REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 181, LILLY LEDBETTER FAIR PAY ACT OF 2009

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–5) on the resolution (H. Res. 87) providing for consideration of the Senate bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2045

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–6) on the resolution (H. Res. 88) providing for consideration of the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Mr. Speaker, I thought I would come to the House floor and talk a little bit about health care, because for better or for worse, this Congress is likely to be remembered for some time as the Congress that did tackle health care. And the question that's on everyone's mind is will we help or will we make things worse?

Now, 2 weeks ago Congress was sworn in for the 111th Congress, we took to the floor of the House and we passed, under what is called suspension of the rules, we passed an expansion of the State Children's Health Insurance Program. Now, passing under a suspension of the rules is a special case—usually that's reserved for noncontroversial items—but anyone who followed the activities of the 110th Congress knows that this bill was far from noncontroversial. In fact, it had several provisions that created a good deal of controversy in the fall of 2007 and on into the spring of 2008.

But we passed the bill under suspension of the rules because the Democratic leadership told us we didn't need to debate the bill any more because we had worked on it in the Congress before. But a lot of things were different in this bill, things we hadn't talked about in previous Congresses.

And, in fact, there are 54 new Members of Congress, that means that greater than 12 percent of the Congress is new this year. That means that between 30 and 40 million Americans did not have representation in Congress when that bill was discussed in the 110th Congress, and their representatives were effectively cut out of the process.

But when it comes to constructing a health care plan for America's children, I think it's important for us to do it right. Remember that the State Children's Health Insurance Program was started in 1997 by a then Republican Congress, it was authorized for 10 years. Everyone who was sworn in the last Congress knew that prior to September 30 of 2007 we would have to reauthorize the bill.

What did we do? We waited till the last minute, had a big fight, had to extend it. The President vetoed it, it came back, the veto was sustained, fought some more. Sent it back down to the President, he vetoed it, sent it back, the veto was again sustained. And then we reauthorized the continuation of the State Children's Health Insurance Program for 18 months, bringing us to the end of March of this year.

So, to their credit, the majority leadership, the Democratic leadership of the House did not wait till the last minute as they did 2 years ago, but they tackled it the first week of the session but, again, tackled it in an odd way. We didn't have a single hearing.

We didn't have what's called a markup in either subcommittee or full committee on the Committee of Energy and Commerce or the Committee on Ways and Means. A markup is where you go through a draft of the bill and see if there are any improvements that either side can make. We went through a 12½ hour markup last Thursday night on this so-called stimulus bill.

I am not sure we got a great amount of work done in that 12½ hours but, nevertheless, the minority and the majority, members on the committee who sit way down on the front who lack seniority were able to have their voices heard as this legislation worked its way through the committee, but not so with the State Children's Health Insurance Program. So I guess the question I would have, and this is my fourth term, perhaps I should be getting used to such things at this point, but I still find them odd.

If the Members on the Democratic side are so confident in their ability to legislate and so confident on the merits of their legislation, why seek to stifle the opposition? What are you afraid of? Bring the bill to committee. Let's have a hearing or two, let's have a markup. Let's bring it to the Rules Committee, let's bring it to the floor like we do with bills all the time.

What is the reason to hide behind a suspension of the rules of this very, very important legislation. And, again, I would stress, 54 Members of Congress here in the 111th Congress were not present in the last Congress. So it's all well and good to say, oh, it's old stuff, we have debated it before, we have worked it out before, it's just a rehash of something that has gone on previously. Even if that were true, and it's not, but even if it were true, Mr. Speaker, those 54 new Members didn't have an opportunity to weigh in one way or the other, and they may have had some good ideas.

That's why we have elections every 2 years. That's why there is turnover in this Congress, because new Americans sign up to offer themselves in service of their country. They go through the rigors of an election, they are elected. They come to this Congress, they are full of good ideas, why turn them out?

Why say ''no,'' what you are bringing to this Congress is unimportant because we talked about it last year. We talked about it the year before. You couldn't possibly have anything to add to this near-perfect bill that was vetoed twice by the previous President.

Well, lack of input into the bill has led to a number of problems in the current bill. The bill was passed by the House. It has gone over to the Senate. The Senate is taking it under consideration at some point. We will likely get it back, whether it's an identical bill to what we sent over there, or whether it will have to come back to a conference committee remains to be seen. But, nevertheless, the bill has gone from the House over to the Senate and awaits its fate over in the Senate.

One of the things that was most disappointing about this legislation, remember that this is the State Children's Health Insurance Program to enroll children of families who earn at or below 200 percent of the Federal poverty level. In round numbers, that's about families of four who earn around $41,000 to $42,000 a year. So those are the families, the children of those families are the ones that would be eligible for coverage.

But there are a number of children in those families that are eligible for coverage that are not covered, about 800,000. And wouldn't it be reasonable to take the steps to cover those children first before we expand coverage to children in higher income brackets. Many of us thought so 2 years ago, a year ago. Many of us still feel that way today, but this was a concept that was not allowed to be debated on the floor of the House.

Oddly, and I don't know that I have ever seen legislation quite crafted in this way, we picked the ending numbers, and then we weren't going to build the legislation around it. This