

THE SENIORS' HEALTH CARE  
FREEDOM ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2009*

Mr. PAUL. Madam Speaker, I rise to introduce the Seniors' Health Care Freedom Act. This act protects seniors' fundamental right to make their own health care decisions by repealing federal laws that interfere with seniors' ability to form private contracts for medical services. This bill also repeals laws which force seniors into the Medicare program against their will. When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, the Balanced Budget Act of 1997 prohibits any physician who forms a private contract with a senior from filing any Medicare reimbursement claims for two years. As a practical matter, this means that seniors cannot form private contracts for health care services.

Seniors may wish to use their own resources to pay for procedures or treatments not covered by Medicare, or to simply avoid the bureaucracy and uncertainty that comes when seniors must wait for the judgment of a Center from Medicare and Medicaid Services (CMS) bureaucrat before finding out if a desired treatment is covered.

Seniors' right to control their own health care is also being denied due to the Social Security Administration's refusal to give seniors who object to enrolling Medicare Part A Social Security benefits. This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join an additional government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits or to use his own resources to obtain health care.

Forcing seniors into government programs and restricting their ability to seek medical care free from government interference infringes on the freedom of seniors to control their own resources and make their own health care decisions. A woman who was forced into Medicare against her wishes summed it up best in a letter to my office, "... I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the right of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Seniors' Health Care Freedom Act.

THE CREATING OPPORTUNITIES  
TO MOTIVATE MASS-TRANSIT  
UTILIZATION TO ENCOURAGE  
RIDERSHIP

**HON. MARK STEVEN KIRK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2009*

Mr. KIRK. Madam Speaker, as our economy continues to struggle, an immediate and cost-effective way to offer relief to consumers is to provide incentives for mass transit use. According to a study published by the American Public Transportation Association (APTA), public transportation use in the U.S. saves an annual 1.4 billion gallons of gasoline. Factoring in the current average gasoline price of \$1.65 per gallon, public transit saves consumers more than \$2 billion in gas costs per year.

Greenhouse gas emissions from motor vehicles also pose a severe threat to our environment, as emissions from our transportation sector account for nearly a third of all U.S. emissions. Public transit, however, reduces CO2 emissions by 37 million metric tons annually. This is equivalent to the electricity used by nearly five million homes. If we want to get serious about emissions reductions, we must get serious about investing in public transit.

Current law allows businesses, governments, non-profits and employees to purchase tax-free transit benefits. However, there is no tax incentive for employers to directly subsidize their workers' transportation costs. The bipartisan Creating Opportunities to Motivate Mass-transit Utilization To Encourage Ridership (COMMUTER) Act of 2008 offers employers a 50 percent tax credit for all transit benefits provided to employees, up to \$115 per employee per month. Under the COMMUTER Act, employees could receive up to \$1,380 in free mass transit funds each year, with the employer receiving \$690 in tax credits per employee. As family budgets continue to tighten, an extra \$1,400 to \$2,800 could help ease the burdens of health care and education or help bolster retirement savings.

A study recently conducted by BusinessWeek Research Services estimates that 53 percent of employees in Chicago, San Francisco and New York would take public transportation if their employer provided access to current transit benefits. Out of the respondents, 60 percent said their company does not provide tax-free commuter benefits.

I believe we must work to provide long-term solutions to our energy crisis, such as passing long-term tax incentives for research and development of renewable and alternative energy, fuels and vehicles; eliminating the so-called boutique fuels and offering the nation one clean burning fuel; financing energy development projects in China, central Asia and the Gulf to meet Chinese energy needs apart from oil; and increasing fuel economy standards.

But our economy, environment and national security cannot wait ten, twenty or thirty years for the entire restructuring of our energy policy—we need to take action now. I am proud to offer the COMMUTER Act with Representatives DAN LIPINSKI (D-IL) JUDY BIGGERT (R-IL) and PETER ROSKAM (R-IL) and to help provide that immediate relief. I hope Congress will act swiftly and in a bipartisan manner to pass this important legislation.

RECOGNIZING TEKLA HAMPUS OF  
SPRING HILL, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Tekla Hampus of Hernando County, Florida. Tekla has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 102nd birthday.

Tekla Hampus was born September 24, 1906 in Stockholm, Sweden. After she finished school in Stockholm, Tekla married but was widowed in 1979. She and her husband had two children, one of whom is now deceased. Tekla is proud of her one grandchild, two great-grandchildren and three great-great grandchildren.

As someone who has lived for more than a century, Tekla is proudest of the births of her children and grandchildren. She has many fond memories of family outings with her parents and their picnics together back home in Europe.

