

white drug defendants. African Americans, on average, serve almost as much time in federal prison for a drug offense (58.7 months) as whites do for a violent offense (61.7 months). Much of this disparity is due to the severe penalties for crack cocaine.

The Major Drug Trafficking Prosecution Act of 2009 will help refocus important federal prosecutorial resources to the major drug traffickers instead of low-level offenders and it will provide more discretion to judges by making some long overdue changes to current law: eliminating all mandatory minimum sentences for drug offenses; curbing federal prosecutions of low-level drug offenders; and allowing courts to place drug users on probation or suspend the sentence.

Mandatory minimums have been repealed before. A 2008 report issued by Families Against Mandatory Minimums describes how Congress first enacted mandatory drug sentences in the 1950s, then voted to repeal them in 1970 because they failed to reduce drug trafficking. I would like to refer Members to the report at the following site: http://www.famm.org/Repository/Files/8189_FAMM_BoggsAct_final.pdf. In a recent poll, 8 in 10 Americans agreed that courts—not Congress—should determine prison sentences, and 6 in 10 opposed mandatory sentences for nonviolent offenders. Today's Congress should heed the American people and repeal mandatory minimums again.

I strongly urge my colleagues to support The Major Drug Trafficking Prosecution Act of 2009.

CHARITABLE GIVING

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. MITCHELL. Madam Speaker, I rise today in support of charitable giving.

Americans give generously.

In the weeks following the deadly 2004 tsunami in Asia, donations from American charities outpaced official government aid by more than \$100 million.

When Hurricane Katrina devastated the Gulf Coast of our nation, Americans responded with faster and more forceful giving than ever before. In the first 10 days, charitable giving topped \$700 million. Ultimately, more than \$4 billion was donated to the recovery effort.

Since the mid-1990s, charitable giving has accounted for roughly 2 percent of our annual GDP, which is more than double the rate of giving in any other country.

And Madam Speaker, most donations don't come from big business. They come from hardworking Americans. Individuals account for 75 percent of charitable giving.

Recently, some have proposed limitations on the tax deduction for charitable giving. We face a staggering deficit, and I believe we must balance the budget—but not by raising taxes on these donations.

It has long been a hallmark of the U.S. tax code that giving gets a tax break. Today, I joined Rep. ROS-LEHTINEN of Florida to introduce a resolution that would state this Chamber's support for charitable giving and its opposition to raising taxes on donations. At this time of great need at home and abroad, we

must not make it harder for Americans to give. I urge my colleagues to join me in opposing a tax increase on charitable donations.

HONORING THE LIFE OF CONGRESSMAN DANIEL E. BUTTON

HON. ERIC J. J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. MASSA. Madam Speaker, I would like to take a moment to recognize the life and achievements of Daniel E. Button, a former Congressman who represented New York's 29th District. Button, who died this week at age 91, was a father of five and a Columbia University-educated journalist in the late 1950s and early 1960s. In 1966, dismayed by what he saw as entrenched corruption, Button decided to run for Congress and won by doing the hard work of walking the district in a seemingly unattainable quest. He won by only 17,000 votes but was re-elected in 1968 for a second term. Even though Button's tenure as New York's 29th District Representative lasted only two terms, they were filled with Button's drive to fight for what he believed was right. For standing up and taking action for what he believed in, it is my pleasure to honor the late Congressman Daniel E. Button.

TREAT PHYSICIANS FAIRLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I rise today to introduce the Treat Physicians Fairly Act, legislation providing tax credits to physicians to compensate for the costs of providing uncompensated care. This legislation helps compensate medical professionals for the costs imposed on them by federal laws forcing doctors to provide uncompensated medical care. The legislation also provides a tax deduction for hospitals who incur costs related to providing uncompensated care.

Under the Emergency Medical Treatment and Active Labor Act (EMTALA) physicians who work in emergency rooms, as well as the hospitals, are required to provide care without seeking compensation to anyone who comes into an emergency room. Thus, EMTALA forces medical professionals and hospitals to bear the entire cost of caring for the indigent. According to the June 2/9, 2003 edition of AM News, emergency physicians lose an average of \$138,000 per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations, and can be fined \$50,000 for failure to be in technical compliance with EMTALA!

