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#### AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

#### AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

### MEDICAL DEVICE SAFETY ACT

Mr. LEAHY. Mr. President, I am pleased to join Senator KENNEDY once again in the introduction of this important legislation. The bill that we introduce today will correct the Supreme Court's decision in *Riegel v. Medtronic*, which misconstrued the intent of Congress and cut off access to our Nation's courts for citizens injured or killed by defective medical devices.

Last year, the Senate Judiciary Committee held a series of hearings to examine the way in which the Supreme Court's decisions in the areas of retirement benefits, consumer product safety, workplace discrimination, and personal finance have consistently trended against the rights of consumers and in favor of big business. In many cases that have profound effects on the lives of ordinary Americans, the Court has either ignored the intent of Congress, deferred to corporate interests, or sided with a Federal agency's flawed interpretation of a congressional statute's preemptive force to disadvantage consumers. The impact of the decisions that were the focus of those hearings continue to be felt by Americans today, whether they are prohibited from seeking redress in the courts for an injury caused by a defective product, paying exorbitant credit card interest rates and fees with no relief from the laws of their own state, or subjected to the unscrupulous practices of some in the mortgage lending industry.

These hearings raised awareness in Congress, and among Americans, about the impact the Supreme Court has on our everyday lives. I am especially proud that following on these hearings, and through the efforts of a determined and principled congressional majority, we witnessed our constitutional democracy at work when President Obama signed the Lilly Ledbetter Fair Pay Act. And I am heartened that Congress reclaimed the intent of its original legislation and overrode the Supreme Court to restore the rights of Americans to be free from discrimination in the workplace.

The bill we introduce today is another important step to correct an erroneous reading by the Court of Congress' intent in enacting the medical device amendments of 1976. This legislation will make explicit that the preemption clause in the medical device amendments upon which the Court relied does not, and never was intended to, preempt the common law claims of consumers injured by a federally approved medical device.

The extraordinary power to preempt State law and regulation lies with Congress alone. Where the Court reaches to the extent it did in the *Riegel* decision to find Federal preemption contrary to what Congress intended, Congress is compelled to act, just as it was in the case of *Lilly Ledbetter*. I hope all Senators will join us in this effort.

### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The bicycle is a very big part of the answer to high gas prices and so many more problems that Idahoans face. The use of bicycles reduces demand for fossil fuels. If demand goes down, prices will follow downward. Furthermore, increased use of bicycles puts no pollutants into the air that we and future generations breathe. Use of bicycles promotes better health by adding consistent daily exercise to our daily lives and will lead to a slimmer, healthier and better quality of life for all Americans. Better health leads to lower demand on our health care system also.

I urge you to please support increased bicycle friendly infrastructure in our transportation system for all the right reasons, only a few of which I have listed here today.

ANDREW, *Mountain Home*.

I am a pastor in Caldwell and have found that the elevating fuel costs have made it where I have to spend my day deciding whether or not I will visit people in my congregation. The sick, the hospitalized, the elderly, the families that are feeling the im-

pact of all this . . . it all rolls down to making a decision, "Can I afford to go and see them?" It is a sad thing. Because when I make the decision to go and see them, I impact my family as well. But they need to be visited. So I go. Please Senator, do what you can to help us Idahoans enjoy the quality of life without having to worry about the cost of life. God bless,

TROY, *Caldwell*.

You asked a good question. And I thank you for doing so.

How have high energy prices affected our lives?

We have been fortunate that the high price of fuel is merely an inconvenience and not a devastating disturbance in our lives. We have also planned wisely for this and are careful with our fuel consumption. We drive small commutes and patronize businesses in our immediate area. We have made good choices and take responsibility for our actions. We do not play victim to political arm-wrestling.

I agree with a previous response: "I think that the high prices for gas/diesel that we're experiencing are a necessary evil. It is time for this entire country, but our politicians in Washington . . . to wake up & realize that the amount of petroleum on this planet based is finite. The current problem with prices should not be dealt with by some . . . Band-Aid." In other words, Idahoans need to wake up and realize that high fuel prices are not a sign of the times—they are here to stay and it is time to start thinking like the rest of the world when it comes to fuel consumption. Americans (and Idahoans) need to scale down vehicles, increase mpg, turn necessary travel into opportunities to be active (walking, riding a bicycle, etc.) and look into mass transit. Duh. Why are we so slow to welcome these alternatives?

