

Representative CHELLIE PINGREE, the Voluntary State Discount Prescription Drug Plan Act of 2011—a completely voluntary, commonsense way to offer prescription drugs at affordable prices to millions of Americans currently struggling without prescription drug coverage.

With the enactment of the Affordable Care Act, millions of uninsured Americans will gain access to health insurance and prescription drug coverage. However, the expansion of coverage won't happen until 2014.

In the meantime, high prescription drug costs will continue to be a burden for millions of Americans. This legislation would enable states, at their option, to create state discount prescription drug plans that extend Medicaid-negotiated rebates to citizens up to 300 percent of the poverty line and thereby provide discounts of roughly 40 percent to 50 million uninsured Americans—all at their local pharmacies. Just like HMOs and insurance plans in the private sector, participating states would simply leverage their purchasing power to secure better prices on behalf of their citizens. In that regard, our bill would explicitly authorize recent prescription drug affordability initiatives in states like Maryland, Maine, and Vermont by removing barriers that have to date not been embraced by the Centers for Medicare and Medicaid Services.

In 2005, my home state of Maryland passed a state discount prescription drug plan law with the near unanimous support of our General Assembly and our then Republican Governor Robert Ehrlich. Unfortunately, that plan was subsequently blocked by the Bush Administration for reasons that have never been credibly explained. As a result, the broad bipartisan will of our state has been thwarted and hundreds of thousands of Marylanders have been deprived of needed access to affordable prescription drugs. In fact, according to an analysis of U.S. Census data conducted by Families USA and the Center for Policy Alternatives, an estimated half million Marylanders would become eligible for immediate prescription drug price relief under this legislation.

Since these plans are created at the state level, we don't believe states should have to ask the federal government's permission in order to establish them. For that reason, our legislation makes clear that Maryland—and any other state that chooses—can set up a state discount prescription drug plan without petitioning CMS for a Section 1115 waiver. Additionally, since these plans rely on government purchasing power rather than government outlays to produce price discounts, we remove CMS's somewhat contrived requirement that states expend some undefined amount of their own money as part of these plans. Beyond modest administrative costs, it simply isn't necessary.

Mr. Speaker, this legislation represents a significant opportunity to empower states to deliver prescription drug affordability to millions of our citizens who don't currently have it. I hope Congress seizes this opportunity, and I invite my colleagues' support.

IN HONOR OF THOMAS G.
MASARYK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Thomas G. Masaryk and in commemoration of the statue that is being dedicated in his honor at the Bohemian National Hall in Cleveland.

Thomas Masaryk was both the founder and the first president of the Czechoslovak Republic. The Czechoslovak Republic was established in 1918 in the aftermath of the First World War; Thomas made two visits to Cleveland in his lifetime, one in 1902 and another in 1918 where he spoke at the National Bohemian Hall.

The statue is a plaster cast of a similar statue that is located in the Czech Cultural Garden at Rockefeller Park. The statue's curator, Frank L. Jarouch, has been a Cleveland resident all of his life and originally dedicated the statue to the Czech Garden in 1961.

Mr. Speaker and colleagues, please rise with me today in honor and recognition of the dedication of this statue of Thomas G. Masaryk. It is a benefit to the community that stands in memory of a man who chose to make a difference with his life.

THE FEDERAL FIREFIGHTER
FLEXIBILITY AND FAIRNESS ACT

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2011

Mr. SARBANES. Mr. Speaker, I rise today to re-introduce the Federal Firefighter Flexibility and Fairness Act which passed the House of Representatives by voice vote in the 111th Congress. This legislation would correct a longstanding disparity between professional firefighters who are employed by States, counties, or municipalities and Federal firefighters.

In 1985, Congress amended the Fair Labor Standards Act so that firefighters around the country could engage in a practice called "trade time." Trade time allows two firefighters, solely at their option and with the approval of their supervisor, to trade shifts without affecting the pay of either firefighter. The Congress made this change because firefighters work uncommon schedules involving 24-hour shifts and 72-hour workweeks, followed by a period of time away from the firehouse. Trade time enables firefighters to meet personal obligations such as attending a child's birthday or assisting a sick family member without exhausting their annual leave. It also ensures that firehouses across the country can maintain staffing requirements and keep our communities safe.

Federal firefighters are not covered under the Fair Labor Standards Act and therefore have been ineligible for trade time. I am re-introducing this legislation to amend Federal employee labor law to fix this problem.

