

money, save some money and what does Congress do? We pick on these kids by taxing them. It is truly amazing that with all the hand-wringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes. What ever happened to no taxation without representation? No wonder young people are so cynical about government.

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4-H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

INTRODUCTION OF A BILL TO  
BRING PARITY TO TSA EMPLOYEES

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 2, 2009*

Mr. THOMPSON of Mississippi. Madam Speaker, I am pleased to join Congresswoman LOWEY and Congresswoman JACKSON-LEE in introducing today a bill that will bring parity to Transportation Security Administration (TSA) employees and ensure security. This legislation would provide the same rights to all TSA employees, including the Transportation Security Officers (TSOs) (i.e., screeners), as those already enjoyed by employees at the Department of Homeland Security (DHS) and numerous front-line security agencies throughout the country, including state law enforcement agencies.

In the 110th Congress, The Committee on Homeland Security worked to give a broad range of rights to the Transportation Security Administration workforce in H.R. 1, Implementing the Recommendations of the 9/11 Commission Act of 2007. Basic workplace protections and collective bargaining rights were a key part of this effort. While the House passed these important measures and the Senate followed suit, to avoid a veto from the Bush Administration, these protections were stripped from the conference report. This bill renews and improves upon this effort by increasing the quality of the entire TSA workforce and not just a smaller part of it. This bill will increase security by improving workforce morale and employee retention, and will put workers in a position to expose security gaps and put TSA on par with other DHS components.

In 2001, when TSA was created, Congress provided discretionary authority allowing TSA to create different classes of employees, each with different rights and protections. Specifically, the 107th Congress and President Bush gave the TSA Administrator the discretionary authority to set up two different TSAs. One group of TSA employees would be given one

set of rights and the other group, the TSOs (i.e., screeners), could be treated differently, with respect to conditions and benefits of employment, discipline, compensation, leave, and other basic employment rights.

Under then TSA Administrator, Admiral James Loy, the Bush Administration exercised discretionary authority to create two classes of TSA employees by denying the TSOs certain employment rights. While this discretionary authority helped quickly establish and stand-up TSA, as intended by the 107th Congress and the Bush Administration, it was, and continues to be the impetus for low employee morale and diminished transportation security.

From survey results to testimony over the past several years, we have seen that the TSA workforce is frustrated by the lack of recognition and rewards for performance and promotion practices, confused by different policies and procedures on leave, training, and other administrative matters.

On March 5, 2009, a House Homeland Security Subcommittee received testimony from employee representatives of the workforce. All of TSA operates under a separate personnel system than other DHS components. Further, the TSO workforce is not allowed to collectively bargain in contrast with the CBP workforce and others across the federal government, including state law enforcement. These discrepancies and differences lead to confusion, frustration and further erode morale.

The time for personnel experiments is now over. The employees of TSA deserve to be treated like their fellow employees in the DHS and across the Federal government—fairly and equitably. Providing basic employment protections and rights is critical to instill confidence in the workforce. The time for two classes of TSA employees is over—this bill eliminates this dichotomy.

This legislation brings parity to the TSA workforce. The bill affords the workforce the same rights and protections their colleagues across the federal government and the Department enjoy under Title 5 of the United States Code and other civil service laws such as provisions of the Federal Labor Standards Act, Equal Pay Act, Age Discrimination in Employment Act and the Rehabilitation Act, among others.

The legislation aims to transition the 60,000 plus TSA workforce in a responsible way from its current and varied personnel systems to that of Title 5. It provides the Secretary and Assistant Secretary the discretion on how and when to move to the new system, although not later than 60 days after the date of enactment. It also provides a window for the transition to allow for consultation with employee representatives and communication with the workforce. Further, it ensures that no employee will lose any pay, accrued leave or health benefit that is currently afforded to them.

To truly provide comprehensive transportation security, it must start with those who provide the security—in this case all TSA employees, including the TSOs. We must set up a system where all TSA employees are protected, otherwise we will have a system that treats colleagues differently and remains inefficient to the extent of hindering transportation security. In the end, by creating one TSA as a part of one DHS the American public truly receives national security.

We look forward to working with our colleagues to put the TSA workforce in a system

that has stood the test of time and shown itself to be fair and equitable.

