

In light of these actions and in accordance with section 213A of CBERA, as amended, I have determined and hereby certify that Haiti: (i) has implemented the requirements set forth in sections 213A(e)(2) and (e)(3); and (ii) is requiring producers of articles for which duty-free treatment may be requested under section 213A(b) to participate in the TAICNAR Program and has developed a system to ensure participation in such program by such producers, including by developing and maintaining a registry of producers.

BARACK OBAMA.

THE WHITE HOUSE, October 16, 2009.

□ 1415

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 16, 2009 at 2:18 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to significant narcotics traffickers centered in Colombia first declared in Executive Order 12978 of October 21, 1995.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL
EMERGENCY WITH RESPECT TO
SIGNIFICANT NARCOTICS TRAF-
FICKERS CENTERED IN COLOM-
BIA—MESSAGE FROM THE
PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 111-70)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to significant nar-

cotics traffickers centered in Colombia is to continue in effect beyond October 21, 2009.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.

THE WHITE HOUSE, October 16, 2009.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to make an announcement regarding decorum in the Chamber.

The Chair must remind all Members that under clause 5 of rule XVII and the resolution adopted by the House on July 17, 1979, as implemented by Speakers under clause 2 of rule I, the standard of dress on the floor of the House is proper business attire: for gentlemen, coat and tie. The donning of a lab coat or other attire in the nature of a distinctive uniform of another occupation is not proper.

The Chair expects the cooperation of all Members in upholding this standard of decorum.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FAIR CREDIT REPORTING ACT
AMENDMENT

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3763) to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FOR CERTAIN SMALL
BUSINESSES.

(a) IN GENERAL.—Section 615(e) of the Fair Credit Reporting Act (15 U.S.C. 1681m(e)) is amended by adding at the end the following new paragraphs:

“(4) EXCLUSION FOR CERTAIN BUSINESSES.—For purposes of this subsection, the term ‘creditor’ shall not include—

“(A) a health care practice with 20 or fewer employees;

“(B) an accounting practice with 20 or fewer employees;

“(C) a legal practice with 20 or fewer employees; or

“(D) any other business, if the Commission determines, following an application for exclusion by such business, that such business—

“(i) knows all of its customers or clients individually;

“(ii) only performs services in or around the residences of its customers; or

“(iii) has not experienced incidents of identity theft and identity theft is rare for businesses of that type.

“(5) LIMITATION ON EXCLUSION FOR BUSINESSES NO-LONGER ELIGIBLE.—To the extent that a business can no longer demonstrate that it meets the criteria under paragraph (4) that permitted its exclusion from the term ‘creditor’, such exclusion shall no longer apply.

“(6) DEFINITIONS.—For purposes of this subsection:

“(A) EMPLOYEE.—With respect to a business, the term ‘employee’ means any individual who works for such business and is paid either wages or a salary.

“(B) HEALTH CARE PRACTICE.—

“(i) IN GENERAL.—The term ‘health care practice’ means a business that’s primary service is providing health care via health care professionals employed by the business.

“(ii) HEALTH CARE PROFESSIONAL.—For purposes of subparagraph (A), the term ‘health care professional’ means an individual engaged in providing health care and licensed under State law, including physicians, dentists, podiatrists, chiropractors, physical therapists, occupational therapists, marriage and family therapists, optometrists, speech therapists, language therapists, hearing therapists, and veterinarians.”.

(b) PROCESS FOR EXCLUSION APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Trade Commission shall issue regulations, in accordance with section 553 of title 5, United States Code, that set forth the process by which a business may apply for an exclusion under section 615(e)(4)(D) of the Fair Credit Reporting Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself as much time as I may consume.

First, I want to thank Representatives MICHAEL SIMPSON from Idaho,

PAUL BROUN from Georgia, particularly CHRIS LEE from New York, as well as DAN MAFFEI from New York for helping me draft this bipartisan bill to help protect small businesses from overreaching Federal regulations during these tough economic times. In addition, I would like to thank Jon Leibowitz, chairman of the FTC, for delaying enforcement of the Red Flag Guidelines until Congress passes this commonsense fix.

American small businesses are struggling. They are often forced to comply with burdensome regulations that significantly increase their expenses. I am committed to helping small businesses, because the key to our economic recovery is tied to their ability to thrive. Today, my bill will clarify the intention of past legislation so that it isn't blindly enforced against America's small businesses.

The Federal Trade Commission went too far and went beyond the intent of Congress by considering non-financial, service-related industries to be "creditors" under the Fair and Accurate Credit Transactions Act of 2003. Its ruling would force thousands of small businesses to comply with burdensome, expensive regulations by forcing them to develop and implement an identity theft program.

My commonsense bill would exempt health care practices, law and accounting firms from the FTC's Red Flag Guidelines. In addition, it would create a system where the FTC has some flexibility to waive implementation of the regulations for other industries.

