage States to adopt laws to expand the use of carbon monoxide alarms in all homes with fuel-burning appliances or attached garages. The authorization for their program is very modest, just \$2 million in each of fiscal years 2011 through 2015. The funds will help States and local governments with strong carbon monoxide alarm laws to carry out training for enforcement of those laws, educate the public about the dangers of carbon monoxide, and, most importantly, to purchase alarms for low-income and elderly households and other places serving vulnerable populations.

I want to thank my colleagues in the minority for working with us on this legislation. I want to salute my colleague, Representative MATHESON. I would also like to thank the industry and other stakeholders for offering their advice to help improve this legislation and for their support of this measure.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Speaker, I rise not really in opposition to H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act—in fact, parts of this legislation I am very much in favor of, particularly regarding the encouragement in the grant program to try to help people to know of what the gentleman from Maryland just said in regard to the danger of carbon monoxide, which is colorless and odorless. It causes far too many poisonings and, indeed, deaths. I think, 170 Americans each year. One would be too many, Madam Speaker.

I question, somewhat, the necessity of making the standards for the detectors going from a voluntary standard to a mandatory standard.

But in regard to encouraging widespread use of the detectors, not only in places of business but, absolutely, in a home setting where a lot of times you have got these generators because of a power outage or camping equipment that, you know, is misused or malfunctions and it leads to these tragedies that we are trying to avoid.

I absolutely commend my colleagues, and in particular my friend from Utah, JIM MATHESON, in bringing this bill forward. I was very supportive in the committee markup.

Madam Speaker, I would like to take the opportunity to relate the same story that I did in committee, a true

story, unfortunately. When I was growing up, my parents owned what you might refer to as a mom-and-pop motel, sort of like a Motel 6, except I think we had 25 units and we charged \$8 a night for one person and \$10 a night for two, but that was a family business.

For a number of years, Madam Speaker, we didn't have a home. My parents had an efficiency apartment in the office of the motel. Most of the time we would have vacancies, so my two brothers and I would spend the night in one of the motel rooms, and it would vary from night to night.

I was about, I guess, 13 years old, one weekend in unit 1. Unit number 1 was a unit with two double beds. It was a larger unit of our 25-unit motel, so we would always like to stay in unit number 1. On the weekend, a cold winter night, my brother was 14, I was 13, and his best friend was 14, and we stayed in unit number 1.

Well, the very next weekend, unit number 1 was rented, so we weren't able to stay there. I remember going to mass on Sunday morning. My dad was Methodist, my mom was a Catholic, and Mom took my two brothers and me to mass.

□ 1250

When we came back, unfortunately in the parking lot of that motel I saw what I had never seen before, a beige-brown hearse—in fact, two or three of them—in the parking lot of this motel.

Madam Speaker, what had happened is three soldiers that weekend stayed in unit No. 1; they were 18–19 years old. They had crossed the State line because you could drink beer in South Carolina when you were 18 years old, and you couldn't do it in Georgia, so we would get a lot of weekend business from the military. These young soldiers got asphyxiated that night with carbon monoxide poisoning. It was just such a devastating thing to my dad. It just about caused him to lose his mind, quite honestly, and his business, even though it wasn't his fault. It was a faulty heater that the way the wind was blowing that night, it blew the burnt fuel back into the room, and these three soldiers, young boys, God bless them, lost their lives that night.

So when Representative MATHESON brought this bill before the Energy and Commerce Committee, as you know, Madam Speaker, as also a committee member, man, it brought all of that back. It was 55 years ago that that happened, and it was just like it was yesterday.

So I commend the gentleman, I absolutely do. I have some concerns about changing from a voluntary standard to a mandatory standard; but this is good work, this is good legislation, and for that reason I am going to support it.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, our colleague from Georgia's story really puts a punctuation mark on why this legislation is so critical.

I am pleased to yield such time as he may consume to the sponsor of the legislation, Representative MATHESON from Utah.

Mr. MATHESON. Madam Speaker, I am pleased to rise to talk about this bill today.

This legislation, quite frankly, addresses an issue that has been growing in awareness, but it still requires attention in order to significantly reduce the number of easily preventable injuries and deaths caused by carbon monoxide poisoning in the United States.

Annually, over 500 people die from carbon monoxide poisoning and an additional 15,000 are hospitalized for carbon monoxide poisoning sickness. Unfortunately, many of these individuals are already at risk, the elderly and children.

In many cities and States, including my home State of Utah, local governments have really addressed this issue. They are at the forefront of an effort to pass legislation aimed at reducing carbon monoxide poisonings in homes, and I hope this legislation will expand those efforts.

The risks of this type of poisoning are real, yet the danger is poorly understood. Carbon monoxide poisonings are often misdiagnosed as stomach flu, and individuals can unknowingly spend hours inside homes which have dangerously high levels of carbon monoxide. Nearly all of these incidents could have been easily prevented with functioning carbon monoxide alarms. This legislation aims to cut down on those numbers while increasing awareness of the issues by taking three simple steps: number one, it codifies accepted scientific standards for carbon monoxide alarms into law; number two, it examines whether carbon monoxide warnings on portable generators should be expanded; and, number three, it establishes a grant program for States and local governments to provide carbon monoxide alarms and raise awareness of carbon monoxide poisoning.

Madam Speaker, I would also like to point out that this is a bill that has gone through a legislative process. We held hearings. And from the original bill that was introduced, the text has changed. That is what we are here to do as legislators is we try to work through things. And through the Energy and Commerce Committee, in bringing in witnesses to learn more about this issue, we have perfected this bill and made it better.

I really want to acknowledge the efforts of everyone on the Energy and Commerce Committee, in a bipartisan way, trying to address this issue as best we could. That is what we are supposed to do here in Congress. There is

a lot of bickering going on in Washington these days, but here's an example where folks actually sat down and rolled up their sleeves and tried to address an issue in a constructive way. So I want to acknowledge that effort on both sides of the aisle, and I encourage all my colleagues to support this bill.

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

Mr. SARBANES. Madam Speaker, again, we can't emphasize enough the importance of this legislation. You've heard recounted here the tragic stories of what happens when you don't have these kinds of mechanisms in place and you don't have the education to support people in terms of bringing this into their homes. And so I want to again congratulate Representative MATHESON for his efforts, thank my colleagues for the bipartisan support of this measure, and urge its passage today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1796, as amended.

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

A motion to reconsider was laid on the table.

HONORING DR. ROBERT M. CAMPBELL, JR.

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1499) honoring the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1499

Whereas Dr. Robert M. Campbell, Jr., is a pediatric orthopedic surgeon affiliated for many years with the University of Texas Health Science Center at San Antonio and now Director of the Thoracic Insufficiency Center at The Children's Hospital of Philadelphia;

Whereas Dr. Campbell has devoted his career to working with children suffering from congenital scoliosis, fused ribs, small chest, and missing ribs;

Whereas Dr. Campbell, working with other specialists, helped identify Thoracic Insufficiency Syndrome, which is associated with the rare conditions of congenital scoliosis, fused ribs, small chests, and missing ribs, and results in the inability of the thorax to support normal respiration or lung growth which is often fatal in children;

Whereas the life-saving medical devices often used in adult care of rib conditions are not designed or sized for the bodies of children suffering from Thoracic Insufficiency Syndrome or similar conditions;