

[From the Booneville Sentinel, July 14, 2010]

Lois Baker leaves a long list of achievements.

Funeral services for the founder and past chief executive officer of Mountain Comprehensive Health Corporation (MCHC) was held Wednesday, June 30, 2010 at the First Baptist Church in Whitesburg.

Lois attended Stuart Robinson High School, Fugazzi Business College in Lexington, KY and the University of Michigan School of Public Health.

Before leading Mountain Comprehensive Health to become one of the country's most successful rural health providers, she worked in the coal business and operated a furniture plant. She was president of Baker Coal & Land Company from 1959 to 1963, president of Letcher Manufacturing Company, Inc. in 1963 and became CEO of MCHC in 1971.

The first MCHC clinic was located in Wooten on the Perry/Leslie county line, in a trailer. MCHC operates five clinics, located in Letcher, Perry, Harlan and Owsley counties. MCHC's team consists of 250 employees and provides services to more than 27,000 patients each year. In looking back, Lois stated, "there was no way that at that time I could have imagined or anyone else that was working at that time could imagine Mountain Comp as it is today."

In October 1983, Lois extended her commitment of providing quality healthcare services to the residents of Owsley County and surrounding counties by opening the Owsley County Medical Clinic. Owsley Medical Clinic is now a medical practice consisting of two primary care providers and 15 employees whose mission is to utilize all available resources to provide affordable health care to those persons residing in its service area. The Owsley Medical Clinic is an asset to the area as well as a source of pride for Owsley County. Thank you Lois for thinking of us!

Lois served on many boards and committees. She was a member of the University of Kentucky College of Medicine Admissions Committee. She said that if an eastern Kentucky student applied to UK College of Medicine, they were accepted and encouraged to come back to the mountains to practice medicine. She was inducted into the Mountain Heritage Hall of Fame, the National Association of Community Health Centers Grassroots Advocacy Hall of Fame and the UK College of Public Health Hall of Fame.

Lois always had a vision and she never lost that vision. She was always a pioneer in everything and never afraid to tackle anything. She had a presence that seemed larger than life and felt it was purely about helping people by providing excellent health care. Lois's great passion for her work, compassion for her staff and patients, and friendliness even under stress made her a role model for all of us. She will be missed greatly by many.

CLEAN ENERGY JOBS AND OIL COMPANY ACCOUNTABILITY ACT

Mr. LEAHY. Mr. President, I commend the majority leader for introducing the Clean Energy Jobs and Oil Company Accountability Act. This bill, which I am proud to support, is a timely and targeted response to the continuing devastation in the Gulf of Mexico, a catastrophe which began 100 days ago. The Senate must move quickly to address one of the most immediate and pressing problems facing our Nation and to find meaningful ways to prevent similar disasters in the future. The American people rightly expect that

the lessons learned from this disaster will be heeded.

This legislation addresses several issues brought to light in the spill's aftermath. It will ensure the fair treatment of victims like the families of the 11 Americans who were killed in the explosion on the Deepwater Horizon oil rig. It will encourage responsible corporate behavior and provide meaningful criminal penalties for environmental crimes. It will ensure that British Petroleum and those responsible for this disaster and any responsible party associated with an oilspill at an offshore facility in the future are held fully accountable and liable for all of the damages the oilspill causes and that the American taxpayer is not left with the bill. It is a response that will help the people of the gulf begin the long process of restoring what they have lost. And for those who cannot recover what they have lost, it will help them as they move forward. These matters, and others, have been the subject of several recent hearings in the Senate Judiciary Committee.

Senators from several committees, including the Judiciary Committee, have made important contributions to this bill. I am pleased that the majority leader asked for and listened to the calls of members of the Judiciary Committee to make sure that a significant part of this legislative response was focused squarely on the needs of the victims of this disaster and that the Federal laws designed to provide justice for wrongdoing are fair.

I thank the majority leader for including two pieces of legislation I have introduced—the Survivor's Equality Act, and the Environmental Crimes Enforcement Act. I am confident that, when enacted, both of these provisions will help victims and promote responsibility and safety within the energy industry.

