

speech he gave in Toronto, the event that you organized, Maude, last month, shortly before the G20 meetings. He outlined the need to support a UN declaration on the human right to water, referencing the long struggle for water rights in Bolivia, which successfully fought against Bechtel's water privatization efforts ten years ago.

Pablo Solon: In those days, I was a water warrior. Now I'm a water warrior ambassador. We have to have water declared as a human right in the UN. It is not possible to see that we have declared in the UN food, the right to food, the right to health, the right to education, the right to shelter, the right to development, but not the right to water. And we all know that without water, we can't live. So nobody can argue that it's not a basic and fundamental and universal human right. But even though, until now, it's not recognized as a human right. So, we have presented, two weeks ago, a draft resolution so that this coming month, in July, we expect to have a vote in the General Assembly of the United Nations. And we want to see which countries are going to vote against that resolution. We want to go to vote to see which governments are going to say to the humanity that water is not a human right.

Amy Goodman: That was Bolivia's ambassador to the United Nations, Pablo Solon, speaking in Toronto. Which nations are not going to say that water is a human right? Well, you said the United States didn't vote for this. Canada didn't, though they didn't vote against. What is their rationale?

Maude Barlow: Well, it depends on the country. The United Kingdom says they "don't want to pay for the toilets in Africa." That's a direct quote from somebody who wouldn't be quoted, from a senior diplomat in the government of Great Britain, that was in—quoted in a Canadian paper.

Canada hides behind the false statement that we might have to share our water, sell our water to the United States, which is nonsense. We're in way more danger from NAFTA, which declares water to be a commodity.

The United States, as you know, has not been supporting rights regimes for decades now, so this is just a continuation. And I have to tell you, listening to the statement from the United States yesterday at the United Nations, I wouldn't have thought there was any difference between George Bush and Barack Obama's administrations. It was haughty language. They scolded Bolivia. Bolivia came under a lot of heat, a lot of insults yesterday from these countries.

New Zealand and Australia are both going private. Australia has privatized its water totally, and basically it's now for sale. And there's a big American investment firm that's actually buying up water rights. It was supposed to be, originally, just to get the farmers of the big farm conglomerates to share, to trade, but now it's all gone private and international, so they're hardly going to support something that says that water, you know, is a human right, when they've commodified it and said it's a market commodity.

So, really, what you're seeing is a split between those countries that see water as a public trust, although that wasn't in the language of the legislation, but that see water as a public trust and a human right and that should belong to all, as opposed to those who are going to move to a market model. And I think that's the truth behind what happened.

And it's very important for you to know that they did not allow the inclusion of the words "access to," and that was one of the demands. I think some of those countries would have said yes to something that said "access to." And it's very important. It's not

semantic, because if you say you have access to it, then all the country—all the government has to do is provide you access. Then they can charge you, or they can have a private company come in and deliver it and charge you. And if you can't afford it, they provided you access, it's not their fault if you can't pay it. So it's very important that Bolivia and the other sponsoring countries held on to the language of the human right to drinking water and sanitation. They wouldn't drop sanitation. They wouldn't add the words "access to." And those were the sticking points.

Juan Gonzalez: And in practical terms, what will be the impact of this resolution on those efforts to continue to commodify or privatize water supplies in countries around the world, especially in the third world?

Maude Barlow: It's a fight we're in. You know, I'm not going to say that suddenly everything is going to be fine tomorrow or today, today being the day after the vote, that anybody woke up in a different situation today, anybody had more water today than they did yesterday, or more access to sanitation.

What it is is a moral statement, a guiding principle, of the countries of the world—and basically the UN is the closest thing we have to a global parliament—that they have taken a step in a direction of saying that water is a human right and a public trust and that no one should be dying for lack of water, and they shouldn't have to watch their children die a horrible death for lack of water because they cannot pay. And that was a statement that has taken us years and years to get the UN—they hadn't even debated the water issue. They hadn't even debated it in the past. They've done all this work on climate and absolutely no work on water. So it was a huge step forward to establishing some principles that we need if we are to avoid the crisis that I honestly see coming, that I think is going to be worse than anybody can imagine, in terms of the suffering.

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.)

#### THANKING LINCOLN DIAZ-BALART FOR HIS SERVICE IN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to honor a great public servant and a dear friend, Congressman LINCOLN DIAZ-BALART, who, after 17 years of distinguished service to our south Florida community here in Congress, is retiring. The House of Representatives is indeed losing a great man and a dedicated leader.

