



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, WEDNESDAY, JUNE 27, 2012

No. 98

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NUGENT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 27, 2012.

I hereby appoint the Honorable RICHARD B. NUGENT to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

COMPANION CARE WORKERS BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Rising health care costs remain a top concern for many Americans, particularly the Baby Boomers heading off into retirement and individuals with disabilities. However, one service in particular—home companion care—has come under attack from the Department of Labor and faces a sharp rise in costs. Currently, the Fair Labor Standards Act provides exemptions for home care workers. And for more than four dec-

ades now, the exemption has helped seniors and individuals with disabilities maintain access to affordable in-home care.

Companion care workers play a crucial role for those who desire to remain independent, performing a range of everyday tasks like helping to prepare meals, opening the mail, providing light housekeeping, and even offering someone to talk with, which is immensely helpful. However, the greatest service these individuals play is providing families with a sense that mom or dad or their loved ones are not alone when we need to be away.

But in December of 2011, the Department of Labor introduced a proposal championed by President Obama to remove the companionship exemption from the Fair Labor Standards Act, a move which would virtually eliminate the current exemption. On top of that, it will raise costs for businesses and families and lead to reduced hours for home companion care workers. Even the Department estimates the cost of companion care under the proposed rule may increase by up to \$2.3 billion over the first 10 years. It will be families and seniors and the disabled that will struggle to pay these costs out of their own pockets. These changes run in stark contrast to what Congress intended when it first established this important exemption nearly four decades ago. While I recognize the delivery of services has evolved over the years, the need to maintain access to affordable in-home care has not.

Seniors and the disabled in my home State of Michigan have been devastated by the fallout from this flawed policy. In 2006, Michigan made similar changes to the State law that the Department of Labor is currently considering. This was confirmed by a constituent in my home State who testified that his home companion care business, employees, and clients are worse off since the change went into ef-

fect. Seniors, those with disabilities, and their families are often unable to pay higher prices for the overtime requirement, forcing them to take on different caregivers throughout the day. This disruption to their schedule takes away the certainty of working with trusted caregivers. Many seniors and individuals with disabilities are then left with no choice but to leave their own homes because of the cost.

In response, I have introduced two bills to ensure seniors and individuals with disabilities keep their access to affordable companion care. Both bills will also prevent the Federal Government from interfering with decisions that should be made by families. The first bill, H.R. 5969, the Ensuring Access to Affordable and Quality Companion Care Act, will clarify that home caregivers employed by a third-party employer or living with the individuals receiving care continue to be exempt from the requirements of the Fair Labor Standards Act. The second, H.R. 5970, The Protecting in-Home Care From Government Intrusion Act, will stop the Secretary of Labor from finalizing or enforcing a proposed rule that severely narrows the Fair Labor Standards Act exemption for in-home caregivers.

If the Obama administration's proposal is not stopped, home care workers will lose hours and possibly their jobs. Seniors and those with disabilities will lose affordable care they want and need. This is simply a risk that we cannot afford to take.

TRANSPORTATION BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. There's a transportation agreement rumored to be in the works that would be shortsighted in the extreme if these rumors prove to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H4067

be accurate. Our problem was created because for years Congress and the last two administrations have been unwilling to deal meaningfully with the large gap of funding for transportation created because we rely on an outmoded funding system based on the number of gallons of fuel consumed. With more efficient gas and diesel vehicles augmented by more hybrids, plug-in hybrids, and electric cars, the transportation trust fund is locked into an inevitable downward spiral. Like the looming Social Security deficit, the longer we wait, the worse it will get.

Not this year, but over the next few years, we should temporarily increase and then replace the gas tax with a system that is based on the amount of road use. The new legislation should be laying the foundation for this transition. Unfortunately, it doesn't.

The rumored agreement would also take us backward on enabling alternative modes of transportation. In the last 20 years of transportation reform we've used enhancement funding to get more out of the transportation projects. These include long-neglected and wildly popular bike and pedestrian safety programs such as Safe Routes to School. In a recent Princeton survey, 83 percent of the public wanted these programs maintained or the funding increased. They place an emphasis on intermodalism so that transportation modes work together and minimize direct conflict between truckers, rail, and commuters that can paralyze not just transportation but transportation planning.

From what I hear, efforts to provide incentives to "fix it first" are being undercut. It's never as popular to maintain what you've got in face of the drumbeat of a few focused special interests for a new particular project. But "fixing it first" creates more transportation jobs, provides more safety, alleviates congestion and pollution, and has more overall economic impact. And it, of course, alleviates long-term pressure to create more roads that we can't adequately maintain.

