

Included in this agricultural industry are banana, guava, papaya, avocados, and wide range of tropical specialty fruits such as rambutan, lychee, and longan.

While the total acreage and the total number of farms increased in 2007, these growers are small farmers, averaging less than 5 acres per farm in production. These farmers have limited resources and do not have the means to conduct the R & D to support their industry. This funding provides means for stakeholder-driven research and development in support of the industry.

The main problems faced by Hawaii tropical fruit growers include pest management strategies, phytosanitary export protocols, and refined market information to guide production.

For example, two major Hawaii Tropical Specialty Fruits, rambutan and longan, are grown for export to the U.S. mainland but face stiff competition with foreign countries, such as from Thailand, where labor and other input costs are much lower. Research funds have been devoted to finding best management practices for post-harvest handling of rambutan and longan to identify the fungal diseases that damage fruit and accelerate spoilage during shipment. Research, done collaboratively with USDA Agricultural Research Service, has identified methods to extend rambutan and longan shelf-life and to maintain higher quality fruit during shipment, giving Hawaii growers a competitive advantage over cheap foreign competition.

Hawaii has an image of being a paradise. Hawaii is beautiful, but at the same time we are also very vulnerable to any downturn in the U.S. or international economies. Our biggest industry, tourism, has been hit hard by the recession. Our geographic isolation means that everything is more expensive, including inputs for agriculture.

My district, which includes all of Hawaii (7 inhabited islands) except for the city of Honolulu, is largely rural and most of our residents would like it to stay that way. We have a long agricultural tradition and history and are struggling to adjust to changing markets without the safety net that most states that grow program crops (like cotton, rice, and corn) enjoy. Despite the fact that Hawaii farmers are not able to take advantage of many of the programs that benefit mainland farmers, I have consistently supported farmers throughout the country and simply ask that my fellow members also support Hawaii's hard-working farmers.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010.

SPEECH OF

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes:

Mr. ETHERIDGE. Mr. Chair, I rise tonight in reluctant support of this legislation. While H.R.

2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 provides critical funding for the United States Department of Agriculture, including important initiatives that I helped put in the 2008 Farm Bill, it falls short for some rural Americans.

USDA funding is critical to our nation, and H.R. 2997 ensures USDA can continue its good work. This bill provides more than \$2.8 billion for rural development, 4 percent more than in 2009, for investments such as rural housing, water projects, community facilities and economic development efforts. These rural initiatives not only sustain our rural communities, but also create new opportunities for growth and development in our nation's small towns. At a time when our rural economies are suffering, this funding provides a desperately needed hand up, and a way to spur continued growth and maintenance for existing infrastructure.

To protect American agriculture, the safety of our nation's food supply, and to spur the continued research that makes our land grant universities the pinnacle of the world's agriculture research centers, the bill provides nearly \$1.2 billion for the Agricultural Research Service \$1.3 billion for important agricultural research at the National Institute for Food and Agriculture, and \$881 million to fund programs that protect American agriculture against animal and plant diseases. As the representative of the district that contains the main campus of North Carolina State University, one of our nation's finest land grant and agricultural research institutions, I am proud that the research funds within the bill will continue to allow these students and researchers to do their good work for American agriculture and the consumers who eat the healthy food American farmers produce, here at home and across the globe.

Conservation efforts were sadly diminished under the last Administration, but this bill provides \$980 million for conservation programs at USDA, 8 percent above the President's request and 1 percent above 2009. Funding provided in H.R. 2997 for the Natural Resources Conservation Service will improve service in the field, and deliver conservation to protect the environment. The bill rejects \$267 million in proposed cuts to farm bill conservation priorities, including the Wetlands Reserve Program, Farmland Protection Program, and Wildlife Habitat Incentives Program. These initiatives ensure that our children inherit the legacy of a clean environment and a healthy rural America. They deserve no less than what we enjoyed growing up.

To help the most needy in our society, H.R. 2997 provides more than \$7.5 billion to provide proper nutrition to mothers and their children, supporting healthy food for up to an additional 700,000 women, infants, and children. The funds provided in this bill will help bring needed WIC assistance to more than ten million people. It also sets aside \$125 million for the upcoming WIC reauthorization, including a number of program improvements such as increasing fruit and vegetable vouchers, implementing the electronic benefit transfer system, and expanding the breast feeding peer counseling program.

There are many good things in this bill. But while the bill provides basic support for our nation's farmers, it leaves out some of the farmers most in need and may harm many of our livestock and poultry producers.

