

come and go, but every one of them has known Marvin. Marvin's first firefighting experience was as a high school student. As his school bus passed by a grass fire, members of the Minnesota Department of Natural Resources asked the bus riders to help put the blaze out.

As the close-knit community expanded, the fire department was established and its responsibilities grew. They started with grass fires and are now trained to handle natural disasters and domestic terrorism. In a way familiar to many Ham Lake residents, Marvin explains, "The fire department is advancing further and further and further than just putting the wet stuff on the red stuff."

Madam Speaker, I rise today to congratulate Marvin Buchholz for demonstrating honor and loyalty to the Ham Lake Fire Department for 40 years. As a District Chief, Marvin has seen more calls to service than any other department firefighter and deserves our sincerest appreciation.

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HONORING PRESIDENTIAL UNIT CITATION RECIPIENT EDWARD J. TINNEY OF SPRING HILL, FL

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 21, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American hero and distinguished recipient of the Presidential Unit Citation. Mr. Edward J. Tinney of Spring Hill, Florida was a proud member of the Alpha Troop, First Squadron, 11th Armored Cavalry Regiment in South Vietnam. The unit was awarded the rare and prestigious citation in recognition of their determination under extremely dangerous and hazardous conditions.

In 1970 in the Republic of South Vietnam, Mr. Tinney's unit distinguished itself through a series of daunting combat missions over many months. After a five-year review, the Department of Defense recommended this small unit for the Citation, a very rare honor. The professional skill and personal devotion displayed by Mr. Tinney and his unit reflect their immense commitment and sacrifice.

Since its inception in 1941, the Citation has been awarded fewer than 100 times to include the Second World War, the Korean War, the Cold War, the war in Vietnam, Operation Iraqi Freedom and Afghanistan and only five units as small as Mr. Tinney's have received the Citation. To be singled out in this manner is a distinct honor.

Madam Speaker, soldiers like Mr. Tinney should be recognized for their service to our nation and for their commitment and sacrifices in battle. I am honored to congratulate Mr. Tinney and his unit on their long overdue Presidential Unit Citation. His family, friends and loved ones should know that we truly consider him one of America's heroes.

HONORING THE ASSYRIAN DEMOCRATIC MOVEMENT

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 21, 2009*

Mr. RADANOVICH. Madam Speaker, I rise to honor the thirtieth anniversary of the Assyrian Democratic Movement in Iraq.

The Assyrian Democratic Movement (ADM) is an ethnic Assyrian political party that was established on April 12, 1979. The party was formed in response to the oppressive brutality of the Al-Baath regime and its attempt to forcibly remove ethnic Assyrians from their native lands. Under the leadership of Yonadam Kanna the struggle came to a head in 1982 when the group began an armed battle against the Iraqi regime.

After two decades of building the ADM, former President George W. Bush officially designated the group as a recognized Iraqi opposition movement. In December 2002 this designation allowed for President Bush to invoke articles four and five of the Iraqi Liberation Act of 1998 as a means of allowing the United States government to provide financial resources to the ADM. Yonadam Kanna has served as an integral member of the movement and he has participated in meetings and conferences with world leaders to pursue the ideology of the ADM. Mr. Kanna served on the temporary Iraqi Governing Council that was established after the fall of Saddam Hussein and is currently serving as president of the party.

Today, the party stands for the same political goals that it stood for thirty years ago; to defend their people and to create a free democratic Iraq. The movement calls for the recognition of the rights of all Assyrians and to unify the various individual identities, including Chaldean, Syriac and Assyrian.

Madam Speaker, I rise today to commend the Assyrian Democratic Movement on thirty years of commitment to creating a free and democratic Iraq. I invite my colleagues to join me in wishing the Assyrian Democratic Movement many years of continued success.

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RECOGNIZING OUTSTANDING STUDENTS IN NORTHERN VIRGINIA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 21, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the achievements of several students in Northern Virginia. These students have participated and excelled in programs administered by their local Parent Teacher Associations and Parent Teacher Student Associations.

Parent Teacher Associations (PTA) and Parent Teacher Student Associations (PTSA) serve a critical role in helping to provide the best possible educational environment for our students. The Northern Virginia District PTA consists of a region with more than 220 schools. Schools located throughout Northern Virginia are consistently recognized as being among the very best schools in our country. I strongly believe one factor in the excellent

education received by our students is the high level of involvement and encouragement provided by parents through the PTA and PTSA's. At its annual meeting and dinner, the Northern Virginia District PTA recognized the following students for their outstanding achievements:

In the category of District PTA Citizenship Essay Awards—High School Division the winners are Paul Capp, a senior at McLean High School, and Lisa Pang, a senior at Thomas Jefferson High School for Science and Technology.

