

## EARMARK DECLARATION

**HON. J. RANDY FORBES**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 29, 2009*

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3326

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Deputy Assistant to the Governor for Commonwealth Preparedness

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides \$2,900,000 to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multiple agency, maritime full scale exercise.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3326

Account: Research and Development, Defense Wide, Defense Technology Analysis

Legal Name of Requesting Entity: Old Dominion Research Foundation

Address of Requesting Entity: 4111 Monarch Way, Suite 204, Norfolk, VA, 23801

Description of Request: Provides \$800,000 to Virginia Modeling and Simulation Center in Suffolk, Virginia to formulate modeling and simulation standards for model research, development and use by the government, academic and industry sectors. This is the second year of a three year study.

## TRIBUTE TO DR. DAVE RUDY

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 29, 2009*

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to congratulate Dr. David R. Rudy, Associate Provost and Dean at Morehead State University, who is retiring this fall after 29 years of service. I want to recognize his record of excellence as a teacher, scholar, mentor, and public servant, and for his distinguished career.

Dr. Rudy has a prominent record as a Professor of Sociology at Morehead State University, publishing numerous articles and books. His books on drug abuse, alcoholism, and the social struggles they entail are valuable tools to fight the challenges that many Americans face with these troubles, including southern and eastern Kentuckians. Dr. Rudy has published numerous scholarly articles including those in Sociological Analysis and the Journal of Studies on Alcohol. He has received funding to support his research from, among others, the Alcohol Beverage Medical Research Foundation at Johns Hopkins University, the National Science Foundation, U.S. Department

of Education, and U.S. Department of Housing and Urban Development. Among numerous service and outreach efforts, Dr. Rudy is a graduate of Leadership East Kentucky, served as a researcher for the Kentucky League of Cities "New Cities" program, and serves on the Board of the Advanced Manufacturing Partnership (AMP).

Dr. Rudy has a long track record of mentoring young scholars and supporting excellence in their academic endeavors, with several of his students going on to receive Ph.D.s. He has given them an excellent example to follow. As a tenured professor at Morehead State University he was chosen to serve as Dean of a newly established Program of Distinction. The Institute for Regional Analysis and Public Policy (IRAPP) was then founded by Dr. Rudy in 1999 and over ten years he led the development of IRAPP as a research intensive unit that serves the eastern region of Kentucky. Dr. Rudy has been honored with the Distinguished Researcher Award and Distinguished Service Award by Morehead State University for these and other significant contributions to the campus and community.

Under Dr. Rudy's leadership, Morehead State and the IRAPP program can take pride in his accomplishments. The impact of his career will be felt far and wide, as his students use what they have learned from him, and have their own impacts on eastern Kentucky, our nation and the world. As they do this, they will know that they have Dr. Rudy to thank.

## ON TELEWORK DAY IN VIRGINIA

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 29, 2009*

Mr. MORAN of Virginia. Madam Speaker, I rise in support of Monday, August 3, as Telework Day in Virginia and applaud Governor Tim Kaine on this initiative.

On this day, thousands of Virginians will perform a full day's work from their houses rather than their places of work. This practice empowers workers who feel that they can fulfill their obligations to their employer equally well from home as in a brick and mortar office.

My colleagues, teleworking provides enormous benefits to employers and employees alike, as well as positive social and economic impacts. Teleworking, a practice which dates to the 1960s and then was dramatically expanded in the '90s, thanks to a host of networking innovations, can save employers premises costs and office overhead fees.

If all eligible Federal employees teleworked 2 days per week, the Federal Government could realize \$3.3 billion in savings in commuting costs annually and eliminate the emission of 2.7 million tons of pollutants each year. Furthermore, it would provide an easy and necessary means of operational continuity should the Nation's Capital be the target of another horrific terror attack.

Teleworking can also increase productivity, typically 10 percent to 40 percent per person in large programs, by eliminating the often distressing and frustrating commute to and from work. For example, it eliminates commuting costs for employees because they do not have to pay for gas or public transportation. Given that the average round trip commute is 50

miles and commuters spend an average of 264 hours per year commuting (66 minutes per day), Americans would be relieved of the burden of spending so much time on the road that could be better spent with their families.