I think Idahoans should be given an annual tax credit for operating vehicles that get more than 20 mpg and/or for limiting miles traveled. It is time Idahoans start thinking globally and not just selfishly when it comes to transportation. Vehicles are for function only; they are not for status. I am shocked by how many Idahoans still think big trucks and big wheels are some kind of status symbol. To educated, environmentally conscious Idahoans it just spells ignorance. And in our beautiful valley, as the smog increases, these people are completely unaware or uncaring of what their egos are doing to our air quality. I have three small children, two with asthma. The depletion of our air quality often leaves us trapped indoors. As their mother this makes me sad and frustrated and as a life-long Boise citizen who never experienced these "red alerts" growing up, this makes me furious.

Please Senator Crapo, ask your fellow Idahoans to think globally, act locally and give them financial incentive to do so. Right now.

JACQUI, *Boise*.

I would like to share my story about the effects of gas prices on my life. I believe that prices are affecting businesses all around so that there is less employment available. I know they have an effect on the economy; so many people are cutting down on their expenses. I had one job where I was required to sell a product to customers. When I was talking to people who were already having financial difficulties I could not feel very good about adding another financial burden on them. Because of a scarcity in decent jobs around here, I have not been able to come up with a decent enough income to be able to buy a car. I have also felt persuaded away from wanting to buy a car because the gas prices are so high.

There are several solutions to the problems of the oil crisis and inflation in the economy.

I have heard that we have stores of our own oil here in the U.S. which we should take advantage of. The idea of hydrogen powered cars could also be a good solution. Nuclear power is very efficient, and it is as safe and clean as many other energy sources we are using. Whether we used nuclear power for energy in our cities, or if we used it in our transportation such as cars and airplanes, it would be a wise move. I know there are energy sources that we are not taking advantage of, but we should be. Let us fix these problems.

JORDI, *Shelley.*

I read where you are asking input from Idahoans on how the high energy costs are affecting us. To put it simply, I am going broke.

Everything has gone up. My gas bill has gone up 100 percent. Groceries have gone up 40 percent. I cannot calculate how much other prices have gone up but they have. Every month I have less and less. And unlike some people, I cannot vote myself a pay raise.

I do agree with drilling for oil now off the coast and in Alaska. People need to know that China wants to drill for oil some 60 miles off of our coasts. I hear we have enough oil to be rid of the Arabs and other hostile countries for at least 30 years. By then we can have alternatives to oil. People say it will take seven years to start drilling for oil if we lift the ban now. Well, if we don't how high will oil be in seven years? What on earth will our economy and national security will be like in seven years?

I read where Japan has a car that runs on water. On Fox News they did a story on a fellow by the name of Denny Klein (?) who invented a new process for splitting water into hydrogen and is running his car off of it. He supposedly has a contract with the Department of Defense. I asked Congress if this was so but no one will answer for me.

I do not believe that corn for fuel is the right thing to do. It takes one and a half times as much energy to produce it and it gets about one-third less in gas mileage. Now who wants that? It is like when the Mars Company made a candy bar that was smaller and cost more and said it is what the customer wants. What the heck? Also, you know corn for fuel will compete with corn for food, as will growing other crops for fuel instead of food. If the competition for food and land does not drive up the cost, the government's mandate and subsidies will.

I believe we need more nuclear power plants. There are a number of designs out there that are proven and are cheap. I believe DuPont has come up with a cheap, reliable design, or perhaps Westinghouse. Even Japan has offered the cheap design they have. However, true to our government's way of doing business, DOE will hear nothing of it. DOE is determined to reinvent the wheel. I do know that DOE has turned down outside jobs at the INL. I say get DOE out of the picture and let the private sector do what it does best. And if it is shown that our own oil companies are doing what the Arabs are doing (artificially manipulating the market) then nail them to the wall. Last year Idaho kept asking why is it that Idahoans have to pay more for gas than other states. At first the oil executives touted "supply and demand." Blah blah. Later they flat out admitted that the cost of gas in Idaho was higher because of lack of competition. They flat out said it on the news.

Also, the president has what we call an executive order. He should use it when it comes to energy. If Congress doesn't get its act together and do something (and it has done nothing for over 30 years) about our energy needs, our national security will be at stake.

So I feel that the president should just say to heck with the idiot liberals in Congress and the stupid environmentalists and use an executive order to get things going. When it is a real emergency just think what the government will do then. It may be a lot worse. Or is that the intent of some politicians (for power or money)?