In the category of District PTA Citizenship Essay Awards—Middle School Division the winners are Cali Willcockson, a seventh grader at Liberty Middle School, and Ji Soo Song, an eighth grader at Rocky Run Middle School.

A separate special congratulations goes to Paul Capp of McLean High School for placing 3rd in the Virginia State PTA Citizenship Essay Contest—High School Division and to Ji Soo Song who won 1st place in the Virginia State PTA Citizenship Essay Contest—Middle School Division.

The following students were recognized in the category of Virginia PTA Outstanding Interpretation Awards, which recognize artistic achievement: Literature: Senior Division—Alexander Kopenhagen, (9th grade), Washington-Lee High School. Music Composition: Primary Division—Pierre Quan, (2nd grade), Forestville Elementary School; Intermediate Division—Kyle Gatesman, (3rd grade), Canterbury Woods Elementary School. In Photography: Middle/Junior Division—Courtney E. Brown, (6th grade), Bull Run Elementary School. In Visual Art: Primary Division—Kaitlin Phan, (2nd grade), Colin Powell Elementary School; Intermediate Division—Jamie H. Chang, (5th grade), Union Mill Elementary School; Senior Division—William W. Park, (11th grade), Langley High School.

The Frieda M. Koontz Scholarship Award has been awarded to Monica Choudhury, a senior at James Madison High School in Vienna. This scholarship awarded by the Virginia PTA will provide \$1,200 to Ms. Choudhury as she begins her studies at the University of Virginia.

Madam Speaker, I ask my colleagues to join with me today to recognize the outstanding achievements of these students. I also ask that we recognize the Northern Virginia District PTA, in partnership with the Virginia PTA, as they work diligently to develop the diversity of talents and skills of students attending schools throughout Northern Virginia. It gives me great pleasure to acknowledge the achievements of these students and the Parent Teacher Associations that support them.

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FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

SPEECH OF

**HON. VIRGINIA FOXX**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Ms. FOXX. Mr. Speaker, "The Family Smoking Prevention and Tobacco Control Act," which is before us today, contains a so-called "special rule for cigarettes" in Section 907 of the bill that would ban flavored cigarettes—with the exception of menthol flavored cigarettes.

Since the legislation allows the sale of menthol cigarettes, which are produced in the United States and in my home State, while banning clove cigarettes, which are imported primarily from Indonesia, the Indonesian Government has made it clear that it considers this provision an attempt to discriminate against imported clove cigarette products in favor of a competing U.S. product—and thus section 907 in the bill runs contrary to the free-trade commitments the United States has made as part of the WTO.

According to WTO rules Mr. Speaker, an imported “good” (clove cigarettes) should receive treatment that is “no less favorable than that provided to a domestic good.” Adhering to this principle would appear to require that clove cigarettes be treated no less favorably than menthol cigarettes and thus under this bill both should be exempt from the prohibition on flavored cigarettes or both should be banned in order to ensure there is no unfair discrimination in the treatment of the two products. The latter option is not an option at all in my opinion but neither is ignoring the concerns of our ally Indonesia, a country well known to our President.

For years now, senior officials of the Indonesian Government have repeatedly and doggedly attempted to communicate their country’s concerns to U.S. legislators and executive branch policy-makers alike—to no avail. The communique from the Indonesian Ambassador to Chairman WAXMAN, as well as the Indonesian Trade Minister’s dispatch to former Ambassador Schwab clearly articulate the imperative the Indonesian Government places on the trade violation contained in “The Family Smoking Prevention and Tobacco Control Act.”

Last year, the HHS Secretary sent a letter to Congress expressing various concerns about Mr. WAXMAN’s bill on behalf of the Administration. Among his concerns he included the following statement about the bill’s prohibition on imported clove cigarettes that reflects the concerns expressed by the Indonesian Government:

There is a further issue regarding the bill that I would like to bring to your attention. Our trading partners believe that by banning the sale of clove cigarettes but not prohibiting the sale of menthol cigarettes, the bill raises questions under U.S. international trade obligations. The government of Indonesia has repeatedly objected to the bill on the ground that this disparate treatment is unjustified and incompatible with WTO trade rules. Accordingly, I would recommend that the Committee further review the relevant language in this light to ensure the bill is consistent with U.S. trade obligations.