The Survivor's Equality Act would remedy profound unfairness in our maritime tort laws. The enactment of this provision will end the unequal treatment under the law for those who are killed at sea. The Death on the High Seas Act, which is one of the few remedies for these families to seek justice, provides compensation only for pecuniary losses associated with a wrongful death. This involves a cold calculation of a victim's monetary worth to his or her family and nothing more. And if an individual who is killed has no dependents, he or she is entitled to very little, yet the loss to a parent or a sibling is no less tragic. The current Federal maritime law does not recognize the profound losses associated with the death of a loved one—the suffering of a widow who has lost her husband; a parent who has lost a child; or a child who will no longer have a parent to guide them through life. In modern America, it is simply unfair to have a different standard of justice for those killed at sea than those killed on land.

Another important provision in the pending bill is the Environmental

Crimes Enforcement Act which would bolster the enforcement of environmental crimes. Often in the case of serious environmental catastrophes the companies that caused the disaster may be guilty of committing environmental crimes. These wrongdoers must be held accountable for their criminal acts, and they, rather than American taxpayers, should pay for the damage. The Environmental Crimes Enforcement Act is crafted to deter environmental crime, protect and compensate its victims, and encourage accountability among corporate actors. This would deter schemes by big oil corporations and by others that hurt hard-working Americans and their local economies and that damage the environment by increasing sentences for environmental crimes. All too often, corporations treat fines and monetary penalties as merely a cost of doing business, to be factored against profits. To deter criminal behavior by corporations, it is important to have laws resulting in prison time, and this bill would appropriately raise sentences for environmental crimes so they are comparable with sentences for other serious crimes. Nothing gets the attention of corporate decisionmakers like the prospect of serving time behind bars.

This provision would also help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources by making restitution mandatory for criminal Clean Water Act violations.

Other members of the Judiciary Committee have made important contributions to the majority leader's bill. Senator WHITEHOUSE's legislation to reverse the Supreme Court's decision in *Exxon v. Baker* is included in this package. When this provision is enacted, the Supreme Court's arbitrary cap on punitive damages in maritime cases will be erased. Instead, with the appropriate measure of liability returned to a jury to decide, corporations engaged in dangerous and environmentally risky work will think twice about endangering the safety of their workers and the ecosystem.

Senator SCHUMER's legislation to repeal the antiquated Limitation of Shipowners' Liability Act has also been included. This statute limits a vessel owner's total liability to the value of the vessel after an accident has occurred. Updating this arcane law will foreclose the type of conduct we witnessed in this case when Transocean, the owner of the Deepwater Horizon, claimed its liability should be limited to the value of the Deepwater Horizon as it sat on the bottom of the gulf. That defies common sense and propriety. Congress cannot control a corporation's desire to evade its responsibilities, but the American people, through their Congress, need not allow a law that invites such behavior to stand.

Another important provision in this legislative package is the amendment

to the Land and Water Conservation Fund, LWCF, Act of 1965 to provide for full funding of the Land and Water Conservation Fund. This comes at a time when the purposes of this program are keenly important to communities across the country that are facing escalating development pressures, while striving to maintain their focus on improving the quality of life in their communities.

In my own home State of Vermont, LWCF has led to the conservation of many valued areas—from the Green Mountain National Forest, which stretches over nearly two-thirds of the length of Vermont across a diverse landscape, to our Missisquoi National Wildlife Refuge near the Canadian border, to the Appalachian Trail that winds through the State, and to the stunning Marsh-Billings-Rockefeller National Historical Park in Woodstock, VT. In recent years, LWCF has also helped to fund the Forest Legacy Program, which has permanently conserved more than 60,000 acres of forestland in Vermont and nearly 2 million acres nationwide. I am concerned, though, with how this new LWCF language has been drafted and worry that it could restrict our ability to allocate funds for the federal purposes, such as the Forest Legacy Program and other land acquisition programs that assist in preserving, developing, and assuring accessibility to quality outdoor recreation resources and important natural resources. I hope that I can work with the majority leader and other supporters of these land conservation programs moving forward to ensure that LWCF meets the outdoor conservation and recreation needs of the American people.

These investments not only protect crucial and delicate ecosystems and landscapes that are relied upon by countless communities and by indigenous wildlife; they also offer important recreation opportunities for Vermonters and visitors from other States to enjoy these beautiful places for our campgrounds, hiking trails, skiing, snow shoeing, snowmobiling, and fishing. It made good economic and environmental sense in 1965 and it remains good sense today to reinvest a small fraction of Federal leasing revenues in permanent natural resource protection. A healthier environment and more recreational opportunities will not only promote health and quality of life but also have a positive impact on our economy. More than 500 million people visit national parks and monuments, wildlife refuges, and recreational sites each year, contributing to family paychecks and to local economies.