Following her move to Hernando County in 1968 to be closer to her children, Tekla today gets pleasure from visits with her son and enjoys the cost of living in Hernando County.

Madam Speaker, I ask that you join me in honoring Tekla Hampus for reaching her 102nd birthday. I hope we all have the good fortune to live as long as her.

TRIBUTE TO NANCY RUSSELL

**HON. DAVID WU**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2009*

Mr. WU. Madam Speaker, I rise today to remember a courageous and pioneering Oregonian who we lost on September 19, 2008, Nancy Russell. Her love of the outdoors and of Oregon history led her to co-found an organization that assisted in obtaining Federal protection for the Columbia River Gorge—"Friends of the Columbia River Gorge."

Madam Speaker, and my fellow colleagues, if you have never seen the Columbia River Gorge, let me explain to you: It is Oregon's Grand Canyon, our Yellowstone, the crown jewel of Oregon's natural heritage, a spectacular and unique 80-mile-long, 4,000-feet-deep sea level cut through the Cascade Mountain Range. The Gorge is home to more than 800 species of wildflowers, six endangered and threatened animal species, and more than 40 other sensitive species.

As a self-taught wildflower expert, Nancy shared her love of wildflowers by developing the Wildflower Walkers program for the Portland Garden Club, which helped others understand and love the Gorge the way Nancy did.

In the late 1970s, development in the Portland area was threatening to spill into the Gorge, and a group of prominent conservationists recruited Nancy to lead the effort for Federal protection. In the face of pressure from opponents of scenic area designation, and even bumper stickers that read "Save the Gorge from Nancy Russell," she and her fellow supporters persevered in 1986, when

President Reagan signed into law the Columbia River Gorge National Scenic Area Act. This act, quite notably, was the only stand-alone environmental legislation passed during the Reagan administration, and was the first such designation.

After a tremendous accomplishment such as this, most people would claim victory and rest on their laurels. However, Nancy proved tireless and continued to pursue further Gorge protection. She successfully advocated for the purchase of 40,000 acres that were passed into public ownership, and personally purchased more than 30 properties to ensure their protection from development.

Sadly, in 2004 she was diagnosed with ALS, also known as Lou Gehrig's Disease, but like any true champion, her dedication did not fade. Nancy made one final trip to the Gorge in August with close friends. I am sure that she was thinking that no matter how much you do in your lifetime you always want it to carry on for others to learn from and enjoy.

Madam Speaker, the Columbia River Gorge continues to see threats from unwanted development, but I know that the organization she founded, and the strength and spirit that Nancy Russell left us all with is the strength and spirit to not budge an inch on our commitment to the protection of the crown jewel of Oregon's natural heritage. That commitment is what I want to commemorate today, Madam Speaker, and that commitment is what I will continue to draw strength from in my fight to protect the Columbia River Gorge.

#### INTRODUCING HAITIAN PROTECTION ACT OF 2009

**HON. ALCEE L. HASTINGS**  
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Haitian Protection Act of 2009. This important piece of legislation would designate Haitian nationals as eligible for Temporary Protected Status (TPS).

The creation of TPS was intended to serve as the statutory embodiment of safe haven for those who are fleeing—or reluctant to return to—a potentially dangerous situation in their country of origin.

According to section 244(A) of the Immigration and Nationality Act of 1990, TPS may be granted when: there is ongoing armed conflict posing a serious threat to personal safety; it is requested by a foreign state that temporarily cannot handle the return of nationals due to environmental disaster; or extraordinary and temporary conditions in a foreign state exist which prevent aliens from returning.

Haiti has continued to meet all three of these requirements, and yet, not once have Haitian nationals been granted TPS.

Last year, I, along with several of my colleagues, wrote on several occasions to the Department of Homeland Security (DHS) and the President of the United States urging them to grant Haiti TPS.

Sadly, just today, the Miami Herald reported that Homeland Security Secretary Michael Chertoff recently wrote to Haitian President René Préval formally denying his request for TPS. In his letter, Secretary Chertoff stated that "After very careful consideration, I have

concluded that Haiti does not currently warrant a TPS designation."

Madam Speaker, this response came as an utter shock. This past summer, only a few months after deadly food riots led to the removal of the country's Prime Minister, Haiti was ravaged by four back-to-back natural disasters. Thousands lost their homes, many were left starving and isolated from humanitarian assistance, nearly 800 lives were taken, and as of last month, over 300 people remain missing.

Though recovery efforts have slowly commenced, much of Haiti remains in a state of destruction. Up to 40,000 people are in shelters, and severe malnutrition concerns have arisen throughout rural areas.