Through this practice, employees are allowed the freedom of working at their optimal times; some might be more productive in the morning while others might be more productive late at night. Telework allows the workers to get into a personal daily rhythm and work when they please, thus maximizing individual liberty and occupational productivity.

At this time, States and localities all around the Nation are grappling with ways in which congestion on the roadways can be reduced. We could facilitate greater capacity for mass transportation—but that requires heavy infrastructure investment and the vision to plan long-term. We could also build more roadways—but that would simply invite more cars and more traffic, while doing nothing to improve the quality of life for millions of hard-working Americans.

Those options taken together do indeed form a necessary component of traffic mitigation, but they take both time and money. Teleworking is simple to implement, economical to operate, and reflects the many ways in which technology has allowed the spheres of personal and professional life to blend together. It allows for a young professional to care for her newborn child or a son to care for his ailing mother in the comfort of their own homes, without worrying what would happen should they have to spend a portion of their day in an office, away from those who depend on their presence.

I am proud to say that at the end of 2005, Fairfax County in Virginia was able to meet the region-wide target of having 20 percent of eligible workers engaged in teleworking. I would invite my colleagues to take note of teleworking's success and stand up for a worker's ability to set his or her own schedule, with the expectation that it will allow for a more flexible lifestyle without compromising productivity. Rather than relying on the desks, chairs, and file cabinets that defined the average employee's office a generation ago, telework allows Americans to bring the workplace to them, not the other way around.

## HONORING MASTER SGT. LORENE KITZMILLER

**HON. ZACH WAMP**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 29, 2009*

Mr. WAMP. Madam Speaker, the Volunteer State continues to produce the best of the best in our military! Today, I am privileged to rise and honor Master Sgt. Lorene Kitzmiller of the Tennessee Air National Guard who was selected as the 2009 First Sergeant of the Year for the Air National Guard. She was also recognized as an Outstanding Airman of the Year along with five other Airmen nationwide.

Master Sgt. Kitzmiller is serving with the 118th Aeromedical Evacuation Squadron in Nashville. Each year, the States and territories select and submit top performers from the Air Guard's 88 flying units and 579 mission support units to compete for this prestigious award. Out of more than 93,000 enlisted Airmen in the Air National Guard, only six are selected for the final competition.

Kitzmiller has participated in multiple overseas deployments including Operation Northern Watch (Macedonia), Operation Southern Watch (Saudi Arabia), Operation Iraqi Freedom (Kuwait, Baghdad, and twice in Balad), and Operation Enduring Freedom. She also is very active improving her local community and volunteers with the Tennessee Drug Task Force Team and YMCA, serving as a drill instructor during summer camps for troubled youth. She has spent countless hours volunteering with Military Kids Support Programs and Homeless Veterans Associations helping veterans find shelter and employment.

Master Sgt. Kitzmiller hails from Springfield, Tenn., and is currently studying at Austin Peay State University working toward her bachelor's degree. She attended Dickson County High School and left for Navy basic training 10 days after graduation. Upon discharge 4 years later, she joined the Army Reserve, served in several units before transferring to the Tennessee Army National Guard, and then finally to the State's Air National Guard. In December 2005, she was selected as a First Sergeant, fulfilling a dream to follow in her father's footsteps.

Tennessee is very proud of the accomplishments and service of Master Sgt. Lorene Kitzmiller and I proudly recognize her today in the U.S. House of Representatives. Individuals like Kitzmiller continue to give the United States military a reputation of excellence and commitment to their State and their Nation while at home or deployed around the world. On behalf of the great State of Tennessee, I honor Master Sgt. Lorene Kitzmiller for her accomplishments and dedication to Tennessee and the United States of America.