Mr. Chair, the people who live in my district are suffering. With double digit unemployment in every county in my district, we are experiencing some of the worst economic conditions in the nation. My farmers are suffering as well. I have poultry growers and livestock producers who are on the verge of losing their homes. This bill should include Section 32 funding, that I requested, for economic disaster assistance for these producers, producers who work hard to raise thousands of birds for our family tables but are not eligible for any traditional assistance at USDA. This provision would have helped nearly a thousand poultry producers in a dozen states who have lost their contracts. These folks have nowhere else to turn for a bridge that will allow them to keep their farms. When we are giving bailouts to Wall Street and the auto industry, we owe it to rural America to lend a hand to those who reside on Main Street. But, unfortunately, the committee did not include this provision.

I am also concerned about a provision put into this bill that extends a ban on imports of processed poultry meat from China. This is already threatening to hurt not only U.S. poultry producers, but also pork and beef producers who depend on the Chinese market. While I share Chairwoman DELAURO's desire to make sure that our food is safe, arbitrary restrictions do not forward our goals. Congress should rely on the food safety efforts of USDA and FDA, and insist on continued oversight of these agencies. We must work to improve Chinese food safety in a manner that protects U.S. consumers, but that is also consistent with our international obligations on fair trade. Singling out our largest trading partner may lead to retaliation that would threaten an already suffering industry. It is my hope that this provision will be removed from the bill during conference.

Mr. Chair, I will vote for H.R. 2997, and I urge my colleagues to do the same. But I also urge those in Leadership, and the Chair of this committee, to think of North Carolina's poultry farmers, and livestock producers across the country, as this bill goes to conference. I hope to work together in the future to ensure that future legislation is more inclusive of all of our farmers and people in need.

PERSONAL EXPLANATION

**HON. BRAD ELLSWORTH**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. ELLSWORTH. Madam Speaker, on Tuesday, July 7, 2009, I missed rollcall votes Nos. 478 and 479 and on Wednesday, July 8, 2009, I missed rollcall votes Nos. 480, 481, 482, 483, 484, and 488. I missed these rollcall votes due to having the flu.

Had I been present for rollcall 478, on motion to suspend the rules and agree to H. Con. Res. 135, I would have voted "aye."

Had I been present for rollcall 479, on motion to suspend the rules and pass H.R. 1129, I would have voted "aye."

Had I been present for rollcall 480, on agreeing to the resolution H. Res. 610 providing for consideration of H.R. 2965, I would have voted "aye."

Had I been present for rollcall 481, on motion to suspend the rules and pass, as amended H.R. 1278, I would have voted "aye."

Had I been present for rollcall 482, on motion to suspend the rules and pass H.R. 1945, I would have voted "aye."

Had I been present for rollcall 483, on agreeing to the Kosmas Amendment to H.R. 2965, I would have voted "aye."

Had I been present for rollcall 484, on agreeing to the Amendment in the Nature of a Substitute to H.R. 2965, I would have voted "aye."

Had I been present for rollcall 488, on motion to adjourn, I would have voted "no."

INTRODUCTION OF THE  
FOREWARN ACT (H.R. 3042)

**HON. JOHN M. MCHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MCHUGH. Madam Speaker, I rise today regarding the Forewarn Act (H.R. 3042), which was introduced on June 25, 2009, in an effort to help American workers by updating and improving the Worker Adjustment and Retraining Notification (WARN) Act (P.L. 100-379). I am pleased to have had the opportunity to work with the Gentleman from California, Mr. MILLER, the Chairman of the House Committee on Education and Labor, to craft this important legislation.

Congress enacted the WARN Act over two decades ago in August 1988 in an effort to help American workers better prepare for, and overcome the difficulties resulting from the loss of a job due to a mass layoff or plant closure. Specifically, through the WARN Act, Congress required that employers give workers 60 days advance notice of mass-layoffs to facilitate their efforts to find a new job, obtain retraining, or otherwise prepare for the significant consequences of lost employment. Simultaneously, to maximize the assistance provided to workers under such difficult circumstances, Congress also required the same 60-day notice be provided to state dislocated worker entities and the chief elected official of the pertinent local government.

Last Congress, I was prompted to closely review the WARN Act and its requirements in the wake of a decision by the General Motors (GM) Corporation to phase out 500 jobs and close its Powertrain facility in Massena, New York, which I represent. As a result of this examination, on September 25, 2007, I introduced the Forewarn Act of 2007 (H.R. 3662) to strengthen the WARN Act by expanding its scope and increasing its notice requirements to 90 days. Additionally, H.R. 3662 sought to enhance compliance by increasing the back pay penalty, clarifying that the notice period should be determined by the use of "calendar" rather than "business" days, and giving the Secretary of Labor or appropriate state attorney general the ability to enforce the law. I was later pleased to vote for similar provisions when the House considered the Trade and Globalization Assistance Act of 2007 (H.R. 3920) authored by Mr. MILLER to reauthorize the Trade Adjustment Assistance Act. Unfortunately, H.R. 3920 did not become law before the conclusion of the 110th Congress.