DEWEY, *Idaho Falls.*

Since my kids are out of school I am not having to fill my minivan as frequently. My husband will be riding his scooter to work for as long as weather and temps permit. When we filled our Explorer last week it cost us \$85. My husband's job like many others is not completely secure and I am going to school fulltime working on my Masters and not able to work because we cannot afford day care. Things would be less of a concern for us if we were renters and not homeowners with a mortgage. This fuel and economic crisis could result in us losing our home if it continues to spiral downward. My dad's hay operation is also taking a blow due to fuel prices.

I consider myself a conservationist and think protecting the environment is important and I believe that new drilling for oil needs to be done and that it can be done in a manner that is more eco-friendly compared to the practices that were occurring when areas were declared off limits to drilling 30 to 40 years ago.

The current economic situation is not really going to allow for a lot of new projects within our own state to address concerns. Serious considerations need to be made to make transportation within the state and heavily populated areas easier. I know there are attempts being made to have Amtrak services returned to the southern part of the state. A rail transit system in the Treasure Valley has been considered a number of times but has never gone anywhere. I know if such a system existed our family would use it.

CHRISTINE, *Nampa.*

I would like to thank you for giving Idahoans this opportunity to e-mail you and let you know how we feel about high gas and energy costs and how it is affecting us. I do not know what you alone can do, but if you could persuade the other politicians to get off their pedestals and do something that really makes a difference, that would be a good thing.

The high energy costs are affecting everything. The cost of groceries is up, cost of utilities is up, everything but how much a person takes home in their paycheck is up. It does not take a rocket scientist to figure out that spells doom for the economy and for the average people in this country.

Very wealthy people really are not as affected by this as the middle class and poor are affected, Mr. Crapo. It is always at the cost of the middle class and poor that the government operates and gets its taxes. The rich are able to find loop holes and do not feel the effects like the average people do. Once again, with the cost of fuel and expenses going through the roof, it is the middle class and poor who suffer.

It is because politicians listen to lobbyists and special interest groups, allow their palms to be greased by those with special interests, such as environmentalists, that we are in the situation we are in now. Something should have been done 10 to 15 years ago to assure our stability with fuel. It was known by anybody with a brain that we were heading down this road, but instead, politicians were swayed by environmentalist money and influence to stay dependant on Middle Eastern oil as well as from other foreign countries. So now, we find ourselves in

a crisis. Politicians are elected to represent the majority, or so I thought. It seems though, that concern for those with the most money has become more important. We are now paying the price for bad decisions that have been made over the last 10 to 15 years.

It is time for action on the part of the elected officials, Mr. Crapo. We, the people, the majority—would like to see some action instead of words. We are in a crisis, we are absolutely heading for a depression, and if it is to be avoided, something other than empty words must be done.

This country has been very blessed, even the poor in our country are better off than many people who live in other countries where they have very little to nothing. Unfortunately, our government is making bad decisions and I fear that there are some really bad times in store for this country. You would think that history would teach people something, but, unfortunately human beings just seem to keep making the same mistakes over and over again, and the results do not ever change. History shows that no government or empire ever goes beyond about 200 years . . . where are we? Has our government really done anything different than any of the other governments in history? nope! Greed, power, corruption . . . all ruined every government or dictatorship that ever existed. Our government, the so called "For the People, By the People" government, is no different.

I would love to see the people take back this country again, but unfortunately so many of them live off of the government, it will not happen. Why would they bite the hand that feeds them?

Take action Mr. Crapo. Get these capped off oil wells re-opened, get ANWAR opened up and going, get offshore oil wells running, and let us start being smart and use the wind, and any other resource we have to get us off of foreign dependency on oil and energy. We are owned by those we depend on sir, I am sure you know that. We are now owned by China, the Middle East, and Venezuela because they control our money and energy. Very frightening.

Thanks for taking the time to hear what the people have to say. I hope you were able to have the time to get through this long letter.

DENISE.

#### ADDITIONAL STATEMENTS

##### DEDICATION OF THE REMEMBRANCE PLAZA

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in commemorating the dedication of the Remembrance Plaza, a memorial to the Pinedale Assembly Center in Fresno, CA, on February 16, 2009. The Pinedale Assembly Center was a temporary internment site for nearly 5,000 Americans of Japanese ancestry during World War II. The dedication of Remembrance Plaza is a fitting tribute to a generation of Japanese Americans who stood tall in the face of adversity and injustice.

The Pinedale Assembly Center was located 8 miles north of downtown Fresno on vacant land near an existing millworkers' housing facility. From May 7 to July 23, 1942, the Pinedale Assembly Center served as a temporary holding area for nearly 5,000 Japanese Americans, most of them were from