Mr. Speaker, Congress is increasingly—and rightly—calling on our United States Trade Representative and the Administration to more strenuously enforce the WTO and other trade agreements to ensure that our trade partners are playing by the rules and not discriminating against our products and services. I think that it is only right that we abide by the same standards that we expect of our trade partners when the question is as clear as this situation. It would have been my hope that the minor changes needed to correct this avoidable trade complication in the bill could have been made before the legislation was brought to the floor for consideration, but that was not the case. Section 907 affects a de facto ban on the importation of clove cigarettes from Indo-

nesia. It is another troublesome example of serious flaws overlooked by Mr. WAXMAN in his bill.

EMBASSY OF THE  
REPUBLIC OF INDONESIA,  
Washington, DC, July 25, 2008.

HON. HENRY A. WAXMAN,  
Chairman, Committee on Oversight and Government Reform, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I extend my personal best wishes for your continued service in the United States House of Representatives and particularly as the Chairman of the Committee on Oversight and Government Reform. My government has been communicating with appropriate members of the U.S. Congress and the Executive Branch since 2004 regarding our opposition to a proposed prohibition on the sale of clove cigarettes in the United States. This prohibition has most recently been included as part of H.R. 1108—the “Family Smoking Prevention and Tobacco Control Act”—which was reported out of the House Energy and Commerce Committee just this month on July 17th.

In this regard, I am enclosing a letter that the Minister of Trade in Indonesia, Mari Elka Pangestu, gave to U.S. Trade Representative Susan Schwab on this issue when they met at the Asia-Pacific Economic Cooperation (APEC) summit in Sydney, Australia last September. I also want to bring your attention to the recent letter U.S. Department of Health and Human Services Secretary Michael O. Leavitt sent Energy and Commerce Committee Ranking Member Joe Barton in response to the Congressman’s inquiries about H.R. 1108.

Secretary Leavitt raised the following reservation about H.R. 1108 regarding Indonesia’s grave trade concerns on the clove cigarette issue:

There is a further issue regarding the bill that I would like to bring to your attention. Our trading partners believe that by banning the sale of clove cigarettes but not prohibiting the sale of menthol cigarettes, the bill raises questions under U.S. international trade obligations. The government of Indonesia has repeatedly objected to the bill on the ground that this disparate treatment is unjustified and incompatible with WTO trade rules. Accordingly, I would recommend that the Committee further review the relevant language in this light to ensure the bill is consistent with U.S. trade obligations.

As you may know, the U.S. does not produce traditional clove cigarettes while Indonesia produces over 99% of the clove cigarettes imported into the U.S. This is why Minister Pangestu felt it necessary to personally express to Ambassador Schwab our government’s great concern that the proposed prohibition on clove cigarettes in the U.S. would unjustifiably discriminate against Indonesia’s cigarette exports to the U.S. in favor of competing, domestically produced U.S. cigarette products under World Trade Organization and other international trading standards.

We hope the attached letter from Minister Pangestu to Ambassador Schwab will help to more fully inform you as to the international trading standards and rules which serve as the basis for our objections to the proposed prohibition in H.R. 1108. In addition, we hope you will also consider Secretary Leavitt’s concerns as a measure of the seriousness with which your own government views the potential trade problems in this regard. We respectfully ask that the bill be modified prior to final passage by the House so that clove and menthol cigarettes are treated equally under the legislation.

Sincerely yours,

SUDJADNAN PARNOHADININGRAT.

MINISTER OF TRADE  
OF THE REPUBLIC OF INDONESIA,  
Jakarta, 28 Agustus 2007.

H.E. Ambassador SUSAN C. SCHWAB,  
U.S. Trade Representative  
Washington, DC.

Re: The “Family Smoking Prevention and Tobacco Control Act” (S. 625).

DEAR AMBASSADOR SCHWAB: It was a pleasure meeting with you a few months ago in Washington DC, in which I had enjoyed discussing with you about the increasingly strong relationship between our two countries in trade and investment sectors. I would like to take this opportunity to thank you again for the excellent arrangements made during my visit to Washington, DC.

I am writing to you to raise my Government’s concern over an introduction of a draft legislation entitled the “Family Smoking Prevention and Tobacco Control Act” (S. 625), which currently is being considered in the U.S. Congress. This draft Act contains a provision, which if enacted as currently drafted, will unjustifiably discriminate against Indonesia’s cigarette exports in favor of competing, domestically produced U.S. cigarette products. We understand that Senator Kennedy, who has been supportive of addressing our concerns with appropriate legislative language, has written to you about this matter.