Since that time, economic circumstances have reinforced the need to modernize and expand the WARN Act. From December 2007 through May 2009, seven million Americans

have become unemployed and in the 11 counties encompassed by New York's 23rd Congressional District, over 34,000 people are without work. Moreover, during that timeframe, there have been 37,059 mass layoffs across the nation involving over 3.8 million workers. In the face of such circumstances, it is incumbent upon Congress to ensure that American workers have as much notice as practicable and that the law providing such notice and associated rights is understandable and enforceable.

Thus, as the Gentleman from California and I reviewed the WARN Act, one of our goals was to clarify provisions that had caused confusion and resulted in litigation. For example, the question of whether the notice period required under the Act was to be determined by counting "calendar" days or "business" days has long been litigated. In our recently introduced bill (H.R. 3042), we seek to clarify that "calendar" days are indeed to be used when calculating the notice period. Likewise, there has been confusion as to whether or not an employer's "good faith" could be used as a complete defense to liability under the Act. When Congress enacted the WARN Act, it clearly intended that an employer's good faith should only be used by a court to reduce the damages owed—not to entirely eliminate liability—and we have sought to reinforce Congress' original intent through Section 2(c)(3) of this proposal.

As in the legislation (H.R. 3920) passed by the House in the 110th Congress, the current Forewarn Act (H.R. 3042) would require employers to give 90 days, rather than 60 days, notice of mass-layoffs and plant closures to employees. However, H.R. 3042 would expand the bill's reach to those employers who have 75 or more employees, including those who are new or part-time, and lower the threshold number of affected employees from 50 to 25 employees. In addition, our measure would require employers to give notice to the Governor of the pertinent state, as well as to the U.S. Secretary of Labor, who in turn would be required to give notice to the appropriate Senators and Members of the House of Representatives.

To better ensure compliance, as H.R. 3662 and H.R. 3920 would have done last Congress, the current Forewarn Act (H.R. 3042) would increase the remedies available to employees in instances where proper notice was not given. For example, employees could receive damages in the amount of double back pay for each calendar day they were not provided with the requisite notice and the Secretary of Labor could initiate an enforcement action on their behalf. The bill (H.R. 3042) would make clear that the appropriate statute of limitations is two years and provide further protections to workers by precluding waivers of their rights under the law unless they were made by the Secretary of Labor, an attorney general, or with the assistance of counsel. We have also clarified that parent companies are ultimately responsible for the actions or inactions of their subsidiaries.

Finally, to increase assistance to workers, our bill (H.R. 3042) requires employers to post notices regarding worker rights under the WARN Act and to permit on-site access to rapid response teams. Likewise, it requires the Secretary of Labor to prepare a guide of benefits and services that may be available to unemployed workers.

Madam Speaker, as Congress continues its efforts to address our nation's current economic circumstances, it should favorably consider the Forewarn Act.

ANNIVERSARY OF THE IMPRISONMENT OF THE SEVEN-MEMBER NATIONAL COMMITTEE OF THE IRANIAN BAHÁ'IS

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WOLF. Madam Speaker, May 14 marked the one-year anniversary of the imprisonment of the seven-member national committee of the Iranian Baha'is. They have been unjustly held for over a year without formal charges or access to their attorneys.

According to The New York Times, the seven Baha'is are scheduled to face trial this Saturday, July 11.

They will reportedly be charged with "espionage for Israel," a crime which is punishable by death.

The United States Commission on International Religious Freedom recently released their 2009 report which recommends that the State Department designate Iran a country of particular concern due to its gross violations of religious freedom.

Such violations include the execution of over 200 Baha'i leaders since 1979, the desecration of Baha'i cemeteries and places of worship and the violent arrest and harassment of members of the Baha'i faith.

As the administration seeks diplomatic engagement with Iran, I urge them to make human rights and religious freedom, including the persecuted Baha'is, an integral part of the dialogue.

Human dignity and freedom must not be relegated to the sidelines.

EXPRESSING APPRECIATION FOR  
KELLY HOLMES' SERVICE TO  
WEST TENNESSEE

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. TANNER. Madam Speaker, I rise today to honor Kelly Holmes, a long-time public servant who retired June 30 after many years as Madison County Fire Chief alongside his wife Willadene. Under Chief Homes' leadership, the Madison County Fire Department grew from a volunteer force with Army surplus equipment to 16 stations with 162 firefighters.

Kelly Holmes is a native of Bemis, Tennessee, and was raised in Madison County, which I am honored to represent in this chamber. After serving in the United States Army during the Korean War, Kelly returned home in 1955 to work at Consolidated Aluminum Corporation, where he worked for more than 20 years.

During that time, in 1958, Kelly helped organize the all-volunteer Madison County Fire Department to help protect our community. The following year, he was promoted to the rank of Captain, and in 1963 assumed the role of Fire