Federal firefighters work side-by-side with their non-federal colleagues, so this is an issue of equity. Correcting this inequity will help Federal agencies recruit and retain fire-

fighters. Just like other firefighters, Federal firefighters risk their lives on a daily basis. They also accept the irregular hours that their jobs require. This legislation merely gives them some modest flexibility to balance that irregularity and meet their family obligations.

I hope my colleagues will support this bipartisan commonsense legislation.

THE RED ROUTE HIGHWAY
THROUGH THE TOWN OF GARNER

HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2011

Mrs. ELLMERS. Mr. Speaker, the Army Corps of Engineers is working to put a highway straight through the town of Garner, in my district, slicing it in half.

I rise today for the Town of Garner, whose voices must be heard.

The Red Route would pass through the living room of Brenda and Jerry Summer, older residents whose children and grandchildren have moved back to Garner to be close to them.

They say it will be the worst thing in the world if they had to move, and have no idea where they would go. Heartbroken, is how Mrs. Summer described the situation.

I rise for the seniors at the Village at Aversboro that moved in with the confidence they are buying their final home.

Instead, they're being put through an emotional period of stress, not knowing where they'll end up.

I stand for the thousands of families that would be displaced and have to find new homes.

I rise for the 140 year old Springfield Baptist Church, and the 2,000 parishioners, who would literally lose all of their property which is some fifty acres of land.

All because of the Clean Water Act and the Army Corps refusal to remove the Red Line from consideration.

The oppressive regulations under the Clean Water Act are stifling economic growth and job creation.

The Act allows a Dwarf Wedge Muscle and a portion of wetlands to paralyze a town and displace countless families and businesses.

It gives the Army Corps of Engineers the power to stop development and job growth in their tracks.

The situation is especially frustrating since the North Carolina Department of Transportation and the North Carolina Turnpike Authority say they will never build the highway.

Even though the road is not a real option, the Army Corps insists on moving forward, spending hundreds of thousands in taxpayer dollars to study road that will never be built.

Meanwhile, the town of Garner is "Closed for Business" and economically crippled as the state spends years studying a road with no future.

I'm not saying the highway should not be built.

I'm simply asking why the federal government is spending millions in tax payer dollars on a road with no future.

Common sense dictates the Army Corps should find a viable option.

Common sense dictates the Army Corps should remove the Red Line from the Map today.

As this map demonstrates, other options are much less destructive and even less costly to build.

These options do not split a town in half and should be studied in place of the Red Line.

The North Carolina Turnpike Authority has already dropped three other options from consideration because of public protests in those towns about the potential harm to the community.

As each day goes by, Garner loses millions of dollars.

Garner stands to lose a project worth \$9 million in investments and hundreds of jobs.

Investors are literally walking away while the town stands in limbo, a hostage to a heavy handed government agency.

Further, the proposed route would cut across several tributaries flowing into Lake Benson, a major source of drinking water for Garner.

Runoff from the road would empty into the lake, increasing sedimentation and the risk of other pollutants.

With unemployment in my district at almost 10%, the federal government should get out of the way and let businesses grow.

It's disappointing that the Army Corps, at the behest of Washington regulators, would consider the interests of a few tiny mussels ahead of the interests of the people of Garner.

The Orange Route is the original plan proposed and has been on the map for nearly two decades.

In Garner, millions of dollars in investments and thousands of jobs would be lost.

Twenty-six commercial lots will be destroyed, with a total tax value of over \$30 million.

Approximately 510 residential lots in Garner representing a tax value of over \$106 million would be leveled.

I came to Washington to stop out of control spending and waste and remove job-killing regulations. It didn't take long to find examples of waste and job-killing regulations right here in our district with the continued study of this "Red Line." This option must be taken off the map so Garner can begin growing again.

Garner families are fighting for their homes and livelihoods, and I stand with them, ready to fight until the Red Line is removed from consideration.

IN RECOGNITION OF CLEVELAND
FEDERAL EXECUTIVE BOARD'S
25TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 25th anniversary of the Cleveland Federal Executive Board, and to thank all the federal employees in our community for their individual and collective dedication to the public good.

The community of federal employees in Cleveland, Ohio is comprised of more than 25,000 individuals who contribute their talent and expertise daily in an array of roles, including park rangers, administrators, accountants, clerical employees, attorneys, engineers, military personnel, mail carriers, scientists, nurses and physicians.

The professional contributions extended daily by federal employees serve as a foundation of support, safety and security throughout the community. Every day, the environment is protected; the mail is delivered; veterans receive medical care; our national park is preserved; immigrants are guided to citizenship; citizens are provided with benefits and programs; and the universe is studied and explored thanks to federal employees in Northeast Ohio.