During these tough economic times, the Federal Government should not be placing burdensome regulations on small businesses. Small businesses are the backbone of New Jersey's economy, and they shouldn't be included under a random definition interpreted by a Federal bureaucracy. Failure to pass this bill today will hurt America and the hardworking, innovative entrepreneurs that manage and operate small businesses across this great country.

Again, I applaud the bipartisan way we crafted this legislation and urge the rest of my colleagues to vote in favor of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3763, which will exempt small businesses from cumbersome government regulations regarding identity theft, and I appreciate the leadership of my friend from New Jersey.

There is no question that identity theft is a serious problem in this country. Millions of Americans every year have their credit affected by identity thieves, prompting previous Congresses to enact measures to increase awareness and education about the issue. These actions have played a significant

role in decreasing the number of Americans impacted by identity theft each and every year. Additionally, a policy change enacted in 2003 required large financial institutions and creditors to develop and implement identity theft programs to increase consumer protections.

Unfortunately, however, the Federal Trade Commission, the government body responsible for enforcing these guidelines, has gone too far in defining the intent of the law and has chosen to apply the guidelines to all businesses, large and small. While these reporting requirements are no doubt necessary for large businesses and corporations with thousands of customers, FTC has issued rules that it will soon begin to impose, forcing the same regulation requirements for small businesses as well.

Small businesses know their customers, and they have a more personal relationship with those they do business with. If not addressed by this Congress, small businesses will soon be mandated to follow these excessive requirements that will place an undue burden on them while not providing any real increase to consumer protections.

Specifically, the bill before us today will exempt accounting, legal and the health care practices with 20 or fewer employees from the reporting requirement. Importantly, it also provides FTC with the option of excluding other small businesses that know all its customers individually and perform services near where its customers live. By passing this fix today, Congress can provide the FTC a clear definition of how Congress intended the policy to be enacted and protect small businesses and their customers from unnecessary government intervention.

As a cosponsor of this important legislation, I urge its immediate adoption.

I reserve the balance of my time.

Mr. ADLER of New Jersey. I continue to reserve the balance of my time.

Mr. LEE of New York. With that, I would like to yield 3 minutes to my good friend from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I thank my colleague, CHRIS LEE from New York, for yielding me some time.

Mr. Speaker, it is a pleasure for me to come before you today to speak in favor of this bipartisan, commonsense bill which will help so many of our small businesses in our country. In my opinion, the manner in which this legislation was crafted, with input from both sides of the aisle, with the FTC and with the various sectors that would be adversely affected if we had not acted, is the model for how this House can work to actually solve the problems facing our country.

I wish very ardently that we could get together, Republicans and Democrats alike, and find some commonsense solutions to the health care financing in this country the same way that my friend, Mr. ADLER, and the rest of the Democratic colleagues and

those of us on our side came together on this. And I think that's the way that this House ought to operate.

I congratulate Mr. ADLER for what he has done and other colleagues on both sides for bringing forth this commonsense legislation. I would personally like to thank my colleagues, Mr. ADLER and Dr. SIMPSON, for their tireless efforts as we worked to put this very effective, commonsense legislation together. I also want to thank the committee staff that helped in this process.

This legislation is a very specific exemption without which it would cost so many small businesses thousands of dollars to unnecessarily implement. But it also allows the FTC the ability to exempt other businesses that aren't one of the three industries outlined in this bill. And that just makes sense, also.

When enacted, H.R. 3763 will truly reflect the original intent of the FACT Act and codify an exemption for health care providers, accounting firms and law firms that were never meant to be wrapped in this overarching Red Flag legislation.

So, again, I would like to thank Mr. ADLER, Mr. LEE and Dr. SIMPSON and each and every person who helped bring this legislation to fruition. This is the way we ought to operate. And I think it is just a great day for this Congress as we, as Democrats and Republicans, came together on this commonsense legislation.

Mr. ADLER of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I have no further requests for time, so I will close by encouraging my colleagues on both sides of the aisle to support this much-needed legislation that will ensure that small businesses are not encumbered with more burdensome Federal regulation and ensure that we can get this economy back and moving forward.

With that, I yield back the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, I have no further requests for time. I yield myself as much time as I may consume.

Before I close, I would like to reiterate the importance of this bill. Many of America's economic problems are not the fault of small businesses, but they have borne the brunt of the economic downturn. My legislation, Mr. LEE's legislation, Mr. BROUN's legislation, Mr. SIMPSON's and Mr. MAFFEI's, a bipartisan piece of legislation, will prevent one more layer of Federal regulations that would add another cost on the backs of small businesses across America.

Again, I urge all Members of Congress to support this bill. I thank Mr. BROUN for his comments about the bipartisan nature of this bill. This is my and Mr. LEE's second bill together. I hope it's the second of many to try to serve the process of this House and to serve the people of our great country.