LINCOLN DIAZ-BALART has left a legacy that is extensive and worthy of praise. He has led a life guided by his principles, and he has not wavered in his convictions; convictions based on his love for this great country and the freedom that it embodies.

LINCOLN's story is truly an American story. Having fled the Castro regime

with his family, he became a fierce and staunch defender for human rights and the rule of law throughout the world. He became a voice for those whose own voices are silenced by repressive governments.

His commitment to public service is a testament to not only his character, but to the valuable lessons that he learned from his father, Rafael Diaz-Balart. The courage that Rafael demonstrated as he fought against Castro's totalitarian tactics left a profound impact on his son LINCOLN. It instilled in LINCOLN a sense of duty and a fierce urgency to help others.

From the beginning of his life in public service, LINCOLN devoted himself to aiding those less fortunate. Early in his career, he used his expertise as an attorney to assist south Florida's most vulnerable by providing free legal services to the poor. He also served as an assistant State attorney in Miami-Dade County.

LINCOLN began his career in politics by being elected to the Florida House of Representatives in 1986 and later to the Florida Senate in 1989. And then, in 1992, he was elected to our body, the U.S. House of Representatives.

I have enjoyed working with LINCOLN as we have tackled the issues that have been of vital importance to our south Florida communities.

And two of his proudest moments, Madam Speaker, were the passage of the Helms-Burton Act and the Nicaraguan Adjustment and Central American Relief Act, both of which he helped author. The Helms-Burton Act strengthened and codified into law the embargo against the Castro dictatorship. And the Nicaraguan Adjustment and Central American Relief Act granted temporary protected status to hundreds and hundreds of refugees who were fleeing repressive governments in Central America.

Another proud moment came in 1997, when LINCOLN helped secure legislation that extended SSI benefits to so many legal immigrant families.

□ 1910

LINCOLN has also been a tireless advocate for providing Hispanic youth the resources necessary to compete in a global economy.

Recognizing that the Hispanic community has and will continue to contribute much to our great Nation, LINCOLN helped create the Congressional Hispanic Leadership Institute, CHLI, a nonprofit, nonpartisan organization that provides Hispanic youth with the opportunities to interact with leaders in the public and private sectors. Its Global Leaders Congressional Internship Program has helped hundreds of Hispanic students expand their professional horizons and enhance their understanding of governments and businesses.

LINCOLN will be missed in Congress, but I know that south Florida will continue to count him as a leader. He will soon begin to work closely with the

group Rosa Blanca, or White Rose. This organization was formed by his father, Rafael, in order to counter the totalitarian and collectivism objectives of the Castro regime.

As LINCOLN begins this new stage in his professional and personal life, I know that our entire south Florida community, as well as my esteemed colleagues in the Congress, wish him and his family, his dear wife Cristina, and his sons, Danny and L.G., nothing but the best. Godspeed, my friend.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### AFFORDABLE CARE ACT

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

Mr. COURTNEY. Madam Speaker, yesterday Virginia District Court Judge Henry Hudson's decision striking down one provision of the Affordable Care Act has generated a lot of noise in the last 24 hours.

Opponents of health care reform are celebrating as if the whole law was struck down, even though Judge Hudson refused the Commonwealth of Virginia's request to strike down the entire law and Judge Hudson refused the Commonwealth of Virginia's request to stop implementation of the health care bill which has been proceeding since last March.

Thank goodness the judge had enough common sense not to stop the health care bill's important protections for families and patients that have been implemented since last March, such as age 26 dependent coverage which employers all across America have been implementing since last July, giving families the opportunity to keep children covered on their family's health insurance plan up to age 26; such as protections like the elimination of insurance company rescissions of coverage, the practice of denying claims after the fact, many times after patients have had surgery or have had treatment; such as the \$250 payments, which seniors who fell into the part D doughnut hole received in 2010; such as the 50 percent discount for brand-name medications, which seniors in the doughnut hole will start to receive starting on January 1; such as the new Medicare coverage for annual checkups, cancer screenings, smoking cessation, vaccinations for flu, which the new health care bill will provide starting on January 1; such as the early retiree reinsurance program, which employers all across the country, private employers as well as public employers, are using to stabilize age 55 and up retirement health benefits, in-

cluding 96 plans just in the Commonwealth of Virginia alone.