INTRODUCING THE EDUCATION  
IMPROVEMENT TAX CUT ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 2, 2009*

Mr. PAUL. Madam Speaker, I rise to introduce the Education Improvement Tax Cut Act. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a \$5,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a \$5,000 tax credit for cash or in-kind donations to public schools to support academic or extra curricular programs.

I need not remind my colleagues that education is one of the top priorities of the American people. After all, many members of Congress have proposed education reforms and a great deal of time is spent debating these proposals. However, most of these proposals expand federal control over education. Many proposals that claim to increase local control over education actually extend federal power by holding schools "accountable" to federal bureaucrats and politicians. Of course, schools should be held accountable for their results, but they should be held accountable to parents and school boards not to federal officials. Therefore, I propose we move in a different direction and embrace true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America. Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends.

Returning control over the education dollar for tax credits for parents and for other concerned citizens returns control over both the means and ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private, parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality

of education for all children. Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers.

There is no doubt that Americans will always spend generously on education, the question is, "who should control the education dollar—politicians and bureaucrats or the American people?" Mr. Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act.

**FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT**

SPEECH OF

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SMITH of Texas. Mr. Speaker, H.R. 1256 directs the Secretary of HHS to promulgate an interim final rule that is identical to the FDA's 1996 rule, which legal experts from across the political spectrum have stated would violate the First Amendment.

While these experts' views should carry great weight, even more persuasive is the fact that the U.S. Supreme Court also has weighed in on various provisions of the rule, finding them unconstitutional.

In *Lorillard Tobacco Co. v. Reilly*, the U.S. Supreme Court struck down a Massachusetts statute that was similar in many ways to the FDA's proposed rule. The statute banned outdoor ads within 1,000 feet of schools, parks and playgrounds and also restricted point-of-sale advertising for tobacco products.

The Court held that this regulation ran afoul of the test established in the *Central Hudson* case, which defines the protection afforded commercial speech under the First Amendment, as it was not sufficiently narrowly tailored, and would have disparate impacts from community to community.

The Court then noted that since the Massachusetts statute was based on the FDA's rule, the FDA rule would have similar constitutional problems.

As Justice Sandra Day O'Connor wrote for the Court, "the uniformly broad sweep of the geographical limitation demonstrates a lack of tailoring."

Additionally, the proposed rule in H.R. 1256 would require ads to use only black text on a white background. The U.S. Supreme Court found a similar provision unconstitutional in *Zauderer v. Office of Disciplinary Counsel*. In that case, dealing with advertising for legal services, the Court held that the use of colors and illustrations in ads is entitled to the same First Amendment protections given verbal commercial speech.

Justice Byron White, in his opinion for the Court, wrote that pictures and illustrations in ads cannot be banned "simply on the strength of the general argument that the visual content of advertisements may, under some circumstances, be deceptive or manipulative."

So there are numerous speech restrictions in this legislation that raise serious First Amendment concerns. This will create a swarm of lawsuits that will only divert us from trying to develop more effective approaches to tobacco use in the United States.

To include speech restrictions that a broad range of legal experts have stated are almost certain to be unconstitutional fatally taints this bill.

I know the bill is well-intentioned but I hope my colleagues will support the alternative offered by the gentleman from Indiana, Mr. BUYER.

**INTRODUCTION OF A BILL TO BRING PARITY TO TSA EMPLOYEES**

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 2, 2009*

Ms. JACKSON-LEE of Texas. Madam Speaker, I am pleased today to join the Honorable NITA M. LOWEY and the Honorable BENNIE G. THOMPSON, in introducing a bill that will bring parity to Transportation Security Administration (TSA) employees and ensures security. This legislation would provide the same rights to all TSA employees, including the Transportation Security Officers (TSOs) (i.e., screeners), as those already enjoyed by employees at the Department of Homeland Security (DHS) and numerous front-line security agencies throughout the country, including state law enforcement agencies.

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We look forward to working with our colleagues to put the TSA workforce in a system that has stood the test of time and shown itself to be fair and equitable.

**INTRODUCTION OF A BILL TO BRING PARITY TO TSA EMPLOYEES**

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 2, 2009*

Mrs. LOWEY. Madam Speaker, I am pleased to join Chairman THOMPSON and Congresswoman JACKSON-LEE in introducing today