Mr. Speaker and colleagues, please join me in honoring the members of the Cleveland Federal Executive Board and the thousands of federal employees who live and work within the Cleveland community. Their dedication to their work continues to preserve, protect and strengthen our entire community.

UPHOLDING THE FEDERAL GOVERNMENT'S TRUST OBLIGATIONS
TO NATIVE AMERICANS

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2011

Mr. GOSAR. Mr. Speaker, today I join Congressman DON YOUNG and Congressman DOC HASTINGS in supporting H.R. 887. I explain separately my reasons for doing so, and specifically my concerns about a request for attorney's fees of \$227 million. The resolution of the litigation in Cobell v Salazar involved claims that ultimately amounted to a breach of trust by the government to Native Americans. The plaintiffs have been denied the use of money they were otherwise entitled to, according to the settlement. The petition for fees reports that "government officials have abused individual Indian trust beneficiaries" for decades.

While the mismanagement of the Native trust monies is bad enough, a second injury cannot be inflicted on these same peoples by a fee request that is almost a quarter of a billion dollars. It shocks the conscience to see such a large request. Every dollar paid out in legal fees is a dollar the injured Native Americans will not have. That being said, I recognize, and appreciate, the work done by Plaintiffs' counsel on behalf of the claimants, and I recognize the value of that work and the years it took. In this case, the magnitude of the recovery cannot be used as a benchmark to determine attorney's fees. I would prefer to see an accounting of the actual attorney's fees incurred, by the hour, to see how that compares as a benchmark. But a contingency fee based on a resolution that is itself measured in the billions is simply avaricious.

I therefore support this legislation, H.R. 887, that limits the fee award to \$50 million. Congress has the ultimate power over Indian affairs. It also has the duty to protect Native American rights. The Constitution grants to Congress the express power to make regulations governing the territory belonging to the United States (Art. IV, Sec. 3, Cl. 2). In addition, the Indian Commerce Clause conveys the express power to Congress over Native American affairs. This clause provides that "Congress shall have the Power . . . to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." (Art. I, Sec. 8, Cl. 3). As a result of

these powers, it is well established that Congress has plenary power over Indian affairs. It is up to us, members of Congress, to make sure we exercise these supervisory obligations.

Finally, there is what is referred to as the federal government's "trust relationship" between the federal government and the Native American tribes. This trust relationship obligates Congress and the federal government to protect the well-being of Native Americans, peoples who rendered their lands in return for this trust. As elaborated by Supreme Court Justice John Marshall, the tribes of our country are considered "domestic dependant nations" whose relationship to the United States was like "that of a ward to his guardian." We, the guardians in Congress, must now intervene to protect those under our care, especially where a fee dispute now creates a conflict of interest between the class members and their legal counsel.

That brings us to the Cobell settlement. In rectifying the breach of fiduciary duty documented in Cobell, we cannot allow another breach to proceed under our noses. Just as the government has a fiduciary duty to the Native Americans in the first instance in ensuring trust monies are not misappropriated, so too Congress has plenary power to ensure that the Native American class members are not gouged in a fee award. I have long advocated for sensible legal reform. Excessive attorney's fees in cases like this support this advocacy. Though the Cobell litigation was contentious and time consuming, no one can tell me, with a straight face, that a \$50 million dollar fee award is not excellent compensation for one case. On behalf of the 21 federally recognized tribes in Arizona, over 250,000 strong, from the Diné in the north, to the Havasupai at the bottom of the Grand Canyon, down to the Pascua Yaqui Tribe in the south, and on behalf of those tribes in between and throughout the United States, I rise in support of H.R. 887.

TRIBUTE TO DENNIS AND JANICE
BRINKMAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2011

Mr. LATHAM. Mr. Speaker, I would like to pay tribute to Dennis Brinkman, Vietnam War veteran and Alpha Gamma Rho brother from Iowa State University, and his wife, Janice Kay Reeder Brinkman, on the special occasion of their 40th wedding anniversary. This special day will take place on March 27, 2011, but family will be celebrating the event in Galena, Illinois, this weekend—March 11–13, 2011.

Mr. and Mrs. Dennis Brinkman were married on March 27, 1971, in West Union, Iowa. Together they raised one child, Ann Marie. Dennis has farmed near Greene and Charles City, Iowa, since 1972. His operation has included beef cattle, farrow-to-finish hog production, soybeans and corn. Jan, a graduate from the University of Northern Iowa, started her career as an elementary school teacher. When Ann Marie turned two, she began working for Greene Limestone Company as a bookkeeper.

Dennis and Jan currently reside in rural Greene, Iowa. Dennis continues to expand his