#### RESTORING CONFIDENCE IN ABSENTEE VOTING

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 29, 2009*

Mrs. MILLER of Michigan. Madam Speaker, before I came to Congress, I had the privilege of serving 8 years as Michigan's Secretary of State. In that job, one of my key responsibilities was to serve as the state's Chief Elections Officer. During my tenure, we made great strides in improving the accuracy and security of the elections system in our state.

However, as any former or current Secretary of State can tell you, one of the greatest challenges you have is convincing non-voters—those who are eligible to vote, and may be registered, but fail to participate in the electoral process. One of the common challenges in changing the views of these citizens is countering the belief that the system doesn't work either due to corruption or negligence or some other issue. So, these citizens fail to exercise their Constitutionally-given rights to choose their government, and they don't vote.

As elected officials, we need to take whatever measures we can to increase the public's confidence in the voting system. One of the greatest achievements of my tenure as Secretary of State was the creation of the Qualified Voter File, which provided for easy determination of who is and is not a registered voter. In fact, the Ford-Carter Commission on Federal Election Reform cited Michigan as a national model in this area. This device was

critical to ensuring that we have full voter participation and that no one is needlessly disenfranchised.

Absentee ballots, historically, have been an area that has contributed to this perception. Many have seen these ballots as ripe for corruption and many voters are unsure what happens with their ballots after they mail them in. The bill we are considering today will go a long way towards correcting these perceptions.

H.R. 2510, the Absentee Ballot Track Receive and Confirm Act, authorizes grants to states that choose to establish procedures to track absentee mail-in ballots. These systems would allow voters to find out for themselves the status of their absentee ballot. Voters will now be able to determine when their ballot should arrive, if the elections office received it and whether it was counted.

Additionally, this measure protects the secrecy of the ballot by only marking the outside ballot envelopes. No other information about the voter or how that vote was cast will be recorded.

The right to vote is one of the most cherished rights that we have as citizens. This measure will reduce the potential for fraud and restore confidence in absentee voting among the public. Furthermore, absentee voters will gain the knowledge that their vote has been counted and they are not being disenfranchised through the process.

I urge my colleagues to support the measure.

#### INTRODUCING HEALTH FREEDOM LEGISLATION

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 29, 2009*

Mr. PAUL. Madam Speaker, I rise to introduce two pieces of legislation restoring the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements. The first bill, the Health Freedom Act, codifies the First Amendment by ending the Food and Drug Administration (FDA)'s efforts to censor truthful health claims. The second bill, the Freedom of Health Speech Act, codifies the First and Fifth Amendment by requiring the Federal Trade Commission (FTC) to prove that health claims are false before it takes action to stop manufacturers and marketers from making the claims.

The American people have made it clear they do not want the federal government to interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with four federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in treating diseases by claiming that every article concerning this topic is evidence of intent to sell an unapproved and unlawful drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for four years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neural tube defects.

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega-3 fatty acids may reduce the risk of sudden death heart attack; that calcium may reduce the risk of bone fractures; and that vitamin D may reduce the risk of osteoporosis, hypertension, and cancer.

The Health Freedom Act will force the FDA to at last comply with the commands of Congress, the First Amendment, numerous federal courts, and the American people by codifying the First Amendment prohibition on prior restraint. Specifically, the Health Freedom Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements. The Health Freedom Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease. The FDA has proven that it cannot be trusted to protect consumers' rights to make informed choices. It is time for Congress to stop the FDA from censoring truthful health information.

The Freedom of Health Speech Act addresses the FTC's violations of the First Amendment. Under traditional constitutional standards, the federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC shifted the burden of proof to industry. The FTC presumes health advertising is false and compels private parties to prove the ads (and everything the regulators say the ads imply) to be true to a near conclusive degree. This violation of the First and Fifth Amendments is harming consumers' by blocking innovation in the health foods and dietary supplement marketplace.

The Freedom of Health Speech Act requires that the government actually prove that speech is false before the FTC acts against the speaker. This is how it should be in a free society where information flows freely in order to foster the continuous improvement that benefits us all. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes before the FTC censors the claim and imposes other punishments.

Madam Speaker, if we are serious about putting people in charge of their health care, then shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for