How dire must the situation in Haiti become before the United States is willing to extend this helping hand to Haiti as it has done for other nations under similar circumstances?

The Haitian government's ability to provide basic governmental services—clean water, education, passable roads and basic healthcare—remains severely compromised by these natural disasters. Repatriating Haitians at this time imposes an additional burden on government resources that are already stretched too thin and poses a serious danger to deportees' personal safety.

Concerning stability and overall safety, Haiti is still in dire need of an adequate policing force to maintain order and halt the escalation in kidnappings that are plaguing the nation.

As of April 2008, the Department of State's current travel warning advises Americans that current conditions in Haiti make it unsafe to travel due to the potential for looting, the possibility of random violent crime, and the serious threat of kidnapping for ransom.

Madam Speaker, if it is unsafe for our citizens to travel to Haiti, then those same conditions should make it much too dangerous and inappropriate to forcibly repatriate Haitians at this time. It is unfortunate and appalling that our current immigration policies hold such harmful double standards.

I want to make it very clear that I acknowledge and heartily congratulate Haiti's efforts toward recovery and to a stable democratic government. However, President Préval's nascent democratic government still faces immense challenges with regards to rebuilding Haiti's police and judicial institutions to achieve the fair and prompt tackling of the ongoing political and criminal violence.

In addition to safety and human rights considerations, halting the deportation of Haitians is also an economic matter.

Under the law, TPS beneficiaries are eligible to obtain work authorization permits. The ability for Haitian nationals to legally work in the United States puts them in a position to contribute to their country's recovery and development until such time when it is safe for them to return to Haiti.

Madam Speaker, the Haitian Diaspora has always played a pivotal role in assisting Haiti. It is widely known that Haitians residing in the United States often work three jobs to send money back to Haiti each month. Many Haitians in the United States often send remittances to support family members, and others travel home to lend their expertise toward rebuilding and humanitarian efforts.

Designating Haiti under TPS status would preserve and increase remittances—totaling approximately a third of Haiti's GDP—from the

Haitian Diaspora to relatives and communities in Haiti that are key for welfare, survival, and recovery.

Haiti is more dependent than any other country on remittances with nearly a billion dollars a year sent home by Haitians in the United States. In fact, remittances to Haiti far exceed foreign aid.

Now, many Haitian nationals in the United States who previously sustained relatives in Haiti through remittances are being deported, further depriving Haiti of an important source of financial aid that is well-positioned to assist when based here in the United States.

Madam Speaker, there are currently six countries that are protected under the TPS provision: Nicaragua, Honduras, El Salvador, Burundi, Somalia, and Sudan. By refusing to give Haiti the TPS designation, our inequitable immigration policies continue to send the message that the safety of Haitian lives is not a priority compared to that of Salvadoran, Honduran, or Sudanese lives.

We must act to change this perception. Our immigration policies have to change. They must reflect fairness and treat Haitians equally to Nicaraguans, Hondurans, and Salvadorans whose deportations are suspended and who are allowed to work and support their families back home.

The Haitian Protection Act of 2009 is necessary to achieve fundamental fairness in our treatment of Haitian immigrants and remedy the accurate and widespread perception that U.S. policy has discriminated against them.

Madam Speaker, we cannot deny Haiti this opportunity to help stabilize its economy, recover from devastating natural disasters, rebuild its political and economic institutions, and provide a future of hope for Haiti's people.

I ask my colleagues to support this legislation and urge the House Leadership to bring it swiftly to the House floor for consideration.

#### TRIBUTE TO MRS. ADA MCKINNEY DEVEAUX

**HON. KENDRICK B. MEEK**  
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2009*

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Mrs. Ada McKinney DeVeaux, a Miami native who was known for her contagious spiritual, humorous, and endearing personality. It is with both profound sadness, but also an enduring sense of gratitude for the tremendous inspiration she provided to the South Florida community.

Mrs. McKinney DeVeaux was born to Edmund Sr. and Mary Edwards McKinney on September 2, 1931 in Miami, Florida. One of the distinguished members of Booker T. Washington Senior High's Class of 1949 or the "fantastic 49-ers", she went on to obtain her Bachelor of Science degree and a degree in Registered Nursing from Florida Agricultural & Mechanical University. Mrs. McKinney DeVeaux was united in Holy Matrimony to the late Father Richard DeVeaux.

A dedicated registered nurse for 42 years, Mrs. McKinney DeVeaux distinguished herself in a number of professional appointments throughout her nursing career. She served the community at the Dade County Health Department's Overtown office, Jackson Memorial