LWCF is a visionary and bipartisan program. Since its creation in 1964, it has conserved more than 5 million acres of land and water across the country. These are iconic American landscapes like the redwood forests, the Grand Canyon National Park, the Appalachian National Scenic Trail, the

Great Smoky Mountains, the Denali National Park and Preserve, the Everglades, and our own Green Mountain National Forest in Vermont. This is a program that touches every American. Even those who have not been able to visit a national park or forest likely have enjoyed one of the many urban parks, picnic areas, playgrounds, open trails, or open spaces that LWCF has been the key to providing and protecting—places prized by everyday Americans across the land as places for recreation and so many other uses.

I am proud to have led the bipartisan efforts in the Senate to build support for the fund, whose budget is overseen by the Interior Appropriations Subcommittee. I have sought, with bipartisan support, increased funding for both the Federal and State sides of the program and the Forest Legacy Program, another successful and popular conservation initiative that I was gratified to be able to launch when I chaired the Committee on Agriculture, Nutrition, and Forestry. Regrettably, securing adequate resources for LWCF has always been difficult, and LWCF has only been fully funded once in its history.

I must also voice some additional concerns and reservations that I have about the LWCF language in this bill regarding the role of the Appropriations Committee. I hope that we can ensure that Congress, through the direction of the Appropriations Committee, will still have control in establishing how the Land and Water Conservation Fund is allocated among the State and Federal purposes and the various agencies within. I ask that the majority leader commit to working with the Interior Appropriations Subcommittee chairman to develop language that guarantees the role of the Congress in appropriating and directing these funds rather than leaving all control in the administration. I trust that we can find a way to fully fund LWCF and maintain the congressional involvement through the appropriations process.

I applaud the majority leader for including this provision in the bill and appreciate both his support and that of the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, for leading this effort to protect America's most treasured landscapes, to strengthen our local economies, and to ensure the future of our natural, cultural, and recreation heritage.

Now I would be remiss if I did not mention another program that has faced the same difficulty receiving its full authorized amount. That would be the Historic Preservation Fund, which also receives funding from the Outer Continental Shelf oil lease revenues but has rarely been appropriated more than half of the authorized level of \$150 million. I hope that I can work with my colleagues to solve this issue for the Historic Preservation Fund, just as we are trying to do for the Land and Water Conservation Fund.

This bill is also an important step forward for the Home Star Program, a bipartisan home efficiency effort that Congressman WELCH has helped lead in the House, that will lower consumers' energy and water costs while creating jobs. As Vermont has shown time and again, energy efficiency retrofits work. They not only create quality jobs and save homeowners money on their energy and water bills, but they also reduce our dependence on foreign oil and cut down on harmful carbon emissions.

The Clean Energy Jobs and Oil Company Accountability Act would reduce our dependence on foreign oil by making investments in vehicles that run on electricity and natural gas. The lack of fuel diversity in our transportation sector makes our economy and American consumers particularly vulnerable to increases in oil prices, and I am pleased that this bill invests in other transportation alternatives that will also bring down our carbon emissions.

I am sorely disappointed in Washington's inability so far to overcome the entrenched power of special interests by acting on comprehensive climate change remedies. This bill is not a substitute for that, but it does signifies several constructive steps forward.

I am proud to stand with Majority Leader REID in support of the victims of the greatest environmental disaster on American shores. But the legislative package he has assembled will do more than just bring justice to these victims. It will save consumers and taxpayers money, create jobs throughout the country, and move our country toward a safer, more responsible energy industry. It is a commonsense solution. I hope it will receive bipartisan support.

45TH ANNIVERSARY OF MEDICARE

Mrs. LINCOLN. Mr. President, tomorrow our Nation celebrates the 45th anniversary of Medicare, a vital program that has provided health care for millions of Americans through the years. During my career in the Senate, I have fought to ensure that our Arkansas seniors and all seniors receive the best health care possible. I have fought to protect Medicare benefits for our Arkansas seniors, so they can receive the care they need, when they need it.

I believe in the promise our government made to working Americans that if we work hard, Medicare will be there to help us in our golden years. Medicare has made a healthy and secure retirement possible for tens of millions of Americans, including my own mother.

More than 500,000 Arkansans are enrolled in Medicare, and I am proud of my work on their behalf. In particular, our Arkansas seniors will see significant new benefits because of the Patient Protection and Affordable Care Act, which I played a major role in crafting.

The new health care law will enhance the life and well being of our seniors in