Forcing physicians to offer their services without providing any form of compensation is a blatant violation of the takings clause of the Fifth Amendment. After all, the professional skills with which one earns a living are a form of property. Therefore, legislation, such as EMTALA, which forces individuals to use their professional skills without compensation is a taking of private property. Regardless of whether the federal government has the con-

stitutional authority to establish programs providing free-or-reduced health care for the indigent, the clear language of the takings clause prevents Congress from placing the entire burden of these programs on the medical profession.

Ironically, the perceived need to force doctors to provide medical care is itself the result of prior government interventions into the health care market. When I began practicing, it was common for doctors to provide uncompensated care as a matter of charity. However, government laws and regulations inflating the cost of medical services and imposing unreasonable liability standards on medical professionals even when they were acting in a volunteer capacity made offering free care cost prohibitive. At the same time, the increased health care costs associated with the government-facilitated over-reliance in third party payments priced more and more people out of the health care market. Thus, the government responded to problems created by their interventions by imposing EMTALA mandate on physicians, in effect making the health care profession scapegoats for the unintended consequences of failed government health care policies.

EMTALA itself is having unintended consequences that could result in less care availability for low-income Americans at emergency rooms. This is because EMTALA provides a disincentive for physicians from offering any emergency care. Many physicians have told me in my district that they are considering curtailing their practices, in part because of the costs associated with the EMTALA mandates. Many other physicians are even counseling younger people against entering the medical profession because of the way the federal government treats medical professionals! The tax credit of the Treat Physicians Fairly Act will help mitigate some of these unintended consequences.

The Treat Physicians Fairly Act does not remove any of EMTALA's mandates; it simply provides that physicians can receive a tax credit for the costs of providing uncompensated care. This is a small step toward restoring fairness to the physicians. Furthermore, by providing some compensation in the form of tax credits, the Treat Physicians Fairly Act helps remove the disincentives to remaining active in the medical profession built into the current EMTALA law. I hope my colleagues will take the first step toward removing the unconstitutional burden of providing uncompensated care by cosponsoring the Treat Physicians Fairly Act.

INTRODUCTION OF THE "STUDY OF WAYS TO IMPROVE THE ACCURACY OF THE COLLECTION OF FEDERAL OIL, CONDENSATE, AND NATURAL GAS ROYALTIES ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, I am pleased to reintroduce the "Study of Ways to Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act," which would commission a study by

the National Academy of Engineering to examine the policies and procedures for ensuring the oil and gas from federal lands is appropriately measured for the purposes of paying royalties.

The bill has two components. The first calls on the National Academy of Engineering to study specific ways to improve the accuracy of the collection of royalties on oil and natural gas from Federal and Tribal lands. The study is needed because current methods used in the United States for collecting, measuring, valuing, and storing oil and natural gas may not lead to royalty payments that are as accurate as they could be.

Lawsuits have been filed alleging that energy companies are underpaying billions of dollars in royalties because of these inaccuracies—or possibly because of outright manipulation—in the process for determining royalty payments.

Many of these lawsuits have been settled, and we're talking about a lot of money here:

In 2000 and 2001, major oil companies settled with the Justice Department for over half a billion dollars in two False Claims Act lawsuits over oil and royalty underpayments.

In 2004, Chevron paid out \$111 million to the State of Louisiana for underpayments.

In 2005, BP owned up to the tune of \$233 in a Colorado case.

And, in a case still pending, Exxon Mobil may owe up to \$3.6 billion or much more to the State of Alabama for underpayments in royalties there.

Certainly, for this kind of money, we can afford to ask the experts who understand the technical issues here to study the major underlying problems.

The second part of the bill is a review of royalty payments. It provides for a comparison of royalty payments made under federal oil and gas lease provisions to data supplied to the Federal Energy Regulatory Commission. This is to determine whether such payments were adequate under the terms of the oil and gas leases. With completion of these studies, the Congress, Minerals Management Service, and the Bureau of Land Management will have a better understanding of changes that should be undertaken to make the process more accurate and transparent, and American taxpayers will have a better chance of getting all the oil and gas royalties that they are owed.

HONORING THE MODEL HIGH
SCHOOL LADY DEVILS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GINGREY. Madam Speaker, I rise today to recognize a talented group of girls from Floyd County in Georgia's 11th Congressional District. As we move towards March Madness in college basketball, the Georgia High School Association's state basketball playoffs are already underway. The Model High School Girl's Basketball Team—or Lady Devils—have soared to a perfect 30–0 record and are poised for a trip to the Georgia High School Association's Final Four tonight.

The Lady Devils' road to the Final Four has led them through a Region 7AA Championship

and three rounds of State playoffs to send them to the semi-finals for the first time in over a decade.