The bill before us also misses an opportunity to reform the system to have more performance-based environmental protections. We absolutely can make the process work better and faster. But the answer is not to gut the protections, which will only create more conflict and ultimately more delays. Projects take more time when they're not done right, when citizens are not involved with the plan, and the myriad of interests aren't working together. Involving the public in the planning process works.

I'll never forget a conversation with a very conservative Republican mayor of Phoenix, who told me that it was only when they got the citizens working together on a balanced transportation program of transit and roads that they were able to get the resources and the momentum to go forward.

I will be extremely disappointed if the legislation shatters the coalition that I have been working for years to develop for the big picture, the big programs, and proper funding that's going to be necessary if we're going to be successful. It will be wrong if we have a scaled-down 2-year extension that will make it harder to give the American public what they need, adequate resources that are sustainable over time, more economic opportunity, and more construction and maintenance employment.

A good transportation program will protect the environment, enhance the quality of life, making our communities more livable and our families safer, healthier and more economically secure.

□ 1010

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, it has been very interesting the last couple of weeks. I have been listening to my colleagues on both sides talking about the debt, the deficit, spending, cutting, all of this, going on and on. Then I got to thinking, and I heard about this book and I went out and bought the book. The book title is "Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban," by Douglas Wissing. The book is a must-read for the American people.

I want to share a synopsis of this book:

With the vague intention of winning hearts and minds in Afghanistan, the U.S. Government has mismanaged billions of development and logistics dollars, bolstered the drug trade, and dumped untold millions into Taliban hands.

That is the sobering message of this scathing critique of our war effort in Afghanistan by investigative journalist Douglas Wissing. According to Wissing, America has already lost the war. It draws on the voices of hundreds of combat soldiers, ordinary Afghans, private contractors, aid workers, international consultants, and government officials. From these contacts, it became glaringly clear, as the author details, that American taxpayer dollars have been flowing into Taliban coffers.

Mr. Speaker, I would like to read to you a critique of the book given by former State Department foreign service officer Peter van Buren:

Sober, sad, and important, "Funding the Enemy" peels back the layers of American engagement in Afghanistan to reveal its rotten core: that United States' dollars meant for the country's future instead fund the insurgency and support the Taliban. Paying for both sides of the war ensures America's ultimate defeat.

Mr. Speaker, I bring this to the floor for this reason: I continue to be amazed that both sides want to continue to spend \$10 billion a month in Afghani-

stan. It is borrowed money from the Chinese, and there is no concern. We just spend more and more money to support President Karzai, who is a corrupt leader. And as this book says, have the American taxpayer bankroll the Taliban.

The American people have said in poll after poll: Bring our troops home now. As many as 72 to 73 percent of the American people say bring our people home now. Our soldiers have won the war. Bin Laden is dead; al Qaeda is dispersed.

I hope that Members of Congress will find the time to read this book, and I hope the American people will read this book and be outraged, as I am outraged, how our taxpayers are funding the Taliban so they can kill Americans.

Wake up, Congress. Let's get together and bring our troops home from Afghanistan and do what's right for the American people. But more importantly, do what's right for our men and women in uniform.

Mr. Speaker, I close by asking God to please bless our men and women in uniform, to please bless the families of our men and women in uniform. And God, within Your loving arms, hold the families who've given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate, my friends on both sides, that we will do what is right in the eyes of God. And I ask God to bless President Obama that he will do what is right in the eyes of God. And I will ask three times, God please, God please, God please continue to bless America.

ARIZONA IMMIGRATION POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. This week, the U.S. Supreme Court declared the immigration policy of the State of Arizona, a policy that Mitt Romney has called "a model for America," to be largely unconstitutional. I applaud the Court for stating that immigration enforcement is a Federal responsibility.

The "show me your papers" law allows police to demand that individuals prove that they are legally in this country. This law is not just a problem for people who are undocumented. It's not just a problem for immigrants. It's not just a problem for anybody who looks like they might have come to America from somewhere else. It's a problem for every American who cares about freedom. It's a problem for all of us who believe no person should be treated as a suspect based on how they look, their accent, or the spelling of their name.

In Arizona today, all that stands between you and a legal nightmare is whether a police officer feels there is a reasonable suspicion to inquire about your country of origin. Yet Arizona politicians will tell you, with a straight face no less, that they can