Specifically, the “special rule for cigarettes” in section 907 of the legislation states that, beginning 3 months after the date of enactment:

(a) In General—

(1) SPECIAL RULE FOR CIGARETTES—A cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

The United States does not produce clove cigarettes at all. Indonesia produces cigarettes containing cloves and over 99% of the clove cigarettes imported into the United States come from Indonesia. That entire volume of imports would be prohibited under section 907 of the proposed bill.

In direct contrast, cigarettes containing menthol sold in the U.S. are almost exclusively produced in the United States as imports of menthol cigarettes are negligible. However, menthol cigarettes are explicitly excluded from the prohibition in section 907.

The fact that Section 907 would prohibit the importation and sale of clove cigarettes from Indonesia while arbitrarily permitting domestic production and sale of menthol cigarettes reuses serious concerns about the consistency of this proposed provision with the United States’ obligation under the agreements of the World Trade Organization. In particular, the WTO Agreement on Technical Barriers to Trade (TBT Agreement) obligates the United States to ensure that, in respect of its technical regulations, products imported from the territory of any WTO Member shall be accorded treatment no less favorable than that accorded to domestic like products and to like products originating in any other country. The Agreement also obligates the United States to ensure that its technical regulations are not more trade-restrictive than necessary, thereby creating unnecessary obstacles to international trade. In that regard, the TBT Agreement requires that the United States take account of scientific and technical information, as well as the special development and trade needs of developing country

Members, such as Indonesia. Similar obligations exist under the WTO Agreement on Sanitary and Phytosanitary Measures (SPS Agreement) and the General Agreement on Tariffs and Trade 1994.

A stated purpose of the standards in the proposed U.S. legislation is to restrict advertising and promotional practices most likely to entice youth into tobacco use, while affording ample opportunity to market tobacco products to adults. Like menthol cigarettes (and unlike other flavored cigarettes), clove cigarettes are not targeted at youth smokers. Clove cigarettes are estimated to account for only 0.1% of the total number of cigarettes consumed in the United States and only approximately 0.8% of youth smokers have smoked clove cigarettes and that number of youths is declining based on recent studies. Menthol cigarettes, on the other hand, are estimated to account for approximately 26% of the cigarettes consumed in the United States and approximately 29.7% of youth smokers smoke menthol cigarettes. Moreover, there is no scientifically supportable evidence or risk assessment establishing specific human health risks associated with clove cigarettes that would justify banning those cigarettes while continuing to permit the sale of menthol cigarettes.

These facts are compelling. Imports of Indonesia's clove cigarettes are prohibited for no reason other than they contain a natural herbal additive, while U.S. cigarettes containing menthol—a processed herbal additive—are explicitly exempted from the prohibition. The Government of Indonesia firmly believes that such discriminatory treatment is inconsistent with the United States international obligations and, if enacted, will have a significant adverse effect on Indonesian trade.

The Government of Indonesia therefore respectfully asks that you carefully consider our concerns and, in the interest of our positive trade relationship, ensure that both the spirit and the requirements of the WTO agreements are observed. Further, absent elimination of the prohibition on imports of clove cigarettes, pursuant to Article 2.5 of the TBT Agreement and Article 5.8 of the SPS Agreement, we ask the United States to explain how that prohibition is justified.

As you are aware, Indonesia has expressed concern over the Bill at previous meetings of the Indonesia-U.S. Trade and Investment Council.

We trust that your government would understand the difficulties we are faced with, as well as the severity and the urgency of this matter to our people whose livelihood very much depends on the existence of the cigarettes industry. We would be very appreciative of your attention to this matter and would welcome the opportunity to discuss it further with you, at your convenience.

We look forward to an opportunity in building and strengthening the robust relationship between our two countries. Thank you.

Your sincerely,

MARI ELKA PANGESTU.

TEXAS' PORTABLE HOSPITALS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 21, 2009*

Mr. POE of Texas. Madam Speaker, over the past several years, Southeast Texas has been the target during Hurricane Season. Hurricane Katrina and Hurricane Rita hit in 2006

and the very recent Hurricane Ike in September 2008. Not to mention Hurricane Gustav, which did not cause a disaster in Texas, many believe it was just a trial run before Hurricane Ike. Hurricane Ike came along two weeks later on September 13, 2008.