For all the crowing and boasting by opponents of health care reform, there was less there than meets the eye. But there is no doubt that the judge did strike down an important part of the bill, namely, the shared responsibility provision, the requirement that nearly all Americans carry health insurance, a provision which two other district court judges, one in Virginia and one in Michigan, upheld as a proper exercise of Congress' power to regulate interstate commerce.

Judge Hudson ruled that this provision doesn't "fit within the letter or spirit of the Constitution." Well, Madam Speaker, there is a long, long history of Supreme Court cases which have held exactly the opposite of what Judge Hudson wrote.

Indeed, Antonin Scalia, the leader of conservative forces on the U.S. Supreme Court, himself, wrote that Congress has the authority to enact a regulation of interstate commerce, and it possesses every power needed to make that regulation effective.

Using Justice Scalia's interpretation of the commerce clause, it is clear that this bill's provision to eliminate preexisting condition exclusion, the practice by insurance companies for denying coverage for people with cancer, high blood pressure, diabetes, chronic conditions, which require a pooling mechanism which the shared responsibility requirement was designed to accomplish, clearly fits within Justice Scalia's definition of the commerce clause. In fact, we know this from real-life experience.

Seven States tried to enact a guaranteed issuance law requiring insurance companies to insure all people regardless of preexisting conditions, and what happened was that rates went through the roof. Only one State was able to implement a prohibition on preexisting condition exclusions, that was the State of Massachusetts, which was coupled with a shared responsibility mechanism. And, as a result, insurance premiums fell in the individual market by 42 percent.

The impact on interstate commerce in terms of what is happening in the health insurance market could not be clearer. In fact, the trade organization representing America's health insurance industry back in 2008, after the election, made it clear that a shared responsibility mandate requirement is essential to actually executing and performing real reform in the insurance market. Allowing people to enter the market and exit the market when they get sick and when they get better is like insuring a burning building. And the fact of the matter is that the judge's decision, despite the fact that conservative judges like Antonin Scalia have recognized Congress' ability to regulate interstate commerce, which the health insurance industry clearly falls under, would allow for the Congress to set up the real mechanism

to make sure that its goal of eliminating preexisting conditions can actually take place. And the health insurance industry knows over the last 5 years the collapse that has been occurring within the marketplace because of rising premiums.

I come from the State of Connecticut. We have Aetna, we have CIGNA, we have United Health Care. These are the largest plans in the country that are selling to employers, and they have seen the percentage of their coverage across America decline, not since the passage of the health care bill, but going back to 2005. And this measure is designed, in fact, really just to stabilize that private health insurance market.

Madam Speaker, in a few short weeks, new Members of Congress are going to be sworn into office. They are going to be given a PIN that gets them into the building, they are going to be given a voting card, and they are also going to be given an opportunity to enroll in the Federal Employee Health Benefit plan, a purchasing exchange which Members of Congress can participate in, get a nice comprehensive package of benefits, taxpayer subsidies, affordable rates. And on page 29 of this booklet, it makes it very clear that preexisting conditions will not be imposed against them.

The people of this country deserve the same type of coverage. And it is my hope, as the appellate courts review that decision yesterday, that they will uphold the Affordable Care Act's provision to stabilize the private health insurance market.

[Press Release, Nov. 19, 2008]

#### HEALTH PLANS PROPOSE GUARANTEED COVERAGE FOR PRE-EXISTING CONDITIONS AND INDIVIDUAL COVERAGE MANDATE

WASHINGTON, DC.—Health plans today proposed guaranteed coverage for people with pre-existing medical conditions in conjunction with an enforceable individual coverage mandate.

Under the new proposal, health plans participating in the individual health insurance market would be required to offer coverage to all applicants as part of a universal participation plan in which all individuals were required to maintain health insurance.

Health plans also said that premium support for moderate-income individuals and broad spreading of risk was necessary to promote affordability and maintain premium stability in the individual health insurance market.

To ensure that all Americans can access coverage, health plans also reiterated their long-standing support for making eligible for Medicaid every uninsured American living in poverty and strengthening the Children's Health Insurance Program.

"No one should fall through the cracks of our health care system," said Karen Ignagni, President and CEO of America's Health Insurance Plans (AHIP). "Universal coverage is within reach and can be achieved by building on the current system."

The announcement follows a nationwide listening tour conducted by AHIP as part of its Campaign for an American Solution. Concerns about coverage for pre-existing conditions, continuity of coverage for those between jobs and maintaining affordability for those with insurance were raised repeatedly across the country.