Although many around Floyd County are riding high on the team's success, the girls of the No. 2–ranked and unbeaten Lady Devils are focused on getting back to work as they prepare for tonight's Final Four match-up against Henry County at the Macon Centreplex.

The Lady Devils are led by Coach Sally Echols, who actually played in Model High School's last trip to the Final Four in 1997. Echols has proved just as valuable as a head coach as she was on the court—leading the Lady Devils to four straight Region Championships. I ask that my colleagues join me in congratulating Coach Echols and the Model High School Lady Blue Devils for their success on the court as well as the hard work and determination that got them there. I wish them luck in the Final Four.

ON EL SALVADOR

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BILIRAKIS. Madam Speaker, I rise today to express my grave concern about the upcoming elections in El Salvador this week.

Under its current and recent governments, El Salvador has served as a Forward Operating Location in the war on drugs and cooperates closely with the United States. However that may change if the opposition party, the FMLN, comes to power in Sunday's election.

The Farabundo Martí National Liberation Front (FMLN) is a pro-terrorist party with direct ties to sponsors of terror like Cuba, Iran, and FARC, the narcoguerrilla terrorist organization in Colombia. Based on its relationships, the FMLN clearly is not a reliable partner in the fight on drug trafficking and money laundering.

If the FMLN were to enter government in El Salvador, the Department of the Treasury would be forced to use its legal authority to monitor, control, delay, or terminate the movement of nearly \$4 billion in remittances and other money transfers to El Salvador.

The United States must be prepared to apply, on an urgent basis, the full array of legal instruments available should circumstances after the Salvadoran election require the urgent termination of the flow of remittances to that country.

The government of El Salvador has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security. For the sake of the Salvadorans and the United States, I pray that the FMLN is defeated, so that the United States can maintain its special relationship with the government of El Salvador.

On Election Day, El Salvador will be choosing between remaining a close U.S. ally, or realigning itself with countries hostile to the U.S. Let's hope they choose freedom, security, and good neighborliness with the U.S.

INTRODUCTORY STATEMENT ON
H.R. 1463

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. HARMAN. Madam Speaker, one of the most important challenges confronting the intelligence community is learning the nature of and damage done by the worldwide network in nuclear centrifuge technology, bomb components and training run for almost two decades by A. Q. Khan—the revered “father” of his country's nuclear program. Considered a pariah abroad but a hero at home, that task got a lot tougher when Pakistan's High Court ordered Khan released from house arrest last month.

At the recent Wehrkunde Security Conference in Munich, Pakistani Foreign Minister Shah Mehmood Qureshi astonished delegates, telling us that his government had not decided whether to challenge the court decision but that Pakistan would continue to monitor Khan.

For those who stay awake at night worrying about Iran's increasing mastery of centrifuge technology and the ability of terror groups to access nuclear components, Pakistan's action is distressing.

When Khan “confessed” in 2004 to his illegal nuclear dealings, he was promptly placed under “house arrest” and pardoned by then President Pervez Musharraf. The U.S. government was denied access to him, and was never able to question him about what he did and what else he knew.

Today, we introduce legislation to condition future military aid to Pakistan on two things: that the Pakistani Government make A.Q. Khan available for questioning and that it monitor Khan's activities.

This much we do know. As a university student in Europe in the late 1960s and early 1970s, Khan earned degrees in metallurgical engineering from institutions in Holland and Belgium. In 1972, he began working for the Dutch partner of a uranium enrichment consortium and almost immediately raised eyebrows for repeated visits to a facility he was not cleared to see and for inquiries made about technical data unrelated to his own assignments.

Dutch intelligence quietly began to monitor him. In 1974, following India's first nuclear test, Khan offered his expertise to Pakistani Prime Minister Zulfikar Ali Bhutto. Later that year, Khan's company assigned him to work on Dutch translations of advanced, German-designed centrifuges—data to which he had unsupervised access for 16 days.

By 1975, the damage appears to have been done. Pakistan began to purchase components for its domestic uranium enrichment program from European suppliers, and Khan was transferred away from enrichment work due to concern about his activities.

In December, he abruptly returned to Pakistan with blueprints for centrifuges and other components and detailed lists of suppliers.

Convicted in absentia by the Dutch government for nuclear espionage, beginning in the mid-1980s, Khan is widely believed to have provided nuclear weapons technology to Iran, North Korea, Libya and possibly Syria and Iraq. His network involved front companies