These hurricanes have taught emergency management officials to be prepared in time of a disaster. Through their preparedness they are able to assist and help other individuals evacuate the city in a timely manner. The most recent development is the Portable Inflation Hospital presented by the East Texas Gulf Coast Regional Trauma Advisory. With the help of the emergency management officials, numerous area hospitals and others, this incredible development was established. State and federal Grants help fund the hospital that cost around 1.5 million. This portable hospital is a great way for medical personnel to assist patients during a disaster and for the patients to get the quick response medical help they need. The medical assistance can range from distributing medications to on site emergency care. The facility can operate as one or three separate facilities. It is equipped with beds, living areas, and other units. This project has had a great response from individuals willing to donate, but still needs any help it can get from our local Southeast Texans. The medical personnel and emergency officials are very grateful for this newly facility. It will be located in Southeast Texas, but can be set up across the state. The hospital will cost five thousand dollars to operate daily plus an additional twelve thousand dollars to generate the portable hospital.

Emergency preparedness is very crucial in time of a disaster. With our great response teams in Southeast Texas the portable hospital will be ready in time of need. I would like to thank the individuals who spend endless hours preparing for Hurricane Season.

HONORING MR. JACOB  
TANENBAUM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 21, 2009*

Mr. ENGEL. Madam Speaker, I rise today to honor Mr. Jacob Tanenbaum, an outstanding constituent and educator from the 17th Congressional District of New York, for his exemplary efforts in bringing real scientific research to the classroom.

Jacob Tanenbaum, an elementary school teacher at the South Orangetown schools in Rockland County, New York, was chosen by the National Oceanic and Atmospheric Administration's (NOAA) Teacher at Sea Program to participate in a two-week research cruise in the North Atlantic this past fall to study Atlantic fisheries while aboard NOAA Ship HENRY B. BIGELOW.

Embarking from Newport, Rhode Island, Mr. Tanenbaum's research cruise followed a track off the United States' northeastern coast. Mr. Tanenbaum not only researched fisheries, but also wrote a daily blog, took photographs, interviewed scientists, and engaged in dialogue with his students, fellow teachers, and the general public. Mr. Tanenbaum became an integral part of the research team and ship's crew and established relationships that

will give him and his colleagues access to scientific resources for many years to come. With his at-sea experience, Mr. Tanenbaum has been able to enrich his curriculum and excite his students about science.

In one of his blogs, Mr. Tanenbaum wrote, "Through NOAA's Teacher at Sea Program, students are not just learning about exciting research projects at sea, they are witnesses to them, and on some level, participants in them. The Teacher at Sea program is about something far more important than test scores and text books. It is about inspiration and excitement. Inspiring learning and creating excitement about learning are not just simple hoped-for extras in an educational setting—they are the most essential parts of a culture of learning."

I congratulate Mr. Tanenbaum on his spirit of adventure in the name of education, his willingness to try new things, and his ability to bring this experience back into the classroom. NOAA's Teacher at Sea program has afforded Mr. Tanenbaum an unparalleled opportunity to provide his students with hands-on scientific education, grounded in his unique experience. The lessons he learned on the BIGELOW will stay with Mr. Tanenbaum for the rest of his teaching career, acting as a source from which he will always be able to draw inspiration and creativity.

INTRODUCTION OF THE CONFLICTED INVESTMENT ADVICE PROHIBITION ACT OF 2009

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 21, 2009*

Mr. ANDREWS. Madam Speaker, I rise today to introduce the "Conflicted Investment Advice Prohibition Act of 2009, CIAPA, which would restore the Employee Retirement Income Security Act's, ERISA, prohibition on self-interested investment advisers providing advice to employer-sponsored retirement accounts; thereby, safeguarding the retirement savings of millions of hardworking Americans.

On the eve of the inauguration of President Barack Obama, the Bush administration attempted to finalize a regulation concerning the Employee Retirement Income Security Act, ERISA, that raised substantial questions of law and policy. Essentially, the final rule issued would have allowed conflicted financial advice to workers with regard to their 401(k) and other types of defined contribution plans. Fortunately, thanks to letters of opposition from Chairman MILLER and me, as well as several other Members of Congress, as well as consumer advocacy groups and several financial industry insiders who serve in the interest of investors, the Obama administration has delayed the effective date of the regulation for further examination of its intent.

I believe in the value of providing American workers with access to investment advice, so long as the advice is independent and free from conflict—serving in the interest of the worker, rather than the interest of the financial advisor. During a time where American workers have already lost \$2 trillion in assets due to last year's market downturn, exposing their hard-earned retirement savings to greater risk by allowing advisers to offer them conflicted