Mr. SIMPSON. Mr. Speaker, I rise today to speak in support of H.R. 3763, to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses. This bill is a bipartisan, common-sense approach to protecting our nation's small businesses from needless, burdensome government regulation. This legislation would exempt certain businesses, including health providers, from complying with the Red Flags Rule, which requires financial institutions and creditors to develop and implement a written identity theft program.

The bill recognizes that many of our nation's small businesses, particularly health providers, are not financial institutions and therefore do not present the same level of risk as financial institutions in cases of identity theft. In fact, many of these medical and dental offices were considered creditors under the rule simply because of the fact that they are willing to work with patients on developing flexible payment plans for those patients that can't afford to pay at the time of service. Thus, this rule actually appeared to discourage efforts to improve access to care for people who can't afford to pay, which runs contrary to all of Congress's efforts, on both sides of the aisle, to improve our health system.

When Congress expressed those concerns to the Federal Trade Commission (FTC), they delayed the implementation of the rule twice, in April and again in August, as they worked with providers and other small businesses in an effort to minimize the burdens of compliance and address their concerns with the program. I would like to recognize and thank the FTC for their efforts. However, as this bill demonstrates, Congress believes that entities such as health providers, accountants and others were never meant to be included in the definition of creditor. This legislation is an appropriate next step to better defining who is a creditor and protecting our small businesses from needless costs and regulations.

I would like to thank Chairman FRANK and Ranking Member BACCHUS for working with us to craft a balanced bill to address all parties' concerns. In addition, I would like to thank Congressman ADLER and Congressman BROWN—I have greatly enjoyed working with you on this legislation. In addition, I would like to thank the FTC for their willingness to work with us to address the concerns of medical providers and small businesses alike. They have been a true partner in this process, and I would like to recognize their efforts to address our concerns with this rule.

Mr. Speaker, during these difficult economic times, it is more important than ever that government push forward legislation to promote small businesses in America. In addition, we should be working with America's dentists and doctors to promote policies that improve access to care instead of burdening them with unnecessary rules and compliance measures. This legislation does exactly that.

Mr. ADLER of New Jersey. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 3763.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ADLER of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3319) to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, shall be known and designated as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army Specialist Jeremiah Paul McCleery Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am very proud this afternoon to present H.R. 3319 for consideration. This measure, if passed, will designate the postal facility located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building."

Introduced by my colleague and friend Representative TOM MCCLINTOCK of California on June 23, 2009, and favorably reported out of the Oversight and Government Reform Committee on September 10, 2009, by unanimous con-

sent, H.R. 3319 enjoys the support of the entire California House delegation.

A native of Portola, California, Army Specialist Jeremiah McCleery proudly served in support of Operation Iraqi Freedom with the United States Army's 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division out of Fort Hood, Texas. Regrettably, Specialist McCleery and his friend and fellow Californian, Army Specialist Jake Velloza, died on May 2 from wounds sustained after those two soldiers were shot by enemy forces in Mosul, Iraq. Specialist McCleery was just 24 years old at the time of his death.

Specialist McCleery's heroic commitment to the United States military began at the age of 4 after his father, Joe McCleery, took his young son to Twentynine Palms, California, to watch the homecoming of a unit of United States Marines returning from the 1991 Persian Gulf War. The opportunity to witness the triumphant return of those brave American soldiers prompted Specialist McCleery's lifelong desire to serve his country.

Even as a young boy, Specialist McCleery was passionate about becoming a member of America's military. As a child, he spent hours in his backyard playing the role of soldier, and soon enough he joined the Boy Scouts of America and subsequently the Civil Air Patrol.

While he intended to enlist in the United States Army following his graduation from Portola High School in 2004, Specialist McCleery delayed his enlistment after his beloved mother, Mrs. Collette McCleery, was diagnosed with cancer during his senior year. Specialist McCleery decided to stay with his family during his mother's battle with cancer, and only went on with his life's desire of enlisting in the military after his mother passed away in 2005. So, in addition to his dedication to the United States Army, Specialist McCleery will be equally remembered for his steadfast devotion to his family, especially his father, Joe, and his sister, Chastity.

Specialist McCleery enjoyed the outdoors, and specifically loved hunting, riding four-wheelers, and sport shooting with his friends, but without a doubt his favorite outdoor pastime was always fishing with his dad. Although he is no longer with us, Specialist McCleery's memory will live on with his friends and family and all those who were fortunate enough to know this great young American.

Mr. Speaker, Army Specialist Jeremiah McCleery's life stands as a shining example of the bravery and dedication of the heroic men and women who serve our great Nation at home and abroad. I urge all my colleagues to join me in honoring this fine American soldier by designating the postal facility at 440 South Gulling Street in Portola, California, in his memory.

Mr. Speaker, I reserve the balance of my time.